

**WOODLAND PARK MUNICIPAL COUNCIL  
AGENDA FOR REGULAR MEETING OF  
DECEMBER 21, 2022**

1. In accordance with the Open Public Meeting Law, P.L.1975, chapter 231, notice requirements for this meeting have been set forth in the resolution adopted by the Municipal Council at its Reorganization Meeting of January 5, 2022 detailing the time and place, with notice given to the public by posting a copy thereof on the bulletin board in the Municipal Building, transmitting copies to the Herald News and The Record of Woodland Park.
2. **Flag salute and Prayer**
3. **Roll Call**
4. **Presentations:**
5. **Public Hearing:**
6. **Approval of Minutes:**
  - **Regular meeting minutes of November 2, 2022**
  - **Regular meeting minutes of November 23, 2022**
7. **Council Comments:**
8. **Mayor's Report:**
9. **Municipal Attorney's Report:**
10. **Consent Agenda:**

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. Any item may be removed from the Consent Agenda by the request of any member of this Governing Body, and if so removed, will be acted upon as a separate matter.

- A. **Resolution R22-305, a resolution to approve and agreement between the Borough of Woodland Park and the State of New Jersey Department of Transportation and to authorize the Mayor to execute documents required by same for the Squirrelwood Road Bridge over Rt. 80 project.**

**BOROUGH OF WOODLAND PARK  
COUNTY OF PASSAIC, NEW JERSEY  
RESOLUTION R22-305**

**MOTIONED BY  
SECONDED BY:**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
DOCUMENTS REQUIRED BY THE STATE OF NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR SQUIRRELWOOD ROAD  
BRIDGE OVER ROUTE 80**

**WHEREAS**, the State is about to undertake the design and construction of Squirrelwood Rd, Bridge over Rt.80 located in the Borough of Woodland Park, Passaic County, hereinafter called the "Project";and

**WHEREAS**, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing Municipal fire alarm system which is owned and operated by the Utility; and

**WHEREAS**, Utility's legal right to occupy public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and

**WHEREAS**, Utility is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of Project; and

**WHEREAS**, the provisions of the State's Accommodation of Utilities within Highway Right-of-way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable.

**NOW THEREFORE, BE IT RESOLVED**, the State and Utility, for the mutual benefits to be obtained, agree as follows:

1. The State and Utility shall cooperate in developing plans and cost estimates for their respective work necessitated by the Project.
2. The Utility shall designate a responsible representative to coordinate its effort with those of the State.
3. The State will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the State's contract plans and specifications for the Project, related to existing and proposed facilities owned and operated by the Utility.
4. The State will authorize and reimburse the Utility for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities necessary to accomplish the Project. During Construction and Billing the New Jersey Department of Transportation for Public Utility Work", and in accordance with the Federal Regulations 23 CFR 645, Subpart A and with it being understood that where the State's Regulations are in conflict with the Federal Regulations, the Federal Regulations shall govern. Billing shall be based on accounting methods used by the Utility in conformity with the system of accounts adopted and prescribed by the Division of Local Government Services of the State of New Jersey. The matter of "Credit for Expired Service Life" has been considered for all items and where allowances apply, same are hereinafter specified in description of items and the cost summary.
5. The Utility's preliminary engineering design costs for correspondence, meetings and exchanges of engineering information are eligible for reimbursement and the State will accept billing of these costs after this Agreement is fully executed and issued.
6. The Utility shall disclose and verify its existing facilities at no cost to State within the Project limits identifying the facility type, size and operating potentials.
7. The State will indicate the existing and proposed utility facilities, owned and operated by the Utility, and to be constructed by the State, in State's contract documents for the Project.
8. When the State proceeds to develop the Project plans, the State and Utility shall jointly identify potential conflicts between the Utility's facilities and the Project, and shall jointly develop a scheme for the protection, relocation, rearrangement and/or betterment of facilities in accordance with N.J.A.C. 16:25 Utility Accommodation to accomplish the Project.
9. Subsequent to the development of the above scheme with the approval of the State and concurrence of the Utility, the State will issue a "Utility Owner Design Authorization (Check List)" describing the utility work and authorizing the State's designer to finalize design plans, estimates, and schedules necessary to construct new, and/or protect, relocate, and/or rearrange facilities in concert with the Project, and incorporate them into the State's Project contract documents.
10. The State will develop a "Utility Agreement Modification" which may include a Utility Agreement Plan outlining work "To be performed by State's contractor at State Expense", estimated cost for field engineering, inspection and/or valve turning operations to be performed by Utility's personnel. This will be issued in the person of the Executive Regional Manager Team D (NJDOT).
11. The purpose of this Agreement is to cover all the required utility facility construction, protection, relocation, and rearrangement work necessitated by the Project; however, it is agreed that the State, in the person of the Executive Regional Manager Team D (NJDOT), will issue modifications to this Agreement to cover unanticipated work, resulting from Project activities and/or field conditions.

12. State will supply the Utility with a copy of the contract plans and specifications when the Project is advertised.
13. The State will request, by certified mail, the Utility to submit final invoices for costs incurred by the Utility upon; (a) completion of design; (b) completion of the utility work; or (c) cancellation of the Project. All such invoices shall be submitted to the State within sixty (60) days of this request. The State may not accept invoices for payment submitted after the sixty (60) day period.
14. All matters pertaining to subcontracted work, billing, estimates, survey control, extra work items and inspection responsibility shall be in accordance with the Memorandum Of Record dated January 10, 2013, entitled: "Procedures Governing Estimation of Costs, Requirements During Construction and Billing the New Jersey Department of Transportation for Public Utility Work", and in accordance with the Federal Regulations 23 CFR 645, Subpart A and with it being understood that where the State's Regulations are in conflict with the Federal Regulations, the Federal Regulations shall govern. Billing shall be based on accounting methods used by the Utility in conformity with the system of accounts adopted and prescribed by the Division of Local Government Services of the State of New Jersey. The matter of "Credit for Expired Service Life" has been considered for all items and where allowances apply, same are hereinafter specified in description of items and the cost summary.

The Utility will comply with the Buy America Federal Regulation requirements U.S.C. 313 and 23 CFR 635.410, for all steel and iron materials furnished by the Utility and its Subcontractors for permanent incorporation in this Project. Under this requirement, all manufacturing processes for steel and iron products shall occur in the United States including all melting, rolling, extruding, machining, bending, grinding, drilling and coating. The Utility Company shall submit a Buy America Commitment letter at the time of execution of this Agreement affirmatively stating that the Utility is committed to complying with all the requirements of the Buy America Federal Regulations, and that the Utility will comply with its approved Buy America Assurance Plan. The Utility's Buy America Assurance Plan shall indicate how the Utility will ensure that only materials that comply with the Federal Buy America requirements will be used for permanent incorporation into this Project. This will include how the Utility will maintain the records of certification from suppliers, fabricators and manufacturers verifying compliance with Buy America Federal Regulations. The State reserves the right to audit such records at the completion of the Project. The lack of these documents will be justification for rejection of the steel and/or iron product thus resulting in nonpayment for all work performed by the Utility. With the Final Construction Invoice submission, the Utility shall submit a "Buy America Certification of Compliance" certifying that:

*All steel and iron products provided for permanent incorporation in the project, were made from steel and iron that was melted and manufactured in the United States including the application of coatings which protect or enhance the value of the material.*

Or if any material does not comply with these requirements, the Utility will indicate what material does not comply. The State may require the Utility to remove and replace material that does not comply with the Buy America requirements, at no expense to the Department and may deny the Utility reimbursement for all the relocation costs incurred by the Utility.

15. The Utility shall perform the work, specified herein, with its own forces wherever possible and only have that portion of the work performed by a consultant or contractor that the Utility is not adequately staffed or equipped to perform with its own forces.
16. The intention of this Agreement is that facilities which are removed, relocated, or disrupted will be replaced in such a manner that shall result in services being restored to the status and degree of use as existed prior to said changes. The Utility and the State agree to jointly use their best efforts to relocate, adjust and/or abandon the existing facilities and construct any new facilities without detrimentally affecting or interrupting services to the Utility's customers. In the event during construction of the Project it is necessary to detrimentally affect or interrupt services, the Utility shall be notified at least 48 hours in advance, unless the particular circumstances dictate less notice.

17. The design of utility facilities intended to be constructed by the State for the Utility shall be approved by the Utility before the State includes such facilities in the State’s contract documents before the Project is advertised.
18. In no case will the State pay for betterment of facilities nor will the State pay any costs for work performed for the sole benefit or convenience of the Utility, the State’s contractor, or the Utility’s contractor.
19. Utility facilities constructed under the terms of this Agreement shall become the sole property of the Utility and the Utility shall be solely responsible for their operation, repair, and maintenance.
21. The State will obtain and bear the cost of all permits, environmental or otherwise, relating to the construction of new, and/or the protection, relocation and/or rearrangement of existing facilities, as necessitated by the Project, whether the necessary utility work is within or outside of the highway right-of-way. However, should the Utility choose to install facilities that constitute betterment, then it is the sole responsibility of the Utility to obtain the permits necessary for said betterment. It is further understood that should the Utility desire to install additional facilities, at a future date within the highway right-of-way, the Utility shall obtain the appropriate Utility Permit from the authority having jurisdiction over the highway. This Agreement is the Utility Permit for the work authorized herein.
22. Subject to provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-et seq., the State will be responsible for personal injuries and property damage caused by the actions of the State, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.
23. Subject to the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. Seq., the Utility will be responsible for personal injuries and property damage caused by the actions of the Utility, its employees or agents which arises out of this Agreement. Any claim for such personal injury or property damage must be filed in accordance with N.J.S.A. 59:8-1 et seq.
24. The State has estimated the Utility’s engineering costs for the Project and will adjust these costs to reflect the actual costs incurred by the Utility by issuing the appropriate Utility Agreement Modification.
25. The Utility’s engineering costs incurred for the Project are eligible for reimbursement as of Feb.16, 2022, and are estimated to be \$1,000.00.

**THEREFOR BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, State of New Jersey hereby approve the agreement between the Borough of Woodland Park and the State of New Jersey Department of Transportation as stated above and authorize the Mayor to execute all documents required by the State Department of Transportation for the Squirrelwood Road Bridge over Route 80 project.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chabanne					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Borough Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

- B. Resolution R22-306, a resolution to approve at the recommendation of Allan Burghardt, Code Enforcement Officer to refund the permit fee balance of \$50.00 to Mohamed Ahmed of 7 Dogwood Ct.

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-306**

**MOTIONED BY:**  
**SECONDED BY:**

**RETURN OF FEES**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a request from Mohamed Ahmed of 7 Dogwood Ct., Woodland Park, New Jersey 07424 for a refund of permit fees associated with 7 Dogwood Ct., Woodland Park, New Jersey 07424; and

**WHEREAS**, the Mayor and Council are in receipt of a recommendation from Allan Burghardt, Code Enforcement Officer to refund said balance to Mohamed Ahmed;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby direct the appropriate administrative staff personnel to refund the amount of \$50.00 to Mohamed Ahmed of 7 Dogwood Ct., Woodland Park, New Jersey 07424.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
December 21, 2022  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park, do hereby confirm that there are sufficient funds available in line item 2-01-55-009-002-002.

\_\_\_\_\_  
Heather Barkenbush, CMFO

\_\_\_\_\_  
December 21, 2022  
Dated

I, Allan Burghardt, Code Enforcement Officer for the Borough of Woodland Park, do hereby recommend to refund said balance.

\_\_\_\_\_  
Allan Burghardt, Code Enforcement Officer

\_\_\_\_\_  
December 21, 2022  
Dated

- C. **Resolution R22-307, a resolution to approve at the recommendation of Allan Burghardt, Code Enforcement Officer to refund their escrow balance of \$500.00 to Rama Mahafzah of 96 Rockland Avenue, Woodland Park, New Jersey 07424.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-307**

**MOTIONED BY:  
SECONDED BY:**

**RETURN OF ESCROW**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a request from Rama Mahafzah, 96 Rockland Avenue, Woodland Park, New Jersey for refund of their escrow account balance associated with the Board of Adjustment; and

**WHEREAS**, the Mayor and Council are in receipt of a recommendation from Allen Burghardt, Code Enforcement Officer to refund said escrow account balance to Rama Mahafzah;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby direct the appropriate administration staff to refund their escrow account balance in the amount of \$500.00 to Rama Mahafzah of 96 Rockland Avenue, Woodland Park, New Jersey 07424.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chabanne					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Borough Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park, do hereby confirm that there are sufficient funds available in line item T-13-56-850-000-800.

\_\_\_\_\_  
Heather Barkenbush, CMFO

December 21, 2022  
\_\_\_\_\_  
Dated

- D. **Resolution R22-308, a resolution to authorize the payment to Chief John Uzzalino for a portion of his accumulated compensatory time in the amount of \$41,735.85.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-308**

**MOTIONED BY:  
SECONDED BY:**

**COMPENSATORY TIME BUY BACK  
CHIEF JOHN UZZALINO**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have identified that a number of managerial employees have accrued benefit days over the course of their employment with the Borough of Woodland Park; and

**WHEREAS**, it has been determined that the referenced days were not taken in the year in which they were earned by these employees due to the needs of the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, desire to pay certain employees for their compensatory time in order to reduce accumulated payouts in the future;

**WHEREAS**, Chief John Uzzalino current hourly rate of pay has been calculated to be \$98.20/per hour; and

**WHEREAS**, Chief Uzzalino had accumulated four-hundred and twenty-five (425) compensation hours; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council, of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby authorize the payment to Chief John Uzzalino for a portion of his compensatory time in the amount of \$41,735.85.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascarell					Holloway				
Chabanne					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Borough Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this disbursement under line item 2-01-25-240-240-010.

\_\_\_\_\_  
Heather Barkenbush, CMFO

December 21, 2022  
\_\_\_\_\_  
Dated

- E. **Resolution R22-309, a resolution to authorize the payment to Deputy Chief Lou DeLuca for a portion of his accumulated sick and compensatory time in the amount of \$42,056.76.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-309**

**MOTIONED BY:  
SECONDED BY:**

**COMPENSATORY TIME BUY BACK  
DEPUTY CHIEF LOU DELUCA**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have identified that a number of managerial employees have accrued benefit days over the course of their employment with the Borough of Woodland Park; and

**WHEREAS**, it has been determined that the referenced days were not taken in the year in which they were earned by these employees due to the needs of the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, desire to pay certain employees for their sick and compensatory time in order to reduce accumulated payouts in the future;

**WHEREAS**, Deputy Chief Lou DeLuca current hourly rate of pay has been calculated to be \$89.10/per hour; and

**WHEREAS**, Deputy Chief Lou DeLuca had accumulated two-hundred and seventy-two (272) compensation hours; and

**WHEREAS**, Deputy Chief Lou DeLuca had accumulated two-hundred sick hours of which he is entitled to payment in full, at his current rate of pay, on a one for two basis.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council, of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby authorize the payment to Deputy Chief Lou DeLuca for a portion of his compensatory time in the amount of \$42,056.76.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascarell					Holloway				
Chabanne					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Borough Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this disbursement under line item 2-01-25-240-240-010.

\_\_\_\_\_  
Heather Barkenbush, CMFO

December 21, 2022  
\_\_\_\_\_  
Dated

- F. **Resolution R22-310, a resolution to authorize the payment to Captain Jeffrey O’Brien for a portion of his accumulated compensatory time in the amount of \$24,258.86.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-310**

**COMPENSATORY PAYOUT  
CAPTAIN JEFFREY O’BRIEN**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey are aware that Captain Jeffrey O’Brien had accumulated “Compensation Hours” prior to his passing in November 2022; and

**WHEREAS**, the Mayor and Council must authorize to pay the appropriate amount due for these “Compensation Hours” to the Estate of Jeffrey O’Brien; and

**WHEREAS**, Captain O’Brien’s hourly rate of pay has been calculated to be \$79.05 per hour; and

**WHEREAS**, Captain O’Brien had accumulated three hundred and six hours and fifty minutes compensation hours, all of which payment in full is due under the current PBA contract; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby authorizes the payment of \$24,258.86 to the Estate of Jeffrey O’Brien for his accumulated compensation hours, and that all appropriate taxes and deductions be taken against said gross amount; and

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available to make this payment under line item 2-01-25-240-240-010.

\_\_\_\_\_  
Heather Barkenbush, CMFO

December 21, 2022  
\_\_\_\_\_  
Dated

- G. Resolution R22-311, a resolution to authorize canceling unexpended balances of various budgets and transferring same to other various budgets totaling \$40,000.00.

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-311**

**MOTIONED BY:**

**SECONDED BY:**

**BUDGET TRANSFER**

**WHEREAS**, the Council and Mayor of the Borough of Woodland Park did adopt a budget for the year 2021 in accordance with Municipal Budget Law N.J.S.A. 40A:4 et seq.; and

**WHEREAS**, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

**WHEREAS**, N.J.S.A. 40A:4-58 allows for the transfer of funds among line items of and adopted municipal budget during the last two months of the fiscal year and N.J.S.A. 40A:4-59 appropriation transfers during first three months of succeeding year; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the Chief Municipal Financial Officer of the Borough of Woodland Park is hereby authorized to make the transfers as listed on the following schedule among various line items:

	<b>Current Fund</b>		
<b>December 21, 2022</b>	<b>2022 Budget Transfers</b>	<b>FROM</b>	<b>TO</b>
2-01-20-100-101-010	General Administration - S&W	\$10,000.00	
2-01-20-155-157-020	Legal - COAH	\$5,000.00	
2-01-20-155-158-020	Planner	\$5,000.00	
2-01-26-290-290-010	Streets & Roads S&W	\$10,000.00	
2-01-26-300-301-020	Sewer Systems O/E	\$5,000.00	
2-01-26-305-306-010	Recycling S&W	\$3,000.00	
2-01-26-310-310-010	Buildings & Grounds S&W	\$2,000.00	
2-01-30-425-425-020	Salary & Wage Adjustment		\$12,000.00
2-01-31-435-435-020	Street Lighting		\$8,000.00
2-01-36-472-472-020	Social Security		\$10,000.00
2-01-44-901-901-020	Capital Improvement Fund		\$10,000.00
	<b>TOTAL</b>	<b>\$40,000.00</b>	<b>\$40,000.00</b>

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this transfer.

\_\_\_\_\_  
Heather Barkenbush, CFMO

December 21, 2022  
\_\_\_\_\_  
Dated

- H. Resolution R22-312, a resolution to authorize canceling unexpended balances totaling \$25,000.00 of Current Fund and transferring same to surplus.

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-312**

**MOTIONED BY:**

**SECONDED BY:**

**A RESOLUTION CANCELLING UNEXPENDED BALANCES**

**WHEREAS**, the following budget appropriation Current Fund balances remain unexpended; and

**WHEREAS**, in accordance with NJSA 40A:4-60 it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the listed unexpended balances of the Current Fund shall be canceled and transferred to surplus.

<b>Current Budget Cancellations</b>		
<b>December 21, 2022</b>		
<b>CURRENT</b>		
2-01-25-265-267-150	LOSAP	\$10,000.00
2-01-31-456-456-020	Storm Water Management	\$5,000.00
2-01-35-470-470-000	Contingent	\$10,000.00
	<b>Total Cancelled to Surplus</b>	<b>\$25,000.00</b>

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this transfer.

\_\_\_\_\_  
Heather Barkenbush, CFMO

December 21, 2022  
\_\_\_\_\_  
Dated

- I. **Resolution R22-313, a resolution to authorize canceling unexpended balances totaling \$25,000.00 of Current Fund and transferring same to surplus.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-313**

**MOTIONED BY:**

**SECONDED BY:**

**A RESOLUTION CANCELLING UNEXPENDED BALANCES**

**WHEREAS,** the following budget appropriation Current Fund balances remain unexpended; and

**WHEREAS,** in accordance with NJSA 40A:4-60 it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus; and

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the listed unexpended balances of the Current Fund shall be canceled and transferred to surplus.

<b>Current Budget Cancellations</b>		
<b>December 21, 2022</b>		
<b><u>CURRENT</u></b>		
2-01-25-265-267-150	LOSAP	\$10,000.00
2-01-31-456-456-020	Storm Water Management	\$5,000.00
2-01-35-470-470-000	Contingent	\$10,000.00
	<b>Total Cancelled to Surplus</b>	<b>\$25,000.00</b>

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this transfer.

\_\_\_\_\_  
Heather Barkenbush, CFMO

December 21, 2022  
\_\_\_\_\_  
Dated

- J. Resolution R22-314, a resolution to approve the need to increase the contract by \$5,000.00 with Richard Briigliodoro of the firm of Weiner, Lesniak LLP as Special Tax Counsel for calendar year 2022 in an amount not to exceed \$50,000.00**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-314**

**MOTIONED BY:  
SECONDED BY:**

**AMENDING RESOLUTION R22-223  
APPOINTMENT OF SPECIAL TAX COUNSEL**

**WHEREAS**, on January 7, 2022 the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey approved by resolution R22-026 appointed Special Tax Counsel to, on an as needed basis: defend County Board and State tax appeals filed against the Borough of Woodland Park; file tax appeal complaints on behalf of the Borough of Woodland Park; prepare reports and provide advice and counsel to the Borough Tax Assessor and the Mayor and Council regarding tax issues that may arise; and attend hearings before the Passaic County Board of Taxation, as well as case management conferences and trials before the New Jersey State Tax Court; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 19:45A-20.5 et. seq., referred to as the New Jersey Pay to Play Law, the Mayor and Council solicited proposals on November 15, 2021 for this position; and

**WHEREAS**, the Borough of Woodland Park did receive one proposal in response to that request; and

**WHEREAS**, this proposal was opened on December 7, 2021 and evaluated by the Evaluation Committee to determine if the applicant is qualified for this position;

**WHEREAS**, due to recent tax appeal settlements there is a need to increase the contract amount by \$5,000.00;

**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, hereby approve the need to increase the contract with Richard Briigliodoro of the firm of Weiner Law Group LLP as Special Tax Counsel for calendar year 2022 in an amount not to exceed \$50,000.00, to be called upon to provide such services as the need should arise and that funds are available for this contract under line item 2-01-20-150-150-028.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

I, Heather Barkenbush, Chief Municipal Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this transfer.

\_\_\_\_\_  
Heather Barkenbush, CFMO

December 21, 2022  
\_\_\_\_\_  
Dated

- K. **Resolution R22-315, a resolution to authorize First Class Luxury Transport, LLC, 24 Andrews Drive to operate a limousine business in the Borough of Woodland Park.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-315**

**LIMOUSINE APPLICATION**

**WHEREAS**, First Class Luxury Transport, LLC, 24 Andrews Drive, New Jersey 07424, is seeking approval to conduct a limousine business at the above location, and

**WHEREAS**, the applicant has complied with providing the necessary certificate required through Motor Vehicle Commission, N.J.S.A. 48:16-22a,c, Certificate of Liability of Insurance, Power of Attorney, and a copy of the lease agreement to conduct business in the required zone as reviewed by Construction Code Official, Allan Burghardt within 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 First Class Luxury Transport, LLC, 24 Andrews Drive to operate a limousine business in the Borough of Woodland Park.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

- L. Resolution R22-316, a resolution to approve the actions noted in the Consent Agenda, items A. through K., be and are hereby approved and the proper officers are directed to take necessary action on same.

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-316**

**MOTIONED BY:**  
**SECONDED BY:**

**APPROVAL OF CONSENT AGENDA**

**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 K., be and are hereby approved and the proper officers are directed to take necessary action on same.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

**11. Collector/Treasurer Report:**

CMFO, Heather Barkenbush authorization for payment:

Authorize payment of the regular and miscellaneous payroll of 12/31/2022 estimated at is \$425,000.00.

Payment of bills from voucher list of 12/21/2022 totaling \$2,956,256.34.

**12. Department Reports:**

1. Library report and minutes of September 19, 2022
2. Library report and minutes of October 17, 2022
3. Fire Prevention Monthly Report of November 2022
4. Summary Budget Status Report as of December 21, 2022

13. Old Business:

A. Public Hearing on the adoption of Ordinance 22-22

B. Resolution R22-317, a resolution to adoption Ordinance 22-22 CHAPTER XIII – UTILITIES.

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-317**

MOTIONED BY:  
SECONDED BY:

**ADOPTION OF BOROUGH ORDINANCE 22-22  
AN ORDINANCE TO AMEND  
CHAPTER XIII - UTILITIES**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **CHAPTER XIII – UTILITIES**; and

**WHEREAS**, notice of introduction and passage on first reading was published in the Herald News dated December 13, 2022 setting the date of December 21, 2022 or soon thereafter 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 December 21, 2022 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled **CHAPTER XIII – UTILITIES** for the calendar year 2022 be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

December 21, 2022  
\_\_\_\_\_  
Dated

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
ORDINANCE 22-22**

**AN ORDINANCE TO AMEND  
CHAPTER XIII - UTILITIES**

UTILITIES\*

\*R.S 40:62, *et seq.*, governs municipal supply of water; and R.S. 40:63-1, *et seq.*, governs municipal sewers. These statutes will control any conflicts between State and Municipal laws and ordinances.

**13-1 Sewage.**

13-1.1 *Definitions.* As used in this section the following terms shall have the following meaning:

a. "Floatable oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

b. "Natural outlet" shall mean an outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater including the Passaic River or any of its tributaries.

c. "Sewerage System" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

d. "Sanitary Sewer", shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

e. "Sanitary Waste". Waste derived principally from dwellings, office buildings, and sanitary conveniences. When segregated from industrial wastes, may come from industrial plants or commercial enterprises.

f. "Sewage" is the spent water of a community. The preferred term is "wastewater".

g. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

h. "Storm drain" (sometimes called "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

i. "Strength of Waste". A measurement of suspended solids, and/or Biochemical Oxygen Demand and/or Chemical Oxygen Demand, and/or any other parameter determined by PVSC as a fair indicator of the relative use, other than volumetric, of PVSC facilities by industrial wastes.

j. "Operator" refers to the NJDEP Licensed Sewerage Collection System Operator, who is designated by the Municipal Council as the Licensed Operator in Charge of the Municipal Sewerage Collection System. Sometimes referred to as the Licensed Operator or Licensed Sewer Operator.

k. "PVSC" refers to the Passaic Valley Sewerage Commissioners and to the wastewater collections system and treatment facility which receives the sanitary wastewater from the Borough of Woodland Park.

l. "USEPA" refers to the United States Environmental Protection Agency.

m. "NJDEP" refers to the New Jersey Department of Environmental Protection.

n. "FWPCA" refers to the Federal Water Pollution Control Act Amendments of 1972.

13-1.2 *Permit Required.* No person shall discharge or cause to be discharged into any sewer, any industrial or commercial waste unless and until a special permit has been obtained as provided in this section.

13-1.3 *Application.* Application for a special permit for disposal of industrial or commercial waste shall be made to the borough upon the forms provided for that purpose, and shall contain full information as to the type of business to be conducted, an estimate of the quantity and content of waste and any technical information as may be required by the municipality.

13-1.4 *Fees.*

a. Upon filing the application for a special permit, the applicant shall pay a fee of \$100.00 for each commercial and industrial structure and a fee of \$1,000.00 for significant industrial users as defined by the United States Environmental Protection Agency and the State of New Jersey Department of Environmental Protection regulations plus a sum equal to all costs incurred or involved to cover examination and processing by the municipality. Such additional fees shall be billed to the applicant upon ascertainment of the amount thereof by the municipality and shall be payable by the applicant prior to any determination by the municipality as to the granting or denial of the permit.

b. *Existing Residential Sewer Connections.* The fee required for permits to make connections to any sanitary sewer in the municipality for homes existing and with a Certificate of Occupancy issued prior to September 25, 1985 shall be \$100.00 for each family unit provided for in any dwelling, home or apartment building. This section shall only be applicable to existing residential units that are not presently connected to the sewer system.

c. *New Residential Sewer Connections.* The fee required for permits to make house connections to any sanitary sewer in the municipality shall be \$1,000.00 for each family unit provided for in any dwelling, home or apartment building, and the sum of \$50.00 for inspection service prior to the issuance of the permit. This section shall only be applicable to newly constructed residential units. All fees shall be paid prior to a Certificate of Occupancy being issued regardless as to whether or not a building or sewer permit has been issued prior to September 25, 1985.

d. *Commercial and Industrial Sewer Connections.* The fee required for permits for any commercial or industrial connection shall be as follows:

1. Commercial and Industrial Sewer Connections for purposes of this Ordinance are defined as to include but not limited to industries, businesses commercial establishments, offices, stores, shopping centers, private schools, churches, post offices, hospitals, service stations, theatres, restaurants, luncheonettes, diners, laundromat and car wash facilities.

2. For each square foot of floor area the fee shall be \$1.00.

3. In addition to the fee above set forth, there shall be an additional charge of \$250.00 for inspection services prior to the issuance of the permit.

4. All fees shall be paid prior to a Certificate of Occupancy of Occupancy being issued regardless of whether or not a building or sewer permit has been issued prior to September 25, 1985.

e. This section shall additionally be applicable to users outside the municipal boundaries of the municipal sanitary sewer system.

f. In the event any development as a condition of site plan approval shall agree to pay the Borough a sum of money greater than the fees charged hereunder, then and in that event the fees to be charged said developer shall be as agreed upon as a condition of site plan approval.

g. The Mayor and Municipal Council shall have the discretion in cases of hardship to permit payment of the fees established hereunder over a three-year period, in equal semi-annual payments of principal and interest, at an annual interest rate equivalent to the rate of interest charged on unpaid water charges established annually by the Woodland Park Municipal Council.

13-1.5 *Inspection.* The municipality shall immediately upon the filing of an application for a permit, examine the application and premises, or the plans and specifications, to determine whether there will be an excessive volume of waste discharged into the public sewer, and if so, to determine a proper charge for the excessive volume, upon an annual basis, by a uniform method of

measurement which is in accord with current scientific principles. Annually, the municipality shall re-examine each of the properties receiving special permits and shall re-determine the charges.

13-1.6 *Issuance of Permit.* Upon approval of the application by the municipality the Borough of Woodland Park Department of Public Works shall issue a permit which shall state the amount of the charge so determined, and the acceptance of the permit shall constitute an agreement by the applicant, its personal representatives, successors and assigns to pay the charges quarterly to the municipality.

13-1.7 *Disposal Requirements.* Except as otherwise authorized and regulated, no person shall discharge or cause to be discharged into any sanitary sewer or storm sewer within the municipality any of the following described liquids or substances.

a. Disposal into the sewer system of any pollutant by any person is unlawful except in compliance with Federal standards promulgated pursuant to the federal Water Pollution Control Act Amendments of 1972 (FWPCAA), and any more stringent State and local standards.

b. Authorization shall be required for disposal of industrial wastes into the system.

c. As a condition for this authorization, it shall be required that industries provide information describing waste-water constituents and characteristics and type of activity involved.

13-1.8 *Discharge of Waste.* Except as otherwise authorized and regulated, no person shall discharge, or cause to be discharged into any sanitary sewer or storm sewer within the municipality any of the following described liquids or substances:

a. any ashes, cinders, sand, mud, straw, wood shavings, metal, glass, rags, feathers, tar, plastic or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.

b. any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.

c. Any garbage, fat, oil or grease.

d. The byproducts or refuse from any mechanical garbage disposal or grinder used in the operation of any mercantile or business establishment.

e. Any waters or wastes containing toxic, corrosive or poisonous substances, or suspended solids, of a character and quantity as to injure or interfere with any sewage treatment process or which constitute a hazard to humans or animals, or to the structure or equipment of the sewage works.

f. No person shall discharge or cause to be discharged into any sewer, any storm water, surface or ground water or unpolluted industrial process waters of any kind.

g. Any water or waste exceeding 150 degrees Fahrenheit.

h. Any water or waste having a P.H. minimum 6.0 and maximum 8.5.

i. Any waste or water having a color exceeding in intensity 500 parts per million as shown by samples which shall be diluted with distilled water to bring the range with ten to 50 parts per million and judged on the basis of intensity or transmission of light (Platinum-Cobalt Standard).

j. Any water or waste containing fluorescein dyes.

k. Any water or waste containing any radio-active material.

l. Discharge of wastes as defined in 40 CFR 128.131 of the Federal Register shall be prohibited.

13-1.9 *Certain Connection Prohibited.*

a. No person shall connect or allow to be connected into any sewer, any drain or leader erected on any structure or building so as to discharge into the sanitary sewer any rainwater that may collect on the structure or building.

b. No person shall discharge or cause to be discharged into any sanitary sewer, any water from any swimming pool or any water from an air conditioning system.

c. It shall be unlawful to discharge into any natural outlet within the municipality any wastewater or other polluted waters, except where suitable treatment has been provided and where a National Pollution Discharge Elimination System permit has been obtained from the appropriate governmental authority, where required.

d. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or drain, which in turn is connected directly or indirectly to a public sanitary sewer unless approved by the municipality for purpose of disposal of polluted surface drainage.

13-1.10 *Denial of Application.* Whenever the Licensed Operator shall determine that the amount or content of industrial or commercial waste would adversely or injuriously affect the operation of the sewage system, or any part of its equipment or processes, the application may be denied. In such case, the applicant shall at its own expense, provide disposal facilities sufficient in the opinion of the municipality to adequately take care of all such waste.

13-1.11 *Grease, Oil and Sand Interceptors.* Grease, oil and sand interceptors may be required and shall be provided when in the opinion of the municipality, they are necessary for the proper handling of liquid wastes containing grease or flammable substances. All interceptors shall be of a type and capacity approved by the municipality, and be located so as to readily accessible for cleaning and inspection. They shall be of substantial construction, capable of withstanding extreme changes of temperature, and equipped with easily removable covers which shall be gastight and watertight. When required by the municipality, where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in reasonable efficient operation at all times.

For additional guidance and information on this subject, please see Chapter 26-1.11, titled Grease, Oil and Sand Interceptions, in the Ordinances for the Borough of Woodland Park.

13-1.12 *Water and Wastes Subject to Approval.* The admission into the public sewers of any waters or wastes having:

- a. A 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight.
- b. Containing more than 350 parts per million by weight of suspended solids,
- c. Containing any quantity of substance having the characteristics described in subsection 13-1.7, or;
- d. Having an average daily flow greater than two percent of the average daily sewage flow of the municipality shall be subject to the review and approval of the municipality. Where necessary in the opinion of the municipality, the owner shall provide at his expense, preliminary treatment as may be necessary to: reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, reduce objectionable characteristics or constituents to within maximum limits, and control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the municipality, and no construction of the facilities shall be commenced until the approvals are obtained in writing.

e. All users of the wastewater facilities shall comply with the requirements of the written rules and regulations of the PVSC which have been adopted and which from time to time shall have been adopted, which regulations shall become effective upon filing of certified copies in the office of the Woodland Park Municipal Clerk after the effective dates of the within ordinance.

13-1.13 *Treatment Facilities.* Whenever required by the municipality if preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in reasonably effective operation, by the owner at his expense. The municipality shall possess the authority to ensure compliance of major contributing industries (as defined in 40CFR 128.124 of the Federal Register) with Federal Pretreatment Standards and any other applicable requirements promulgated by EPA in accordance with Section .307 of FWPCA.

13-1.14 *Manholes*. When required by the municipality, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. A manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the municipality. The manhole shall be installed by the owner at his expense and shall be maintained by him.

13-1.15 *Tests and Measurements*. All measurements, tests and analyses shall be taken by the municipality of the characteristics of waters and wastes and shall be determined in accordance with American Public Health Association "Standard Methods for the Examination of Water and Sewage", shall be determined upon suitable samples taken at the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

13-1.16 *Inspection*. The municipality and its duly authorized officers and employees and/or agents of the USEPA bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

13-1.17 Reporting and Self-Monitoring. Major contributing industries, and other industries as deemed necessary, shall be required to file a periodic report on the constituents and characteristics of their wastewaters. Requirements for maintaining records, using and maintaining monitoring equipment and sampling, shall be established by the municipality as necessary and shall be the responsibility of the individual contributors.

13-1.18 *Construction Standards*. No public or private sanitary sewer or storm sewer shall be constructed in the municipality unless constructed in accordance with the standards of construction as shall be laid down and promulgated from time to time by the municipality.

13-1.19 *Costs of Construction*. Where permission is granted for the construction of a private sanitary sewer, the cost and expense shall be borne by the abutting property owner. No connection shall be made to the private sewer line by any other abutting property owner, within ten years after the construction, unless the other abutting property owner shall first pay to the party who constructed the sanitary sewer an amount equal to the sum that would be assessed against the premises belonging to the other abutting property owner, under the statutes assessing the same for benefits derived from sewerage improvements.

13-1.20 *Supervision Done by Engineer*. No private sanitary sewer shall be constructed in the borough unless it is constructed under the supervision and direction of the engineer, whose services shall be paid by the abutting property owner.

13-1.21 *Costs of Laterals*. The cost of construction and maintenance of sewer laterals, that is, the sewer line running from the trunk line to the curb or property line, and the sewer line running from the curb or property line to the building served, shall be the obligation of the abutting property owner.

#### 13-1.22 *Maps*

a. *Preliminary Map*. No permit shall be issued for the construction of any sanitary sewer or storm sewer to serve any subdivision, unless detailed preliminary maps showing the proposed locations for the sewer lines are filed with the superintendent of sewers.

e. *As Built Maps*. No action shall be taken by the municipality to accept any sanitary sewer or storm sewer unless the engineer and contractor responsible for the construction of the sewers shall file with the superintendent of water pollution control department and the municipal clerk, the detailed as built maps of the installation of said sewer lines. Within 14 days of receipt of written demand for the municipality, the engineer and contractor responsible for constructing any sanitary sewer or storm sewer, shall file with the Licensed Operator and the Municipal Clerk, the detailed as built maps of the installation of the sewer lines.

13-1.23 *Over-loading Sewers.* Whenever the Licensed Operator shall determine any private sanitary sewer is over-loaded as to become injurious to the health and safety of the people served by the sewer, he shall advise the council of his determination. The municipality shall give notice to the owners of the property to show why the sewer should not be repaired to comply with the standards of construction. Upon the failure of property owners to comply with the order, the municipality shall have the right to condemn the private sanitary sewer and order that it be replaced with a public sewer, with the costs to be assessed against the real estate served in accordance with the statutes.

13-1.24 Enforcement.

- a. Civil and criminal penalties and fines for violations will be levied in accordance with judicial procedures.
- b. Violation of the ordinance may result in termination of the disposal authorization.
- c. Violations of any of the provisions of the within ordinance or any permit issued under the authority of the within ordinance may result in the termination of the permit and/or the termination of the authority to discharge into the system.
- d. Any person violating any of the provisions of the within ordinance shall, upon conviction, be subject to a fine not to exceed five hundred dollars, (\$500.00) and/or imprisonment not to exceed ninety (90) days, or both. Each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation.
- e. The Licensed Sewerage System Operator shall administer Section 13-1 of this ordinance.

13-1.25 *Amendments.* The council shall, from time to time, fix a schedule of fees and security deposits required for permits, inspections, road openings, and any work that might be undertaken in order to make connections to any sanitary sewer or storm sewer.

The council may also, from time to time, fix the procedure to be followed in making written application for sewer connections and the procedure to be followed to obtain the necessary permits and approvals for connections and installations of any sanitary or storm sewer.

In the event that the Borough of Woodland Park receives Federal Construction Grants for improvements and/or additions to the Wastewater Collection/Treatment Systems or NJDEP Revolving Loans or Construction Grants the Borough reserves the right to:

- a. Provide a classification system for determining charges to defray the cost of construction and operation and maintenance of the treatment facility. Classifications can be based on wastewater constituents and characteristics, and other parameters that would ensure an equitable distribution of costs.
- b. Provide for additional charges such as monitoring fees and disposal authorization fees as deemed appropriate.

13-1.26 *Sewer Services Charges for Tax Exempt Users and Users Outside the Municipal Boundaries.*

- a. There is hereby established an annual sewer service charge for tax exempt users and users outside the municipal boundaries of the municipal sanitary sewer connections system.
- b. The charges set forth in this Ordinance shall be charged as of January 1, 1986.
- c. The unit charge to be collected according to the annexed "Rate Schedule" (annexed hereto and made a part hereof) shall be \$180.00 per annum or \$45.00 per quarter.
- d. All charges imposed shall bear interest from the time they become due at the same rates as municipal real estate taxes. Such unpaid charges shall be a lien on the premises, and the Borough shall in addition to any other remedy it may have at law for collection of same have the right to discontinue sewage service to the subject building or buildings in accordance with paragraph A hereof.

e. The Borough may use estimated volumes where exact measurement is impractical; in such cases, the Borough reserves the right to adjust charges retroactively if additional data is obtained at a later date.

f. Application for the use of the sanitary sewer system by such users shall be made to the Borough Administrator and information shall be supplied by the applicant as required by that Office.

g. The Borough reserves the right to adjust sewerage charges or to add any volume, strength, loading, pollutant or other surcharge imposed by the Passaic Valley Sewerage Commissioners or any federal, state or local regulatory agency.

h. Where sewage flow originates from (1) a combined residential, or (2) an establishment not described in the "Sewerage Rate Schedule" annexed hereto, the Borough reserves the right to establish special equitable rate categories within the limitations of law.

i. Charges for sewerage service shall be billed quarterly by the Borough to the owner of all properties covered herein.

j. All sewerage charges shall be payable to the Borough of Woodland Park at the office of the Tax Collector, 5 Brophy Lane, Woodland Park, NJ 07424. Bills shall be paid by personal check or money order.

k. The payment of all sewerage service charges shall be the responsibility of the property owner. The failure of a tenant, lessee, customer other than the property owner, to pay any sewerage service charge or to transmit any such charge or bill to the property owner, shall not relieve the property owner of his responsibility to pay said bill or the right of the Borough to collect such charges according to the remedies prescribed by law.

l. If any sewerage service charge is not paid within 30 calendar days of post date of the bill, an interest penalty shall begin to accrue at the same rate as is charged on unpaid municipal taxes.

m. In the event of non-payment of any sewerage service charge for a period of ninety (90) days after the date when such charge becomes delinquent, the Borough may cause the service to be discontinued and the same shall not be restored until full payment has been made of all outstanding charges and penalties thereon plus the actual costs of disconnecting and reconnecting the service connection. Discontinuation of service, however, shall not abrogate the right of the Borough to use whatever remedies are permitted by law to collect outstanding charges and penalties.

n. The word "family" under Section 'A' of the Rate schedule shall mean permanent occupants of a dwelling unit consisting of 2 or more rooms with private kitchen or sanitary facilities. Other residential use shall fall under Section 'C'.

#### *RATE SCHEDULE*

<i>A. Residential Dwelling Type</i>	<i>Unit Assignment</i>
Single Family Home	1.00 Units for the entire home
Two Family Home	0.95 Units per Apt. or flat
3 and 4 Family Home	0.90 Units per Apt. or flat
5 and 9 Family Building	0.85 Units per Apt. or flat
10 and 49 Family Building	0.80 Units per Apt. or flat
50 and 299 Family Building	0.75 Units per Apt. or flat
300 Family Building and larger	Same as all other establishments
 <i>B. Mixed Commercial and Residential Buildings</i>	
Businesses in primarily residential bldgs.	0.50 Units per establishment
Residences in primarily residential bldgs.	As tabulated in "A" above

C. Mixed Commercial and Residential Buildings

Including but not limited to industries, businesses, commercial establishments, offices, stores, shopping centers, schools, churches, public buildings, municipal buildings, libraries, post offices, hospitals, fire houses, service stations, theatres, restaurants, luncheonettes, diners, laundromats and car wash facilities.

\$1.07 per hundred cubic feet of waste discharged to a sanitary sewer up to 100,00 cubic feet per year; then \$0.86 per hundred cubic feet of waste discharged to a sanitary sewer over 100,000 cubic feet per year. (Where waste discharge is not metered the Borough will estimate the volume based upon water usage, water withdrawn from surface waters or wells and water lost to evaporation, to the product, etc.).

**13-2 Water.**

13-2.1 *Definitions.* As used in this section the following terms shall have the following meaning:

“Fire service line” shall mean any line which receives water supplied to a fire hydrant, standpipe, sprinkler system or any combination of the foregoing located on private property.

“Main” or “mains” shall mean all pipes, hydrants and valves, other than supply pipes and service pipes, used for conveying water to or distributing water in the municipality.

“Meter rates” shall mean rates or prices to be charged for water, based upon the quantity consumed as measured by an approved water meter.

“Owner” shall mean any person owning any property or premises which is, or prospectively can be, supplied with municipal water, or his duly authorized agent or contractor.

“Premises” shall mean a building used for either business or residential purpose, or both, together with the land appurtenant to it and any outbuildings used exclusively in connection with it or any part of a building with the land appurtenant to it when sold as a separate unit.

“Resale of water” shall mean any resale of municipal water by any person. This excludes the sale of metered water by landlords to a tenant.

“Service pipe” shall mean a pipe extending from the curb stop and valve into privately owned property for supplying water.

“Supply pipe” shall mean a pipe connected to the main and extending to the curb stop and valve at the curb line of the street.

“Municipal” shall mean the municipal department of water or any municipally authorized agents.

“Water Utility” shall mean the department of water of the municipality.

“Operator” shall mean the NJDEP Licensed Water System Operator of the water distribution system in the Department of Water of the municipality. Also sometimes referred to as the Licensed Operator or Licensed Water Operator.

13-2.1 *Water Supply System; Enforcement Powers.* The provisions of this chapter and all other rules and regulations relating to the water supply system of the borough shall be enforced by the department of water.

13-2.2 *Application for Water Service.*

a. *Application Required.* The owner of any premises desiring to use municipal water or to make a change in any existing water supply shall make an application in writing to the Department of Water for water service upon forms provided by the municipality. The application shall request the installation to be made by the owner or the municipality subject to the provisions of this chapter. All applications shall be accompanied by the consent of the applicant to be bound by all of the provisions of this chapter and the rules and regulations adopted by the municipality.

b. *Installation.* The Licensed Water Operator shall determine whether the installation shall be made by the owner or the municipality subject to the provisions of this chapter.

c. *Inspection.* Upon receipt of an application for service, the municipality may take an inspection of the premises.

d. *Payment of Fees.* No water service shall be made to any premises until all charges due to the municipality as prescribed in section 13-8 are paid.

#### 13-2.4 *Water for Building Purposes.*

a. *Application.* Where it is desired to use municipal water service in connection with the construction or repair of a building, application shall be made to the operator by the owner of the building on forms furnished by the water utility. The character of the work contemplated and the estimated quantity of water to be used shall be specified in the application.

b. *Fees.* No permit for temporary water service during construction or repair shall be issued unless the fees prescribed in subsection 13-8.4 (d) are paid in advance.

c. *Metering.* The Water Department at its option may install a water meter during the construction or repair of a building upon payment of the fee prescribed in subsection 13-8.4 (d). It shall be the duty of the owner to take care of the meter. Meters shall be placed to the satisfaction of the operator.

13-2.5 *Inspection.* Authorized agents of the municipality, upon the presentation of credentials provided by the municipality, shall have access at any reasonable time and in the event of an emergency at any time, to any premises supplied with municipal water for the purpose of making any desired inspection, including the examination of the entire water supply and plumbing system upon the premises. They shall also have the power to reject pipes considered unsuitable for the purpose of installing a meter. Any person who refuses to admit a duly authorized agent for the purpose of inspection, or hinders or interferes with an inspection, shall be guilty of a violation of this chapter.

#### 13-2.6 *Discontinuance of Service.*

a. *Request of Discontinue.* Where it is desired to permanently discontinue the use of municipal water at any premises, the owner shall give at least five days written notice to the Licensed Operator. Upon receipt of the request, the water shall be turned off at the curb stop and thereafter no charges shall be made for the period following the payment of required charges.

b. *Temporary Discontinuance.* In case of the temporary vacancy of any premises, the water will be turned off at the curb stop upon written request to the Licensed Operator stating the period of discontinuance and will be turned on again at the expiration of that period following the payment of required charges.

c. *Rebates Prohibited.* Where the premises are left vacant, no rebate will be allowed for water registered by the meter unless the water is turned off at the curb stop.

d. *Discontinuance by Municipality.* Service may be discontinued by the municipality after notice for any of the following causes:

1. The use of water for any property or purpose other than that described in the application.
2. For waste of water through improper or defective pipes or fixtures.
3. For failure to protect the water meter and connections from injury or damage, or failure to properly maintain the service line and fixtures owned by the person being served.
4. For molesting or tampering with any service pipe, meter, curb stop, seal or other appliance of the municipality.
5. For nonpayment of any charges or fees for water services.
6. For refusing to permit the duly authorized representatives of the municipality to have access to the property for reasonable inspections.

13-2.7 *Responsibility of the Municipality.* The municipality shall use diligence and reasonable care to provide a constant supply of water to consumers, but in the event of failure to do so owing to accident, breakage of main, supply pipe, service pipe, service cock or other fixtures, the flushing of water lines and hydrants, or the shutting off of the water because of accidents, repairs, extensions, alterations or any other necessity that may arise, or in the event of failure to notify the consumers of a failure or accident or the shutting off of the water supply, the municipality shall not be liable to any consumer for any damage which may result or for any damage resulting from the elements, or for any accident, failure or breakage of pipes or any other occurrence beyond the municipality's control.

13-2.8 *Maintenance of Pressure.* The municipality shall not be liable for the maintenance of any given pressure in the water system.

13-2.9 *Responsibility of Consumers.*

a. *In General.* All persons who may be supplied with water from any municipal water main shall be responsible for keeping their service pipes and all fixtures in good order and repair and protected from frost, at their own expense.

b. *Installations, Removals and Repairs at Expense of Property Owners.* Any installations, removals or repairs of service pipes between curb stop and the water meter shall be made without unnecessary waste of water, by and at the expense of the owner of the property served by the pipes on which they are made, and no claim shall be made against the municipality by reason of breakage of any supply or service pipe or cocks, or from damage arising from shutting off water to repair any main or making connection with any such main.

c. *Notice of Discontinuance of Water Service.* Should it become necessary to shut off the water from any section of the municipality for the purpose of making changes or repairs to the water system, the municipality shall endeavor to give timely notice to the consumer affected and shall, so far as is practicable, prevent inconvenience and damage arising from the making of such repairs, but failure to give notice shall not render the municipality responsible or liable for damages that may result therefrom, or from any other cause.

d. *Multiple Services.* Where water is supplied through one service to several houses, families or persons, the municipality may, at their discretion, either decline to furnish water until separate services are provided, or may continue the multiple supply on the condition that one person shall pay for all consumers on the same service.

e. *Piping to Curb Line.* Supply pipes between the main and curb including curb cock and box, shall be installed by the owner or municipality at the expense of the property owner.

f. *Control of Pipes.* Supply and service pipes between main and curb are under the exclusive control of the municipality and no one shall construct, repair or otherwise change or interfere with them in any way except as authorized by the municipality.

g. *Failure of Owner.* The refusal or neglect of the owner to equip the premises with connections or fixtures of a character and quality approved by the municipality shall be sufficient grounds for the refusal of the division to connect the premises with municipal water supply or to turn on the municipal water supply after such connection has been made.

13-2.10 *Control of Water System.* The water mains, supply pipes, curb stops and meters shall be under the exclusive control of the municipality.

a. *Unauthorized Person.* No person other than a duly authorized person, or agent of the municipality shall disturb, tamper with, injure, tap, change, obstruct access to or interfere with any water main, supply pipe, curb stop or meter.

b. *Separate Pipes Required.* Separate supply pipes must be laid from the main for each building. No connection by which municipal water may pass from a building located on one building lot to a separate building located on another shall be made.

c. *Control of Pipes.* Supply and service pipes between the main and the meter are under the exclusive control of the water department. The failure of the owner or refusal of the owner to equip the premises with connections of a character and quality approved by the water department shall be sufficient grounds for shutting the water off.

13-2.11 *Construction and Maintenance of Pipes.* Service pipes, supply pipes, curb stops, meters and all necessary plumbing parts used in the installation and maintenance of water supply systems shall be of material and manufacture approved by the municipality.

a. *Maintenance.* Supply pipes and mains shall be maintained by the Water Department and shall remain the property of the municipality.

b. *Installation.* Service pipes of type “K Copper Tubing” at least 1 inch in diameter shall be installed and maintained at the expense of the owner and shall be installed in accordance with specifications of the municipality and in accordance with applicable New Jersey statutes. All service pipes shall be covered to a depth of at least 3 ½ feet. Service pipes shall be maintained by the owner and any repairs shall be made under the supervision of the municipality. Upon acceptable installation of the water service lines, the owner must coordinate with the Borough to complete the tapping of the Borough Water Main.

c. *Curb Boxes.* Curb boxes shall be installed at grade level and kept uncovered and in an accessible condition by the owner. The owner shall be responsible for any damages to the curb box.

13-2.12 *Protection of Service Pipes.*

a. *Freezing.* Service pipes between the foundation wall and the meter likely to be exposed to freezing temperatures shall be effectively protected from freezing by the property owner.

b. *Meter Protection.* Service pipes shall be installed in a manner that will prevent any hot water or other destructive product from returning to the meter.

c. *Corrosion.* Service pipes shall be installed in a manner that will prevent any damage resulting from falling objects, corrosive products, paint sprayers and similar causes.

13-2.13 *Meters.*

a. *Meter Required.* All municipal water used on any premises, except for fire service lines, must pass through a meter furnished by the municipality.

b. *Duty of Consumers.* All persons using water supplied by the municipality shall have the duty of determining that the water is being supplied through a meter furnished by the municipality, except as provided in paragraph 13-2.12 (a). Failure to do so shall not relieve any person from liability for water supplied, and in such case the municipality shall determine the amount of water used and the rates to be charged. It shall be the responsibility of the property owner to see that the municipal meter reader has access to read the meter at least twice a year.

c. *Meter By-Passes Prohibited.* All meter by-passes are outlawed and if a meter by-pass is used, both the owner and the plumber shall be guilty of a violation of this chapter. The only time a jumper may be used is to test the lines and after the test is finished, the water is to be shut off at the curb and only turned on by the municipality. After the tap has been installed, the water shall be shut off at the curb and shall be turned only by the municipality after construction water has been paid for in advance.

d. *Meter Installations.* In all cases where meters are to be installed, the municipality shall determine the size, proper location and manner in which the meter shall be installed and protected. All new meters shall be installed by the municipality with outside remote reading devices so they can be read without the meter reader going inside. The owner shall install a meter yoke and all other facilities necessary to hold and house the meter.

e. *Meter Yokes.*

1. Meter yokes shall be installed in a manner that provides easy removal, replacement, inspection and reading of the meter.

2. Meter yokes shall be located as near as possible to the rear of side entrance of a building not having a basement.

3. Under no circumstances shall meter yokes be installed in kitchen or bathroom areas or crawl spaces.

4. Meter yokes shall be installed in a manner that will prevent unauthorized removal or tampering with a meter.
5. Meter yokes shall be placed in a free and clear space at least two feet by two feet.
6. The decision of the operator in regard to meter yokes shall be final.

f. *Care and Protection of Meters.*

1. The meter shall remain the property of the municipality. The owner shall be held responsible for the meter, including its care and protection from damage, freezing, hot water or similar causes. The owner shall also be responsible for preventing unauthorized person from tampering with the meter. In case of damage to the meter or its stoppage or improper working, the owner shall immediately notify the municipality and the municipality shall repair the meter.

2. Where replacements, repairs or adjustments of any meter, whether owned by the municipality or not, become necessary due to any willful or negligent act by the owner or occupant of any premises, the owner shall be responsible to the municipality for any expense which it occasions as a result thereof. And in cases where payment is not made, the water may be shut off from the premises and shall not be turned on again until all charges are paid.

3. Meters shall be sealed by the municipality and no person, except an agent of the municipality, shall disconnect, remove, break, injure or in any way tamper with the seal.

g. *Testing of Meters.* The municipality shall test the accuracy and condition of any meter upon the written request of the owner or occupant of the premises served by the meter and the payment in advance of the fee prescribed. If the meter is found to register over two percent fast, it shall be repaired by the municipality or another meter substituted and the test fee refunded. The municipality may adjust the water bill upon whatever basis which it deems to be just and reasonable. If the meter is found to register more than two percent slow, it shall be repaired by the municipality or another meter substituted and the municipality may adjust the water bill upon what ever basis which it deems to be just and reasonable. If the meter is inoperative and fails to register, the customer will be charged on the basis of the average daily consumption shown by the meter when operative. The municipality may make periodic tests of all meters.

h. *Meter Orders.* When a meter is ordered or a replacement is requested inside a building, it is a requirement that shut-off valves be installed at each side of the meters at the following distances apart:

5/8" meter	18"
1" meter	18"
1 1/2" meter	24"
2" meter	24"

### **13-3 Drought and Emergency Response Regulations.**

13-3.1 *Proclamation of Emergency.* Whenever an emergency conditions exists that could adversely affect the public health and safety or in the event the NJDEP implements a drought advisory or warning and the Licensed Operator of the municipal water supply certifies to the council that an emergency exists in the water supply, the mayor may, for the protection of the health, safety and general welfare of the citizens and residents of the municipality proclaim the existence of a water emergency and prescribe regulations to:

- a. Prohibit the use of water from the municipal supply, or any water supply which services the residents of the borough, for any purpose not necessary to the health, safety and welfare of the public.
- b. Allocate and prorate the available water supplies.
- c. Reduce consumption by users.
- d. Prevent waste for the period of duration of the emergency.
- e. Require alteration, repairs or installations of equipment or fixtures to prevent leakage and loss of water.

13-3.2 *Publication of Proclamation.* The proclamation of the emergency shall be conclusive thereof upon all persons and users of water upon the filing of the same in the office of the municipal clerk and the publication thereof at least once in a newspaper published in the county and circulated in the municipality.

The regulation set forth in any proclamation and published as aforesaid, upon filing in the office of the Municipal Clerk shall become a part of this chapter as if specifically incorporated.

### 13-3.3 *Rules and Regulations.*

a. *Compliance with Proclamation.* Every person using water from the municipal water supply or any water supply which services the residents of the municipality, and every person, firm or corporation of user, shall upon the proclamation and promulgation of the regulation defined in this chapter become bound thereby and shall conform and comply therewith in the use of water and the maintenance of the water service connections and equipment for the purpose thereof.

b. *Maintenance of Fixtures.* Every owner of buildings and premises connected with the water supply of the municipality shall maintain or cause to be maintained the water service pipes, fixtures and connections in good repair whereby there shall be no waste of water.

c. *Repairs.* Every owner of any building or premises connected with the water supply shall make or cause to be made all repairs to prevent the waste of water.

d. *Notice of Defective Fixtures.* Every lessee, tenant and occupant of any building connected with the water supply shall immediately notify the owner, or his agent of any defective water service pipes, fixtures or connections, whereby water is being wasted.

e. *Notice of Waste of Water.* Every lessee, tenant or occupant of any building shall notify the municipal water division or police department of any waste occurring by reason of defective water service pipes, fixtures or connections.

f. *Inspection.* Every owner or person in charge of any building or premises connected with the water supply shall admit any authorized agent or employee of the municipality at all reasonable hours in order that the agents may inspect the water service pipes, fixtures and connections.

13-3.4 *Right to Shut Off Water.* Whenever any owner, lessee, tenant or occupant or user of water shall refuse to permit an examination or inspection of the premises, or to make necessary repairs to prevent the waste of water, the Licensed Operator in charge of the municipal water supply of the municipality shall have the right to shut off the supply of water until the required examination is made or any alterations and repairs as may be necessary are completed.

## **13-4 Wastage of Water.**

13-4.1 *In General.* Every owner of buildings and premises connected with the municipal water supply shall maintain the water service pipes, fixtures and connections in good order and repair in order to ensure that there shall be no waste of water, and shall immediately make necessary repairs to prevent the waste of water.

13-4.2 *Duties of Occupants and Tenants.* Every lessee, tenant and occupant of any building or premises connected with the municipal water supply shall immediately notify the owner or his agent and the municipality of any defective water service pipes, fixtures and connections causing waste of water.

13-4.3 *Duty of Owner.* Upon receiving notice of any waste of water due to defective pipes, fixtures or connections, the owner of any premises served by the municipal water supply shall immediately make all necessary repairs.

13-4.4 *Repairs by Municipality.* Whenever an owner shall fail or refuse to make repairs to prevent the waste of water, the municipality may make the repairs and charge the cost to the owner in the same manner as other water charges are made.

## **13-5 Hydrants.**

### *13-5.1 Unauthorized Use of Fire Hydrants.*

a. No person other than a duly authorized agent or employee of the municipality or a member of an authorized fire agency while engaged in the performance of his duties shall open or attempt to open any fire hydrants or valves connected with the water supply system of the municipality without obtaining written permission from the proper municipal officers.

b. No person shall obstruct or prevent free access to, tamper with, injure or damage a fire hydrant, nor shall any person place any material, debris, structure or object of any kind within a distance of ten feet from a hydrant. Any obstruction, when discovered, may be removed at once by the municipality at the expense of the person responsible. Removal of the obstruction shall be in addition to any penalty which may be imposed for a violation of this subsection.

*13-5.2 Duty of Property Owners.* The owner of any property upon which a fire hydrant is located, including the owner of any property which abuts upon a portion of a public street on which a fire hydrant is located, shall have the duty of keeping the hydrant and the area immediately surrounding it free from snow, brush, weeds, debris or any other thing which might impede access to the hydrant.

*13-5.3 Private Fire Outlets.* Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on those pipes, except sprinkler heads, shall have a standard thread as specified by the municipality. No water shall be taken or used through the pipe openings for any purpose other than fire fighting or for testing fire apparatus after obtaining a special permit from the operator to make a test. Each test must be conducted under the supervision of municipal personnel.

*13-5.4 Permit to Open Hydrant.* It is hereby declared to be the policy of the Borough of Woodland Park that the primary purpose of fire hydrants is for fire protection. However, the Licensed Operator is authorized to issue a permit to any person to open a fire hydrant for a purpose other than fire protection to be determined by the municipal council. Permits shall be issued by the operator as prescribed in subsection 13-8.4 (g). Each permit shall specify the location of the hydrant to be opened, the date or dates upon which they may be opened, the length of time they may remain opened and the purpose for which such openings may be made. Permit fees shall be as prescribed in subsection 13-8.4 (f).

## **13-6 Sprinkler Systems.**

Application for a connection to the water main for the purpose of installing a sprinkler system shall be made to the Licensed Operator. The installation shall be performed in accordance with all municipal water regulations and other applicable provisions of this revision and shall be subject to the charges specified in section 13-8.2. The connection shall be used exclusively for fire protection services.

## **13-7 Water Main Extensions.**

*13-7.1 Submission of Plan—Approval.* Whenever an owner of land in the municipality desires to improve it by the installation of a water main extension to the existing system, he shall file a detailed and accurate plan of the proposed improvement in triplicate with the municipal council. After filing of the plan, the municipal council shall refer same to the municipal engineer for his review and recommendations. Upon receipt of the recommendations from the municipal engineer, the municipal council shall determine whether the plan for the water main extension shall be approved, modified or denied. The entire water main extension shall be constructed in accordance with specifications as determined by the municipal council at the entire expense of the owner and under the supervision of the municipal engineer and operator

*13-7.2 Deposit or Surety Bond Required.* After approval, if the municipal council desires assurance of the completion of the improvement, it may accept a cash deposit or performance bond with adequate surety approved as to form and content by the municipal attorney, from the owner conditioned upon completion of the improvement to the satisfaction of municipal council. The municipal council shall fix the amount of the deposit or surety bond based upon appraisal of the plan submitted and resulting determination of the funds required to complete the improvement and defray all incidental expenses.

13-7.3 *Construction of Water Main Extension.* After approval and submission of the deposit or surety bond, the owner may then proceed to make the improvement at his entire cost and expense. The Municipal Engineer and Licensed Operator shall maintain a check on the improvement as it progresses to determine that the work is being accomplished in a proper manner so that the municipal council may acquire the improvement for the municipality upon completion. It shall be the responsibility of the owner to notify the municipal engineer or operator of the date on which the work shall be commenced. Notwithstanding any approval of plans, the municipal council shall have the right to refuse water service if the improvement is not completed in accordance with accepted practice.

It shall be the duty of the Municipal Engineer or Licensed Operator to advise the owner promptly upon discovery of any deviation from accepted practice in the course of checking the work in progress. If the improvement is not installed as required and the owner fails to correct the defective work the municipality shall have the right to correct the defective work and deduct the costs of such completion from the cash bond and or look to the guarantor or other surety for the cost of the necessary work. Upon advice of the Municipal Engineer that the improvement has been satisfactorily completed, the municipal council shall authorize the return of the cash deposit or surety bond to the owner upon satisfactory proof being given that all expenses and costs of the improvement have been paid by the owner, the submission of as built maps of the improvement subject to the approval of the Municipal Engineer. The municipal council shall have the right, if it desires, to require the owner to file a maintenance bond for an amount and duration determined by it, prior to the release of the aforementioned cash deposit or surety bond.

13-7.4 *Acquisition of Improvements for Municipality.* Upon advice of the Municipal Engineer and Licensed Operator that the improvement has been completed in a satisfactory way and all requirements and obligation of the owner have been fulfilled, the municipal council shall acquire the improvement with all its component parts for the benefit of the inhabitants of the municipality. The owner shall give a bill of sale to the municipality, transferring title to the improvement absolutely to the municipality.

## **13-8 Rates and Charges**

Please note that all applicable Rates and Charges are to be established on a yearly basis, and assessed by the user's consumption, which will be posted on an annual basis via the Borough's Consumption Ordinance.

13-8.3 *Bulk Wheeling Charges:* The charge for bulk wheeling of water shall be 1.35 times the Wholesale Water Rate as adopted by the bulk supplier. The rate shall be adjusted automatically and without further amendment of this ordinance when the Wholesale Water Rate is adjusted by the bulk supplier. When the Bulk Supplier is the wheeling customer the Wheeling Charges may be collected by means of a credit being applied to the bulk supplier's monthly invoice to the Borough. If this method is used then the amount of water invoiced shall be reduced by 1.35 times the amount of water wheeled. The Superintendent shall review the meter readings and certify the adjustment each month.

### *13-8.4 Miscellaneous Charges and Permit Fees.*

*a. Water System Connection Fees:* The fee required for permits to construct a building connection to any water main in the municipal service area shall be \$500.00. In addition, a Water Meter Installation Fee shall be charged for each new application in conformance with paragraph b. of this Section.

Regarding construction of New Water Mains in the Borough, representing a new connection opportunity for local residents, the following permit fees will apply:

Permit to construct a building connection to any newly constructed water main in the municipal service area will be \$500.

Permit to construct a building connection to any newly constructed water main in the municipal service area greater than forty-eight (48) months after said water main becomes available for public use will be \$4,500.

The 48-month grace period shall commence upon written notice by the Municipal Clerk of the availability of the municipal water supply. Such notice shall be delivered by means of US Postal Service Certified Mail to the property owner.

b. *Water Meter Installation Fee.* The following fees shall be charged for approved meters to be furnished and installed by the water utility for new building connections:

Installed 5/8 inches meter including radio reading equipment, current cost of the meter.

Installed 1 inch meter including radio reading equipment, current cost of the meter.

Installed 1 1/2-inch meter including radio reading equipment, current cost of the meter.

Installed 2-inch meter including radio reading equipment, current cost of the meter.

In the event of a stopped meter or a meter requiring replacement, the meter must be converted to a meter with radio reading equipment, at the current cost of the meter.

In the event the Water Department is unable to gain access to the inside water meter for purpose of billing during any four consecutive billing quarters the meter must be converted to a meter with radio reading equipment, at the current cost of the meter.

Cost of conversion of meter to remote reading equipment, as a result of lack of access, is the current cost of the meter.

For meters greater than 2" inch, the charge shall be computed on the basis of the cost of the meter and installation plus 25 percent (25%) surcharge.

If the remote reading meter requires replacement within the initial five (5) years after installation, due to defect in manufacturing, no additional charges will be incurred by the customer.

The Borough Administrator may enter into an agreement with a developer, whereby the developer supplies water meters, approved as suitable for use by the Licensed Water Operator and for approved ancillary metering equipment and shipping.

If an agreement is made with a developer to supply water meters the developer may be reimbursed by means of a credit to the "Water Meter Installation Fee" charged. A credit, equal to the actual documented cost of the meter, ancillary metering equipment and shipping may be applied, reducing the net cost of the Water Meter Installation Fee. Alternately a refund may be made for the actual documented cost for the meter, ancillary equipment and shipping. Agreements must be project specific and have the approval of the Mayor and Council. Documentation calculating the calculated credit or refund shall be submitted the Mayor and Council for approval.

c. *Water Supply Line Installation.*

1. If the installation of the entire supply line from the main to the curb is done by the municipality the fee shall be \$5,000.00.
2. Three-quarter inch water main tap by the municipality, \$500.00.
3. One-inch water main tap by the municipality, \$600.00.
4. Taps larger than one inch will be at the discretion of the Borough and charges will be calculated according to the fees associated with a contracted company performing the tapping.
5. All materials, as directed by the Licensed Water Operator, shall be furnished by the municipality on a cost plus 25% surcharge basis.
6. Curb boxes shall be at grade level and equipped with a stem so that water can be shut off at the curb by use of a standard curb stop key. The curb box cover shall not be covered.
7. All excavation and trench work must be done by the owner.
8. Permits for road openings in the municipal roads where applicable must be made to the municipality before the issuance of a permit. The cost of this is not included in the water service permit.

9. On county roads, there shall be an added charge for inspection and repair of pavement as determined by the Passaic County Road Department. Permits shall be secured directly from Passaic County.
- d. *Permit for Water Service During Construction.* The fee for a permit for temporary water service during construction of single family residential properties shall be \$100.00 per house. In all other cases, fees will be determined by the municipality based upon estimated consumption. Where a meter is used the municipality shall receive a deposit equal to the cost of said meter.
- e. *Meter Tests.* The fee for the test of the accuracy or condition of any water meter made at the request of the owner shall be \$100.00, payable in advance.
- f. *Turn-ons.* A fee of 100.00 shall be charged for turning on/off the water at the curb stop, outside of normal Department of Public Works work hours, or due to a shut-off request for a long term vacancy.
- g. *Irrigation system turn-ons.* A fee of \$50.00 shall be charged for seasonal turn-ons for irrigation systems that fall within the Borough Water System.
- h. *Temporary Bulk Use Permits.* All temporary use bulk permits must be pre-approved by the Borough, prior to installation of temporary meter. Charges for temporary bulk use shall be on the basis of the metered water usage, plus a permit fee of \$300.00. The municipality shall furnish and install a 2-inch meter on a local municipal fire hydrant, as deemed acceptable by the Woodland Park Water System. The hydrant will be operated exclusively under the supervision of the Borough. The owner, or applicant, shall be responsible for any and all damages to the meter in use under the permit.

**13-9 Collection of Permit Fees and Charges.**

All permit fees and charges relative to the consumption of water and radio reading equipment upgrades and replacements are to be paid to the Collector of Water Consumer Accounts of the Borough.

**13-10 Billings and Collection.**

13-10.1 *Payment of water Bills.* All meters shall be read every three months and billed quarterly by the Collector of Water Consumer Accounts. Bills for water consumed in any quarterly period or fraction of a quarter shall be due and payable to the collector of water consumer accounts in full within 15 days of the date rendered.

13-10.2 *Lien for Unpaid Water Charges.* In accordance with the laws of the State of New Jersey, all charges for water, and all other municipal charges provided in this chapter, including penalties, shall be a lien upon the property on account of which the charge is incurred until paid.

Attest:

Approved:

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
Keith Kazmark, Mayor

**Introduced: December 7, 2022**

**Adopted:**

**C. Adoption of Borough Ordinance 22-23**

**D. Resolution R22-318, a resolution to adoption Ordinance 22-23 AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8 CERTIFICATE OF OCCUPANCY AND WATER METER REQUIREMENTS FOR CHANGE OF OWNERSHIP, OCCUPANCY OR TENANT FOR RESIDENTIAL DWELLINGS WITHIN THE BOROUGH OF WOODLAND PARK, AND REQUIRED ADJUSTMENT(S) FOR WATER METERS**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-318**

**MOTIONED BY:  
SECONDED BY:**

**ADOPTION OF BOROUGH ORDINANCE 22-23**

**AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8  
CERTIFICATE OF OCCUPANCY AND WATER METER REQUIREMENTS  
FOR CHANGE OF OWNERSHIP, OCCUPANCY OR TENANT FOR  
RESIDENTIAL DWELLINGS WITHIN THE BOROUGH OF WOODLAND  
PARK, AND REQUIRED ADJUSTMENT(S) FOR WATER METERS**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8 CERTIFICATE OF OCCUPANCY AND WATER METER REQUIREMENTS FOR CHANGE OF OWNERSHIP, OCCUPANCY OR TENANT FOR RESIDENTIAL DWELLINGS WITHIN THE BOROUGH OF WOODLAND PARK, AND REQUIRED ADJUSTMENT(S) FOR WATER METERS**; and

**WHEREAS**, notice of introduction and passage on first reading was published in the Herald News dated December 13, 2022 setting the date of December 21, 2022 or soon thereafter 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 December 21, 2022 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8 CERTIFICATE OF OCCUPANCY AND WATER METER REQUIREMENTS FOR CHANGE OF OWNERSHIP, OCCUPANCY OR TENANT FOR RESIDENTIAL DWELLINGS WITHIN THE BOROUGH OF WOODLAND PARK, AND REQUIRED ADJUSTMENT(S) FOR WATER METERS** for the calendar year 2022 be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>st</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
December 21, 2022  
Dated

**BOROUGH OF WOODLAND PARK  
COUNTY OF PASSAIC, STATE OF NEW JERSEY  
ORDINANCE NO. 22-23**

**AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8  
CERTIFICATE OF OCCUPANCY AND WATER METER  
REQUIREMENTS FOR CHANGE OF OWNERSHIP, OCCUPANCY  
OR TENANT FOR RESIDENTIAL DWELLINGS WITHIN THE  
BOROUGH OF WOODLAND PARK, AND REQUIRED  
ADJUSTMENT(S) FOR WATER METERS**

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

**I. AUTHORITY**

This ordinance is adopted pursuant to the authority established within the Borough of Woodland Park, pursuant to N.J.S.A. 59: 1-1, et. seq.

- A. Dwelling Certificate. (I.E.: CERTIFICATE OF OCCUPANCY). This Ordinance is to supplement and be read in conjunction with Borough Ordinance 22-50.2, regarding Certificates of Occupancy. This Ordinance is not to supersede or invalidate Ordinance 22-50.2, in any manner, shape or form.

1. Definitions. As used herein, the following words shall have the following meanings:

**DWELLING CERTIFICATE** – A certificate filed with the Zoning Officer of the Borough of Woodland Park, or his designee, certifying the occupants and location of a dwelling unit – for purposes of Residential Occupancy. As such, no residential premises may be changed in tenancy, use or ownership – unless a Certificate of Occupancy has been issued by the Code Enforcement Officer.

**DWELLING INSPECTION** – An inspection conducted to determine compliance with the Code of the Borough of Woodland Park: Smoke Detectors, Park Housing Standards and Zoning Standards.

**DWELLING UNIT** – As defined herein and the Borough’s Ordinances:

2. Dwelling certificates required; filing and contents. Every owner of a residential unit(s) within the Borough of Woodland Park, who intends to lease or rent the said unit(s), must file with the Zoning Officer of the Borough of Woodland Park, or his designee, a Dwelling Certificate on a form prescribed by the Borough of Woodland Park – within the time parameter set forth in this chapter. At that time, the owner will be required to certify to the truthfulness of the information submitted therein.
- (a) Every owner shall file a dwelling certificate upon the change of occupancy for a residential unit – either by sale or tenancy – prior to the occurrence of the said change in title or residency. In addition, where a new owner takes possession of a residential unit(s), that new owner must also file a Dwelling Certificate, for the existing tenant(s) at that property.
- (b) Every new owner shall file a Dwelling Certificate not more than 30 days immediately prior to any conveyance of title of a one-or-two unit dwelling. As such, the prospective owner must start this process with the Code Enforcement Official as soon as reasonably possible, to insure compliance with this ordinance.

(c) This ordinance also requires that: 1. When ownership changes, and/or 2. An owner registers a new tenant(s), that the owner will provide to the Code Enforcement Official the identities of all people (adults and children) who will occupy the premises. Additionally, the owner and the prime tenant will certify to the truthfulness of the information submitted by signing the Dwelling Certification(s); and all related information requests.

(d) Enforcing Authority.

The Administrative and enforcing authority for the provisions of this section will be the Construction Code Official for the Borough of Woodland Park. All violations of this ordinance will be prosecuted by the Woodland Park Municipal Court.

(e) Standards. This section shall constitute the standards to guide the Construction Code Official in determining the fitness of any dwelling, dwelling unit, or premises which is used for residential purposes.

(f) This Certificate of Occupancy Ordinance is applicable to the sale of all residential homes in the Borough of Woodland Park which shall include but not be limited to, multi-family dwellings. It will be the obligation of the purchaser of a home (property) in Woodland Park, to make contact with the Construction Code Official's Office to schedule an inspection(s) and fill out applications for the Certificate of Occupancy Ordinance (and related forms).

2.1. In addition, this Ordinance will apply to all rental units within the Borough of Woodland Park.

As such, it will be the obligation of the owner (either existing or prospective)/landlord, to have communication with the Borough Construction Code Official's Office prior to leasing or taking possession of premises, in order to be certain that a Certificate of Occupancy is issued to the proper parties and filed with the Code Official's Office.

2.2 If there are problems or issues with regard to remedying defects in the subject premises, the Construction Code Official will be allowed to issue a Temporary Certificate of Occupancy (T.C.O.) for ninety (90) days, within his or her discretion – provided there are no public safety issues at the said premises.

Specifically, this provision is provided to insure that the parties will make all necessary repairs and/or remediations that are required to make the said premises habitable in accordance with the Borough's Codes and Regulations.

2.3 The purchaser of residential premises in Woodland Park will be obligated to present to the Building Inspector proof of their intent to purchase or rent the said property. This proof can be in the form of a Contract or Memorandum of Understanding to purchase or rent the said premises, prior to applying for a Certificate of Occupancy. In addition, for purposes of public safety, the actual purchaser of the said premises will be required to place their photo I.D. on record with the Building Code Official and will be designated as the contact person for the said premises. It is also the obligation of the contact person to provide the names of all individuals who will be living in the said premises. This provision of this ordinance also applies to instances where a property is purchased and there are existing tenancies. As such, in this instance – the purchaser of property who has existing tenancies – will also have to abide by this provision of this ordinance, and provide the Photo I.D. for the

existing prime tenant and the identity of all inhabitants of the said premises.

Additionally, if the purchaser of property within the Borough of Woodland Park is a corporation – the corporation must provide the identity of the president of the corporation and a copy of his or her Photo I.D. Likewise, if the purchaser of property will be utilizing a management company to conduct its affairs within the Borough of Woodland Park, the management’s agent who will be handling the said property will be required to act as the contact person and post their Photo I.D. with the Code Official’s Office.

(g) Costs. The costs to conduct the inspection for residential units within the Borough of Woodland Park will be as follows:

(1) For an inspection of an individual apartment, which is contained in a single family or two-family unit, the cost will be Fifty (\$50.00) Dollars;

(2) For an inspection of a home that is a single family or two-family unit, i.e.: for purposes of a sale/change of ownership, the cost will be One Hundred (\$100.00) Dollars; and

(3) For an inspection of apartment units in a building which contains more than two (2) residential units, the cost will be Fifty (\$50.00) Dollars per unit.

(h) INSPECTIONS. The Code Enforcement Officer is hereby authorized to conduct inspections of residential premises upon receipt of an Application advising of a pending change in tenancy, use or ownership.

(1) The Code Enforcement Official shall, within ten (10) business days after receipt of a written application for a Certificate of Occupancy, either issue said certificate provided that the inspections reveal that the residential premises complies with the requirements contained herein; or in the event of non-compliance, notify the applicant as to the reason(s) why the residential premises failed the inspection. The Code Enforcement Officer will then advise the applicant of what remedial action must be taken to correct the said condition(s). Thereafter, if the applicant makes good faith progress in remedying all deficiencies, the Code Enforcement Officer may decide whether or not to issue a Temporary Certificate of Occupancy.

(2) The Borough of Woodland Park does not guaranty to the purchaser, mortgagor, mortgagee or lessee, that the residential premises inspected is free from latent or patent defects; nor is the Borough liable for damage or injury caused to any person as a result thereof, if any violation is not reported in the inspection report, nor is the Borough liable for any damages, claim or injuries to property which is the subject of inspection.

**B. CHANGE OF WATER METERS WITH THE SALE OF A HOME OR RENTAL OF A HOME OR APARTMENT IN THE BOROUGH OF WOODLAND PARK.**

This portion of this Ordinance is being enacted to provide an update to the infrastructure of the Borough of Woodland Park’s Water System and to insure that safety requirements are adhered to. As such, it will be the obligation of all property owners who intend to have a Certificate of Occupancy issued for the sale of, or rental of their property, to be certain that the water meter(s) contained on the premises shall have remote meter reading applications, at the property owners own expense. This provision of this ordinance requires all property owners (existing or prospective) to provide that remote meter reading equipment is installed on their property at the current cost of the meter. This provision is in accordance with the

upgrade of the water infrastructure for the Borough of Woodland Park and Public Safety. With regard to these water issues, property owners (existing and prospective) will have to coordinate with the Director of the Department of Public Works regarding all issues for the changing of water meters, pricing, and scheduling to conduct the change-over of water meters. There will be a separate and distinct form that property owners (existing and prospective) will be required to obtain from the Director of the D.P.W. to demonstrate compliance with this aspect of the ordinance, which must be presented to the Code Enforcement Official's Office before a Certificate of Occupancy can be granted. The Director of the D.P.W. will have the discretion to coordinate with property owners for the appropriate time parameter to accomplish the change in the water meter from manual reading to remote reading. In the event that there is an issue with regard this process, such as the water meter not being available or crews not being available to accomplish the work – the property owner (existing or prospective) will be required to deposit monies with the Borough's Water Department (In Escrow) to cover the cost for the said project - until the time that the project can be completed. In the meantime, the owner of the said property (existing or prospective) will be able to obtain a Temporary Certificate of Occupancy, provided all of the required is filed with the Director of the D.P.W. and the Code Enforcement Official's Office.

C. VIOLATIONS AND PENALTIES.

Any person who violates any provision of this Ordinance, which shall include but not be limited to: corporate entities, shall – upon conviction, be punishable by a fine of up to:

- (1) Five Hundred (\$500.00) Dollars for the first offense;
- (2) One Thousand (\$1,000.00) Dollars for the second offense; and
- (3) Two Thousand (\$2,000.00) Dollars for the third offense and any offense thereafter.

These penalties apply to violations of the Certificate of Occupancy and Water Meter Provisions of this Ordinance.

**II. ENFORCEMENT**

This Ordinance may be enforced by any properly qualified New Jersey Code Enforcement Officer, who is employed by the Borough of Woodland Park.

**III. INCONSISTENCIES**

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) of the Ordinance.

Attest:

Approved:

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
Keith Kazmark, Mayor

**Introduced: December 7, 2022**

**Adopted:**

**E. Public Hearing on the adoption of Ordinance 22-24**

**F. Resolution R22-319, a resolution to adopt Ordinance 22-24, which is AN ORDINANCE TO AMEND CHAPTER 5, SECT. 5-9 PARKING AND REGISTRATION OF COMMERCIAL VEHICLES COMMERCIAL PARKING.**

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R22-319**

**MOTIONED BY:**

**SECONDED BY:**

**ADOPTION OF BOROUGH ORDINANCE 22-24**

**AN ORDINANCE TO AMEND CHAPTER 5,  
SECT. 5-9 PARKING AND REGISTRATION OF  
COMMERCIAL VEHICLES COMMERCIAL PARKING**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 5, SECT. 5-9 PARKING AND REGISTRATION OF COMMERCIAL VEHICLES COMMERCIAL PARKING**; and

**WHEREAS**, notice of introduction and passage on first reading was published in the Herald News dated December 13, 2022 setting the date of December 21, 2022 or soon thereafter 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 December 21, 2022 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 5, SECT. 5-9 PARKING AND REGISTRATION OF COMMERCIAL VEHICLES COMMERCIAL PARKING** for the calendar year 2022 be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Pascrell					Holloway				
Chaabane					Kallert				
DeCesare					Mayor Kazmark				
Gatti									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 21<sup>th</sup> day of December, 2022. Signed and sealed before me.

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
December 21, 2022  
Dated

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
ORDINANCE 22-24**

**AN ORDINANCE TO AMEND CHAPTER 5,  
SECT. 5-9 PARKING AND REGISTRATION OF  
COMMERCIAL VEHICLES COMMERCIAL PARKING**

**§5-9. PARKING AND REGISTRATION OF COMMERCIAL VEHICLES**

**§5-9.1 Definitions:**

- a. As used in this section:

COMMERCIAL VEHICLE DEFINED – shall mean any commercially licensed vehicle or Lettered Vehicle used in the course of business.

OVERNIGHT PARKING – shall mean the parking of any vehicle on any streets in the Borough of Woodland Park between the hours of 8:00 p.m. and 6:00 a.m.

OVERSIZED VEHICLE - shall mean any commercially or regularly licensed vehicle weighing 11,000 lbs or more according to the Manufacturers Gross Vehicle Weight.

MGVW - Manufacturers Gross Vehicle Weight.

**§5-9.3. Off-Street Overnight Parking**

1. Size – a driveway located within residential zones shall be limited in size to the lesser of 50% of the lot width or 30 feet wide or a maximum of 20% of lot impervious coverage.
2. Parking on Driveway required for Motor Vehicle – The parking of a motor vehicle is prohibited unless the vehicle is parked on the driveway or within a garage. (This section does not prevent a conforming motor vehicle from parking on the street).
3. In conjunction with any principal building hereafter erected or any use of land hereafter established, there shall be provided on the same lot therewith sufficient parking spaces to meet the minimum standards specified herein.
4. These parking spaces are intended for and shall be for the sole and exclusive use of the occupants of the building. The Development plan shall show the total number of off-street parking spaces required for the use or combination of uses indicated in the application. Where shared parking for uses with different peak parking demands results in a documented need for fewer spaces than the sum of the individual requirements, the Board may allow the construction of the lesser number of spaces, provided that the site plan shows the reserved space for the required number.
  - a. Residential zones and uses
    1. Only one of the vehicles within the garage or parked on the premises may be commercial, but it shall not exceed 11,000 lbs MGVW and it shall not be a bus, dump truck, tractor, cement mixer or other heavy equipment such as a bulldozer, road repair equipment or excavation equipment, etc.
    2. Permitted commercial vehicles must be parked within a garage or beyond the minimum front yard setback as required by zoning.
    3. No vehicle shall be parked off of the driveway nor on any lawn area or landscaped area of any residential lot or on any sidewalk.
    4. Private garages and other outbuildings; driveways.

- a. No dwelling unit shall be erected unless equipped with a garage having not less than 240 square feet in floor area. Such garage may be attached to or built into the dwelling unit or separately constructed as an accessory structure. Every dwelling unit hereafter constructed shall be provided with an improved driveway.
  - b. No existing garage shall be reduced to less than the required 240 square feet.
  - c. Nothing herein contained shall prevent the removal of an attached garage and the installation of a detached garage. However, only one garage shall be permitted per dwelling structure.
  - d. Garages used to meet the minimum onsite parking requirements shall not be reduced in size.
5. Non-Residential zones and uses.
- a. All parking areas shall be paved and shall be suitably drained and maintained in good condition; all spaces and directional instructions shall be clearly marked and maintained so as to be clearly visible. No parking space or access thereto shall be allowed in the buffer zone.

No changes in use or intensity of use within a building shall be allowed unless it can be shown that sufficient parking is available for the new use on site as required by ordinance for each use, handicapped parking shall be required in accordance with the applicable codes.

**§5-9.4 Parking prohibited during certain hours.**

- a. Overnight Parking – It shall be unlawful for any person, firm or corporation to park any commercial vehicle (including , but not limited to – car, truck, truck tractor, bus, motor-drawn vehicle, dump truck, tractor, cement mixer, garbage truck, bulldozer or other like heavy equipment used for road repair, excavation or construction work) upon any of the streets of the Borough of Woodland Park on any day between 8:00 pm and 6:00 am. Except for performing emergency repairs and for governmental operations. Non-commercial vehicles under 11,000 lbs MGTV are excluded from the restrictions set forth herein.

**§5-9.5 Violations [Ord. No. 07-12; Ord. No. 08-05; Ord. No. 14-1]**

- a. Any motor vehicle operator who violates the provisions of Subsections 5-9.2 or 5-9.3 will be fine up to \$250.00 per day/per offense.
- b. If any motor vehicle operator is found to have violated this section and refused to pay same, their driving privileges may be suspended by a Court of competent jurisdiction.

**§5-9.6 Tow Away [Ord. No. 14-1]**

Any commercial vehicle parked in violation of this section on Borough Streets shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any Police Officer shall provide for the removal of that vehicle. The owner of the vehicle shall bear the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

Attest:

Approved:

\_\_\_\_\_  
Sandra Olivola, Municipal Clerk

\_\_\_\_\_  
Keith Kazmark, Mayor

**Introduced: December 7, 2022**

**Adopted:**

**G. Adjournment:**

**Sandra Olivola, RMC  
Municipal Clerk**