

**WOODLAND PARK MUNICIPAL COUNCIL
AGENDA FOR REGULAR MEETING OF
AUGUST 16, 2023**

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 4, 2023 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. **Presentation:**
5. **Public Hearing:**
6. **Committee Reports:**
 - A. Administration & Finance – Councilwoman Gatti
 - B. Public Works – Council President Kallert
 - C. Public Safety – Councilman DeCesare
 - D. Health, Senior Services & Veterans Affairs – Councilwoman Tiseo
 - E. Recreation & Community Relations – Councilman Yodice
 - F. Laws & Ordinances – Councilman Sica
7. **Mayor’s Report:**
8. **Municipal Attorney’s Report:**
9. **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 R23-206, a resolution to amend resolution R23-147 to authorize the issue of the appropriate license certificates to the respective licensees as approved by this resolution for the 2023-2024 licensing season.**
- B. **Resolution R23-207, a resolution authorizing to hold a firework display at the annual “Woodland Park Day” which is to be held on Saturday, September 23, 2023.**
- C. **Resolution R23-208, a resolution to authorize the waiving of the fifty-dollar (\$50.00) Department of Health and fifty-five dollars (\$55.00) Fire Prevention inspection fees, for those food vendors selling food on September 23, 2023 at Woodland Park Day.**
- D. **Resolution R23-209, a resolution to authorize the Knights of Columbus Council #240 to conduct a “Shake a Can” Fundraiser at the intersections of McBride and Lackawanna Avenues; Glover and McBride Avenues; Hillery St. and McBride Avenue on Friday, September 15th, Saturday, September 16th and Sunday, September 17, 2023, between the hours of 8:30 A.M. to 4:30 P.M.**

- E. Resolution R23-210, a resolution certifying to the Local Finance Board of the State of New Jersey, that all members of the Governing Body of Woodland Park are in receipt of a copy of the 2022 Annual Audit and have personally reviewed at a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the Group Affidavit attested to by the members of the Governing Body.**
- F. Resolution R23-210, a resolution to authorize a soccer registration refund to Alexis Berry Gomez of Woodland Park, NJ in the amount of \$55.00.**
- G. Resolution R23-211, a resolution to approve the actions noted in the Consent Agenda, items A. through G., be and are hereby approved and the proper officers are directed to take necessary action on same.**

10. Collector/Treasurer Report:

CFO, Heather Barkenbush authorization for payment:

Authorize payment of the 08/15/2023 regular and miscellaneous payroll estimated at \$372,709.15 and the 8/30/2023 regular and miscellaneous payroll estimated at \$375,000.00.

Payment of bills from voucher list of 08/14/2023 totaling \$5,576.126.83.

11. Department Reports:

- 1. Fire Prevention Report of August 2, 2023
- 2. Municipal Court Report of July 2023
- 3. Summary Budget Status Report as of August 16, 2023

12. Old Business:

13. New Business:

A. Introduction to Ordinance 23-17

B. Resolution R23-212, a resolution to introduce Ordinance 23-17 AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO THE REGULATION OF FILMMAKING

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

C. Introduction to Ordinance 23-18

D. Resolution R23-213, a resolution to introduce Ordinance 23-18 AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO TREE REMOVAL AND PROTECTION

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

E. Introduction to Ordinance 23-19

F. Resolution R23-214, a resolution to introduce Ordinance 23-19 AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO RENT STABILIZATION

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

14. Executive Session:

15. Adjournment:

**Sandra Olivola, RMC
Municipal Clerk**

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-206**

MOTIONED BY:
SECONDED BY:

**A RESOLUTION TO AMEND RESOLUTION R23-147
RENEWAL OF LIQUOR LICENSES**

WHEREAS, renewals for Plenary Retail Consumption and Plenary Retail Distribution licenses for the Borough of Woodland Park for the 2023-2024 licensing season have been filed; and

WHEREAS, all requirements applicable thereto have been properly made and are in order; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey that the Plenary Retail Consumption and Plenary Retail Distribution licenses set forth as follows be hereby renewed for the 2023-2024 licensing season effective July 1, 2023:

Great Notch Inn, Inc	1616-33-006-005
All In One Deli	1616-44-016-006
Shree Jai Ambe LLC	1616-33-018-012
Mountainview Caterers, Inc.	1616-33-010-003
McBride Restaurant, Inc.	1616-33-015-003
World Market LLC	1616-44-009-007
Luigi Piedra Single Member, LLC	1616-33-014-014
Texas Road House Holdings, LLC	1616-33-008-006

NOW THEREFORE BE IT RESOLVED, that the Municipal Clerk be and is hereby authorized to issue the appropriate license certificates to the respective licensees as approved by this resolution.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-207**

MOTIONED BY:
SECONDED BY:

FIREWORKS APPROVAL

WHEREAS, the Recreation and Park Advisory Board of the Borough of Woodland Park, County of Passaic, State of New Jersey is seeking approval and authorization to hold a firework display at the annual “Woodland Park Day” which is to be held on Saturday, September 23, 2023; and

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

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, does hereby grant their consent to hold a fireworks display, on September 23, 2023 under the supervision of the West Paterson Fire Department and West Paterson First Aid Squad.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-208**

**MOTIONED BY:
SECONDED BY:**

**DEPARTMENT OF HEALTH AND FIRE PREVENTION
FEE WAIVER – WOODLAND PARK DAY - SEPTEMBER 23, 2023**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, acknowledge the efforts of Woodland Park Recreation Department in their endeavor to provide a successful Woodland Park Day event for the residents of Woodland Park; and

WHEREAS, the Woodland Park Recreation Department has requested that the Mayor and Council waive the Department of Health and Fire Prevention fees for vendors selling food at the Woodland Park Day scheduled on September 23, 2023;

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, do hereby waive the fifty-dollar (\$50.00) Department of Health and Fire Prevention inspection fees, for those food vendors selling food on September 23, 2023 at Woodland Park Day; and

BE IT FURTHER RESOLVED, that all food vendors are required to secure a Department of Health License, issued by the Secretary of the Board of Health and comply with all State and Borough laws, rules and regulations as it relates to the sale of food.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-209**

**MOTIONED BY:
SECONDED BY:**

**KNIGHTS OF COLUMBUS COUNCIL #240
CAN SHAKE FUNDRAISER**

WHEREAS, the Knights of Columbus Council #240 has requested permission to conduct a “Shake a Can” Fundraiser on Friday, September 15th, Saturday, September 16th and Sunday, September 17, 2023, between the hours of 8:30 A.M. to 4:30 P.M., in order to collect voluntary contributions for operational costs and expenses; and

WHEREAS, the Knights of Columbus Council #240 has requested that this activity be held at the intersections of McBride and Lackawanna Avenues; Glover and McBride Avenues; Hillery St. and McBride Avenue; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the Knights of Columbus Council #240 in all of their activities and recognize the need to periodically solicit contributions from the public; and

WHEREAS, under the recommendation of Chief John Uzzalino subject to the approval from the County of Passaic and the State of New Jersey solicitation are permitted during daylight hours at the following locations; McBride and Lackawanna Avenues; Glover and McBride Avenues; Hillery St. and McBride Avenue; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park authorizes the Knights of Columbus Council #240 to conduct a “Shake a Can” Fundraiser at the intersections of McBride and Lackawanna Avenues; Glover and McBride Avenues; Hillery St. and McBride Avenue Friday, September 15th, Saturday, September 16th and Sunday, September 17, 2023, between the hours of 8:30 A.M. to 4:30 P.M.;

BE IT FURTHER RESOLVED, that this acknowledgement is conditioned on the following:

1. That no one under the age of eighteen (18) be permitted to solicit funds on any public street or from any person in/on a vehicle on a public street; and
2. That safety measures (clothing/jackets with reflective material/tape, traffic cones, barriers, etc.) be utilized to warn drivers of pedestrian activity in the road to protect the solicitors.
3. At least two warning signs shall be placed as follows: “CHARITABLE SOLICITATION 500 FEET AHEAD.”
4. With regard to solicitations at the intersection of McBride and Glover Avenues, solicitations are prohibited on the Paterson side of Glover Avenue east of McBride Avenue.
5. The Woodland Park Police Department may suspend solicitation operations at any time if any condition of the permit is violated or if the police officers or Departments sole discretion, traffic is being impeded or delayed or the public safety is at risk.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-210**

MOTIONED BY:
SECONDED BY:

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year (*insert fiscal year*) has been filed by a Registered Municipal Accountant with the (*insert "Clerk of the Board of Freeholders" or "Municipal Clerk"*) pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Woodland Park hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

2022 AUDIT CORRECTIVE ACTION PLAN

Finding/Condition #1: The DPW Department is not turning over all receipts to the Finance Department in a timely manner.

Recommendation –That the DPW Department turn over all receipts in a timely manner.

Corrective Action: The DPW Superintendent spoke to the Recycling Attendant and made him aware that all funds need to be remitted to the Finance daily in order to comply with State Statue.

Implementation date: September 1, 2023

Finding/Condition #2: In some instances, Construction Code Fees were not charged according to the Fee Ordinance.

Recommendation –That all Construction Code Fees be charged according to the Fee Ordinance.

Corrective Action: Our Edmunds system will be updated in order to account for fees not listed in the Edmunds schedule.

Implementation date: September 15, 2023

Finding/Condition #3: In one instance an eligible employee was not enrolled in the DCRP.

Recommendation –That all eligible employees be enrolled in the DCRP.

Corrective Action: In once instance a part time summer help employee was hired again in September for our new Before and After Care Recreation program. The dual employment caused that employee to be over the threshold for enrollment in DCRP since they then worked under two seasonal capacities. We reevaluated our seasonal help hiring processes and are now enrolling all employees into the DCRP as soon as they are hired instead of waiting until they hit the \$5,000.00 threshold.

Implementation date: September 1, 2023

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION 23-211**

**MOTIONED BY:
SECONDED BY:**

**AUTHORIZE REFUND OF
SOCCER REGISTRATION**

WHEREAS, the Borough of Woodland Park Recreation Department processes registrations for the 2023 soccer registration through Community Pass; and

WHEREAS, payments for registration are typically made using credit cards and e-check through the Community Pass website; and

WHEREAS, it is the policy of the Borough to issue refunds by check; and

WHEREAS, the Chief Financial Officer has certified the funds available in Account No. T-18-56-850-000-810.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park that the Borough Treasurer is hereby authorized to refund Alexis Berry Gomez of, Woodland Park, NJ the amount of \$55.00.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-XXX**

MOTIONED BY:
SECONDED BY:

APPROVAL OF CONSENT AGENDA

BE IT RESOLVED, by the Acting Mayor and Council of the Borough of Woodland Park that the actions noted in the Consent Agenda, items A. through G., 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
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Acting Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-212**

**MOTIONED BY:
SECONDED BY:**

INTRODUCTION OF ORDINANCE 23-17

**AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF
THE CODE OF THE BOROUGH OF WOODLAND PARK WITH
REGARD TO THE REGULATION OF FILMMAKING**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

ORDINANCE NO. 23-17

**AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF
THE CODE OF THE BOROUGH OF WOODLAND PARK WITH
REGARD TO THE REGULATION OF FILMMAKING**

PREAMBLE

This Chapter shall be known and may be cited as the "Filmmaking" Ordinance of the Borough of Woodland Park, and codified within Chapter 8, Section 26: Filmmaking in the Borough's Codified Ordinances.

§28:1-1. Filing of Copies.

Immediately upon adoption of this Chapter, the Borough Clerk shall file a copy of this Chapter with the Office of the County Administration and the New Jersey Motion Picture and Television Commission.

§28:2-1. Establishment & General Provisions.

It is hereby established that all matters relating to filmmaking in the Borough of Woodland Park will be heard and approved, waived and/or denied by the Borough Administrator. Applications will be decided on a case-by-case basis and appeals from the Borough Administrator's decision can be made to the Mayor and Council of the Borough of Woodland Park by formal letter stating the objections to the Administrator's decision. Filmmaking is defined as photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium, digital, analog, or otherwise, that has or has not been currently invented." This Chapter does not seek to regulate, control or restrict any personal or family filmmaking, videotaping or still photography. Private wedding and family event productions are exempt, even when made on public property using professional photographers and videographers, so long as the final product is for personal use only. Weddings and events that will be used for any use other than distribution to family and friends (people who personally know the subjects) are not exempt (i.e., reality shows, etc.). Other exemptions on public property include news coverage (newspapers, magazines, and like publications) and student productions. Permanent commercial film production facilities which have met all zoning and building codes requirements for certificates of occupancy are specifically exempt from the provisions of this Ordinance (Chapter 28, et seq.) of the Borough's Codified Ordinances, Filmmaking, unless a specific production will impact outside of the facility (lighting, sound, off-site parking, etc.). In addition, the requisites of the applicability of this Ordinance shall be determined by the size of the production.

§28:3-1. Experts and Staff.

The Borough Administrator or Council may employ or contract for the services of experts and utilize other staff and services as it may deem necessary to assist with the review, approval of and administration of permits that are submitted for review and consideration.

§28:4-1. Rules and Regulations: Powers and Duties.

The Borough Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this Chapter. Filmmaking on public property and filmmaking on private property that will be disruptive to the Borough residents and businesses that are not part of the production shall be delineated herein. The determination between whether a production needs approval or permits will not be determined on a private vs professional basis but will be based on the size of the production, as addressed herein. In addition, the applicant must obtain a listing of property owners within a 100' radius of the proposed filming site and must be included within the said application. This listing can be obtained from the Borough's Tax Assessor's office.

§28:5-1. Application Required.

Anyone desiring to conduct filmmaking on public property or a large production on private property shall submit an application to the Borough Administrator. The instructions for the application are set forth on the application document. The application is available through the office of the Borough Clerk and further explained and defined, herein. In addition, the completed application with all required information/attachments must be submitted to the Borough's Clerk.

§28:6-1. Time for Final Approval.

- A Application for final approval shall be granted or denied within five (5) days of the submission of a complete application or within such further time as may be consented by the applicant.
- B Final approval shall expire seven days from the designated start date established by the Borough at the time of approval.
- C. Extensions will be considered based upon need and will not be unreasonably withheld.
- D. An emergent application, which intends to bypass the timelines established herein, may be filed by an applicant. Wherein, the applicant will be required to pay an additional fee based upon the extra resources that are required to process the emergent application, as well as any/all additional costs that are attributable to an expedited request.

§28:7-1. Application Procedure.

- A. Applications for filmmaking within the Borough of Woodland Park shall be filed with the Borough Administrator's office five (5) days prior to the proposed filming date.
- B. The following shall be delivered to the Borough Clerk for all productions, with a gross budget in excess of \$75,000.00 (seventy-five thousand dollars), and is determined a "large project".
 - (1) The original application document and ten (10) copies of an application in a form for approval by the Borough Administrator.
 - (2) A location map, including the nearest cross streets and ten (10) copies of the location map.
 - (3) An administrative review of the application is to be completed by the Mayor, Administrator, Police Department, Fire Department, Zoning Officer and Emergency Management Coordinator, upon completion of the review the Borough Administrator shall approve or deny the application within the time prescribed herein.
 - (a) The report shall contain, but not be limited to, the following:
 - 1. Traffic issues.
 - 2. Environmental issues.
 - 3. Use of Borough resources.
 - 4. Related zoning issues.
 - 5. Fire related issues.
 - 6. On-site emergency medical issues.
 - 7. Other Borough operational matters.
 - 8. Other community impacts.
 - (b) Said report shall be used as a basis to determine the need for Borough involvement in the filmmaking operation. All costs incurred by the Borough of Woodland Park for the health, safety, and welfare of residents and visitors will be borne by the applicant.
 - (4) Permit fees.
 - (a) On public property:
 - 1. Small production, less than five (5) people on-site involved in production: \$500.
 - 2. Medium production, five (5) to (20) people on-site involved in production: \$1,500.

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

3. Large production, more than 20 people on-site involved in production: \$2,000.

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

(b) Note: People involved in a production include all individuals involved in the production whether paid or unpaid, including, but not limited to, crew, talent, interview subjects, craft services, medical personnel, publicists, production staff, media coverage of the production itself, interns, observers, guests, and onlookers. Permits do not include exclusive access to an area unless expressed in the permit. Exclusive access requires a police presence and therefore, a location fee.

(5) Location fees.

(a) Location fees may be applied to any size production noted above and whether they will take place on public or private land. Location fees shall be paid to the Borough prior to the commencing any filming or production work, as well as any additional costs that may be applicable.

(b) The Business Administrator shall consult with all of the Borough's Department heads as necessary to determine the impact to the Borough. Location fees will include, but not be limited to costs incurred by the Borough because of the production such as police, fire, or EMS personnel required on set, closing of streets, traffic concerns due to vehicles, infrastructure concerns, required presence of a utility, protection of neighboring properties. The Business Administrator may waive, increase or decrease fees on a case-by-case basis, as dictated by the depth/complexity of the said application.

(c) The charge for the use of the Borough owned property if requested, will be determined by the Business Administrator and will be dependent upon the parameters of the request (i.e.: location, length of use, services required, etc.), and is not part of this application process.

(6) Insurance.

i. Prior to the issuance of permit for filming on Borough property, facilities, or with use of Borough employees, the applicant shall provide the Borough with satisfactory proof of the following:

1. Proof of insurance coverage listing the Borough of Woodland Park as an insured or additional insured which coverage shall provide as a minimum:

a. For bodily injury/property damage in the amount of one million (\$1,000,000) dollars per occurrence and in the aggregate amount of two million (\$2,000,000) dollars.

b. For personal/advertising injury one million (\$1,000,000) dollars for each occurrence.

2. A written hold harmless and indemnification agreement acceptable to the Office of the Borough Administrator. The holder of a permit shall not harm the area in which filming takes place and holder of a permit shall not assign its rights under a permit to any other individual or entity. This section shall not create any liability to the Borough of Woodland Park with respect to any adjoining property owners. The applicant shall agree to indemnify and hold harmless the Borough of Woodland Park from any and all liability, expense, claim, or damages resulting from the use of Borough Public Lands and Borough Facilities.
 3. The Borough may require a performance bond, depending on the nature of the filming.
 4. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by Municipal law enforcement, the Borough's Fire Code Official, and the Borough's Building Code Official, and with respect thereto.
 5. The permit holder shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles off of public thoroughfares so that they will have a minimal effect on traffic. Permit holders must obey County and Municipal noise ordinances and any all vehicles parked on public rights of way shall be done so in accordance with all applicable state, county, and municipal regulations.
 6. The permit holder shall not interfere with previously scheduled activities upon Borough Public Lands and in Borough Facilities and shall limit, to the extent possible, any interference with normal public activity on such Borough Public Lands and normal operations in Borough Facilities.
 7. If the holder of the permit shall fail to comply with the provisions outlined herein, the Borough Administrator shall revoke the permit and the applicant must immediately cease and vacate its operations from the Borough's Public Lands and/or Facilities.
 8. It is requested that the holder of a permit consider adding a credit to the completed film noting that it was "filmed in the Borough of Woodland Park", New Jersey, with the cooperation of the Mayor and Council of the Borough of Woodland Park.
 9. Permit holders shall not portray the Borough, its departments or agencies, or any officers or employees thereof in a false or negative light or in a manner that would give a false impression of the fact of any of the foregoing in the mind of a reasonable viewer.
- b. Refusal to Issue Permit, Employment of Law Enforcement and Alterations to Facilities.
- i. The Borough of Woodland Park may refuse to issue a permit wherever it determines on the basis of objective facts and after a review of the application by the Borough's Administrator and by other County agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate a law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic, unreasonably interfere with Borough business, or otherwise endanger the public's health, safety and welfare.
 - ii. The Borough of Woodland Park reserves the right to require one or more sworn Municipal Law Enforcement officers, security personnel, fire/EMS

personnel or any other such specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production.

- iii. Any an all modifications to Borough property, including but not limited to electrical power lines, facility modifications, or temporary structures must be requested in writing to County Administration for review prior to engaging the services of any tradesman or craftsman. When existing electrical power lines are to be utilized by production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§28:8-1. Hearings.

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

§28:9-1. Notice of Hearing.

- A. The applicant shall give notice of the hearing as follows:
 - (1) Public notice shall be given by publication in the official newspaper of Borough of Woodland Park at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 500 feet in all directions of the property which is the subject of such hearing and whether located within or without the Borough of Woodland Park in which the applicant wishes to conduct filmmaking in accordance with this Chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.
 - (3) Notice shall be given by personal service or by certified mail to the Passaic County Commissioners and the New Jersey Motion Picture and Television Commission.
- B. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for bearing, and the applicant shall file an affidavit of proof of service with the Borough Council.
- C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing and the filing of domestic return receipt documents (PS Form 381 1) with the Borough Clerk.

- D. Form of notice. All notices required to be given pursuant to the terms of this Chapter shall state the date, time and place of the hearing, the nature of the matter to be considered and identification of the property proposed to conduct filmmaking by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this Chapter.

§28:10-1. List of Property Owners.

The Tax Assessor of the Borough of Woodland Park shall, within seven days after receipt of request therefore and upon receipt of payment of a fee of \$100 make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to, as required by this Ordinance. This will include all property owners located within 100' feet of the proposed filming site.

§28:11-1. Decisions.

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

§28:12-1. Enforcement.

- A. The requirements of this Chapter shall be enforced by the Woodland Park Police Department. If the Police Department finds filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator or Borough Council, all activities relating to and in support of filmmaking will cease immediately and summonses will be issued to the property owner and the filmmaking company. Both the property owner and the filmmaking company shall appear in the Borough of Woodland Park Municipal Court.
- B. Upon notice to cease, from the Woodland Park Police Department, should filmmaking activities continue both the property owner and the filmmaking company shall be subject to per diem fines in accordance with this Chapter, in an amount not to exceed \$5,000.

§28:13-1. Violations and Penalties.

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

- A. Filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator:
- (1) Property owner: up to \$5,000.
 - (2) Filmmaking company: up to \$5,000.
- B. Failure to cease filmmaking activities after being noticed by the Police Department:
- (1) Property owner, for each day of violation: up to \$5,000.
 - (2) Filmmaking company, for each day of violation: up to \$5,000.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced:

Adopted:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-213**

MOTIONED BY:
SECONDED BY:

INTRODUCTION OF ORDINANCE 23-18

**AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO TREE REMOVAL AND PROTECTION**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023

Dated

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

ORDINANCE NO. 23-18

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD TO
TREE REMOVAL AND PROTECTION**

§ 27-1 TITLE.: Tree Removal and Protection Ordinance, for the betterment of Forestry in the Borough of Woodland Park.

This chapter shall be known as "Tree Removal and Protection Regulations of the Borough of Woodland Park."

§ 27-2 FINDINGS AND PURPOSE.

The Borough Council of the Borough of Woodland Park finds that the preservation, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; conserves and enhances the Borough's physical and aesthetic appearances and generally protects the public health and safety as well as the general welfare.

§ 27-3 PERMIT REQUIRED FOR CERTAIN ACTS, WITHIN HIGHWAYS OR PUBLIC PLACES.

No person shall do or cause to be done any of the following acts affecting the trees, shrubbery or ornamental material planted or growing naturally within the highways or public places under the jurisdiction of the municipality, except with a written permit first obtained from the Department of Public Works (DPW);

Cut, trim, break, disturb the roots of, or spray with chemicals any living tree or shrub; or injure, misuse, or remove any structure or device placed to support or protect any tree or shrub;

Plant or remove any living tree or shrub, or climb with spikes any living tree or shrub;

Fasten any rope, wire, electric attachments, sign or other device to a tree or shrub, or to any guard about such tree or shrub;

Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of such tree or shrub;

Pile any building material, or make any mortar or cement within six (6) feet of a tree or shrub;

Change the grade of the soil within the limits of the lateral spread of the branches of any such tree.

§ 27-4 DEFINITIONS.

The following definitions shall apply to this chapter:

PERSON

shall mean the owner of a parcel of real estate or any other individual, group, company, firm, corporation, partnership, association, society or other legal entity.

TREE

shall mean a deciduous or evergreen tree which shall be a caliper of at least two and one-half (2-1/2) inches measured four and one-half (4-1/2) feet about the ground when planted (e.g. red, Norway, silver or sugar maple; sweetgum; London plane tree; American sycamore; white, red or pin oak; American elm; yellow or white poplar; or copper beech), unless otherwise identified through the mitigation process.

RIGHT OF WAY

shall mean the use of a landowner's property, from the beginning of the property line up to six feet inward – for access by the Borough for uses that are beneficial to the public good. Which include but not be limited to access and use for infrastructure and utilities.

SPECIES

shall mean for purposes of this chapter, the common name of the tree.

STRUCTURE

shall mean a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§ 27-5 WIRE, CABLE, ELECTRIC CURRENT.

Every person having control over any wire for the transmission of an electric current along a public highway shall at all times guard all trees through, or near, which such wire passes against any injury from the wire or cable or from the electric current carried by it. The device or means used shall in every case be subject to approval by the Department of Public Works.

§ 27-6 PERMIT REQUIRED.

No person shall cut down or remove any tree of a caliper of four (4) inches or greater measured at a height of four and one-half (4 1/2) feet above the ground or engage in any site clearing without a tree removal permit.

§ 27-7 GUY WIRES, BRACES PROHIBITED.

No person shall place any guy wire, brace or tree device on any such tree in such a manner as to injure it.

§ 27-8 INJURY BY ANIMALS.

No person shall hitch or fasten an animal to any tree or shrub upon a public highway or to any guard or support provided for the same, or permit an animal to bite or otherwise injure any tree or shrub.

§ 27-9 CHEMICAL DAMAGE.

No person shall permit any brine, gas or injurious chemical or liquid to come in contact with the stump or roots of any tree or shrub upon a public highway.

§ 27-10 INTERFERENCE WITH DEPARTMENT OF PUBLIC WORKS.

No person shall prevent, delay or interfere with any lawful work undertaken by the Department of Public Works or its authorized agent. Any act to interfere with the work of the DPW or Borough Agent, may lead the offender to be charged with a criminal violation.

§ 27-11 DANGEROUS TREES AND SHRUBS.

§ 27-11.1 Removal Required; Notice.

In case any tree or shrub, or any part thereof, along the public highway, public street or public right of way, shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub shall be, shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the Department of Public Works or Borough Code Enforcement. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.

§ 27-12 CLEAR VIEW REQUIRED AT INTERSECTIONS; HEIGHT OF BRUSH; AND RIGHT OF WAY

- A. The owner or tenant of any lands lying within the municipality may be required to trim brush, hedges, trees, or any other plant growth that may cause visibility issues along a roadway or intersection within the Borough, at the discretion of the DPW Superintendent or Borough Code Enforcement.

The owner or tenant of any lands lying within the municipality shall keep all brush, hedges and other plant life, growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two (2) roadways, cut to the height of not more than two and one-half (2 1/2) feet.

- B. The landowner is also still responsible to remove overgrown brush, dying/dead trees and the like from the right of way which is property which will remain under the control of the landowner for maintenance, etc. This provision is consistent with the prevailing law of the State of New Jersey, and the Borough's other property maintenance Ordinances.

§ 27-13 REMOVAL BY MUNICIPALITY.

If the owner fails to remove the tree or shrub or portion thereof within four (4) weeks after the service of written notice to do so, the work shall be performed by the municipality under the supervision of the DPW Superintendent, who shall certify the cost thereof to the Council.

§ 27-14 COSTS CHARGED AGAINST LAND; LIEN ESTABLISHED.

Upon receipt of the certified costs, the Council shall examine same and if found correct shall cause the costs to be charged against the lands, or if the Council deems the costs to be excessive, shall cause the reasonable cost to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 27-15 APPLICATION PROCEDURE.

- a. Application for a tree removal permit shall be made by submission of the following:

1. An original application on forms provided by the Borough containing the following information: the names and addresses of the applicant; the street address of the property in question; the number of trees to be removed; and such other information as may be required, including a map drawn to scale.

§ 27-16 FEES.

"Per property, the first tree permitted for removal will not incur a mitigation charge. There will be no mitigation charge if a tree is deemed dead, upon inspection by the DPW Superintendent. With prior approval from the DPW Superintendent, the property owner may agree to plant one (1) tree, per mitigation charge, to offset the cost of mitigation. Said tree(s) must be planted within a reasonable amount of time, as determined by the DPW Superintendent prior to approval of the permit.

Number of Trees	Fees
1 to 5	\$50.00
6 to 10	100.00
11 to 20	200.00
21 to 50	300.00
51 and over	400.00, plus an additional 100.00 for each additional fifty (50) trees or part thereof"

§ 27-17 STANDARDS FOR APPLICATION REVIEW.

The following standards for review of applications shall apply:

- a. Permitted Removal. No tree shall be permitted to be removed unless the tree is:
 - 1. Located within the building footprint of a proposed principal building.
 - 2. Located between the curb lines of a proposed roadway approved pursuant to the subdivision ordinance.
 - 3. Dead or poses a safety hazard.
 - 5. Located within fifteen (15) feet of any building.
 - 6. Located within the area of a proposed driveway, walkway, utility line, accessory building or any other structure.

7. Specifically permitted to be removed in a site plan approved pursuant to the Municipal Land Use Law.
- b. Conflict with Other Laws. Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by Zoning Ordinance (e.g. buffer zones and crestline provisions) or any other municipal, State or Federal Statute, ordinance or regulation.
- c. Hardship Appeal. In the event that an applicant believes the standards set forth in paragraph a. above constitute a hardship which prohibits a reasonable use of all or substantially all of the property in question, an applicant may seek relief from the Governing Body of the Borough of Woodland Park in the event that such relief is sought, the applicant shall submit an additional eight (8) copies of the documents required to be submitted as to the reasons for the claimed hardship. In addition, the applicant shall submit a fee for the hearing of the matter in the amount of three hundred (\$300.00) dollars. The Governing Body, upon submission of a complete application to the Borough Clerk, shall schedule a public hearing in connection with the requested relief. The applicant shall cause to be published in an official newspaper of the municipality a notice setting forth the time, date and place of the hearing to be so held, together with a brief statement of the relief requested. Such notice must be published within ten (10) days prior to the date of the hearing. Additionally, the applicant shall cause to be served upon all property owners within two hundred (200) feet of the property in question a similar notice by certified mail, return receipt requested, or by personal service. Proof of publication and service of notice shall be required to be submitted prior to the hearing. At the hearing, the applicant shall present witnesses under oath, and any other interested parties may do the same. All witnesses shall be subjected to cross-examination. The decision of the Governing Body shall be binding upon the municipal official in charge of enforcement and administration of this chapter.
- d. Mitigation. If there is a need to conduct tree removal to mitigate environmental issues, there may be additional charges, upon review from the DPW Superintendent.

§27-18 MITIGATION.

1. The charges associated with Mitigation of tree removal on a given property will be as follows:
 - (a) The first tree removed from a given property will not incur a mitigation charge.
 - (b) Each tree removed, beyond the first, will incur a mitigation charge. This charge is based on the current cost to plant a tree on public property, within the Borough of Woodland Park, as determined by the DPW Superintendent. This charge will be remitted to the Borough "Tree Fund".
 - (c) Upon review by the DPW Superintendent, a tree deemed to be "dying" or "dead" will not incur a mitigation charge.
2. Except in the event of a tree removal pursuant to an approved subdivision or site plan where a performance bond to assure tree planting was posted, as a precondition to the issuance of a permit where mitigation is required, the applicant may be required to post a cash bond to assure mitigation in an amount equal to the amount set forth in the resolution adopted by the Borough Council pursuant to subsection 27-17(d) for each minor and major tree to be planted. The bond shall be returned to the applicant upon completion of the required mitigation.
3. In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree permit issued pursuant to this chapter, the number of trees requiring mitigation shall be computed by assuming trees over six (6) inches in caliper.
4. The Application requesting a hardship mitigation consideration may be denied if it is determined that the removal of the proposed trees will cause an undue and adverse impact to the property in question, and other properties – without also submitting a mitigation plan.

§ 27-19 **PROTECTION OF EXISTING TREES.**

- a. In connection with any construction subsequent to tree clearing but prior to the issuance of a building permit or start of construction, snow fencing or other protective barrier acceptable to the official charged with the administration and enforcement of this chapter shall be placed around trees that are not to be removed. The protective barriers shall be placed at least ten (10) feet from the trunk of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- b. No person shall:
 1. Cut down or remove any tree except as permitted by this chapter or allow or cause such cutting or removal.
 2. Cause or allow any willful damage, injury or disfigurement of any tree growing within the Borough. For purposes of this subsection, the actions of any person shall be deemed willful if the damages, injury or disfigurement of any tree is caused as the result of but not limited to the following: cutting, gashing, or slitting of any tree; the pouring of any liquid or other material on any tree; or on the ground nearby; the construction or placement of any nonporous material on the ground around any tree so as to cut off the air, light or water from the roots; or placement or removal of any soil from within ten (10) feet of any tree.
 3. Store or pile building material or debris or place construction equipment within ten (10) feet of any tree.

§ 27-20 **APPEALS.**

Any person aggrieved by the decision of the official charged with the administration and enforcement of this chapter shall have the right within ten (10) days of the issuance of any decision by such official to appeal to the Borough Council, which shall take action as it deems necessary in matter. In the event of such an appeal, the procedures set forth with reference to applications based on hardship continued in subsection 27-17(c) of this chapter shall apply.

§ 27-21 **ENFORCEMENT.**

If any person shall continue to violate ANY provisions of this chapter, after being duly notified of the violation, or shall neglect to comply with any lawful order of the Department of Public Works, the failure to comply with a second or each of any subsequent notifications or orders, shall be constituted as an additional violation of this chapter, and each additional offense shall subject the offending party upon conviction to the same penalty as provided for the first offense. Violators shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced:

Adopted:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-214**

**MOTIONED BY:
SECONDED BY:**

INTRODUCTION OF ORDINANCE 23-19

**AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO RENT STABILIZATION**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 16th day of August 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

August 16, 2023
Dated

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

ORDINANCE NO. 23-19

**AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO RENT STABILIZATION**

§ 21-1 PURPOSE.

Under the legal powers granted to the Mayor and Municipal Council in order to promulgate the health, safety and general welfare of the citizens of the Borough, these provisions hereof are enacted, through this ordinance.

§ 21-2 DEFINITIONS.

AVAILABLE FOR RENT TO TENANTS

Fit for habitation as defined by the statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Passaic and Borough of Woodland Park and occupied or unoccupied and offered for rent.

DWELLING

Shall mean any building or structure or garage space which may be rented or offered for rent, to one or more tenants or family units. Exempted from this chapter are dwellings containing five or fewer housing space providing the landlord rents or offers for rent no other housing space in the Borough of Woodland Park. Also exempted is any motel, hotel or other premises primarily serving transient persons within the Borough of Woodland Park.

HOUSING SPACE

Shall mean that portion of a dwelling rented or offered for rent for living and dwelling purposes to one individual or family unit together with all privileges, services, furnishings, furniture, facilities and improvements, including, but not limited to parking space, garage space, storage space connected with the use or occupancy such portion of the property.

LANDLORD

Shall mean any person, firm, partnership, corporation or other entity and any officer, agent or employee, or any of the foregoing, which is the owner, rental agent, manager of, or otherwise has the authority to rent any rental unit to a tenant.

TENANT

Shall mean any non-owner occupant of a rental unit.

§ 21-3 ESTABLISHMENT OF RENTS.

- a. Establishment of rents between landlords and tenants to whom this chapter is applicable shall hereinafter be determined by the provisions of this chapter. At the expiration of a period of not less than twelve (12) consecutive calendar months following the effective date of the last previous rental increase for any unit of multiple dwelling housing space subject to rent regulation under the terms of this chapter, no landlord shall request, demand, receive or collect an increase in rental for such unit which shall exceed one hundred (100%) percent of the percentage increase in the Consumer Price Index in effect for the third month next preceding the month during which the rental increase permitted hereby is to take effect (hereinafter referred to as the "base month") and the consumer price index in effect one (1) year prior to the base month.

(Example: Any rent increase is limited to the increase in the CPI from a given month in year 1 to the same month in year 2.)

- b. For purposes of this chapter, Consumer Price Index means the Consumer Price Index for Urban Wage Earners and Clerical Workers, New York-Northeastern New Jersey published by the Bureau of Labor Statistics, United States Department of Labor.

- c. There shall be no increase in the rent of a month-to-month tenant within the period of any twelve (12) months and then no landlord may request to receive a percentage increase greater than as set forth in paragraph a. hereof.
- d. In the event of a vacancy a landlord may request, demand, receive and collect any increase for the rental unit from a new tenant.

§ 21-4 RENTAL INCREASES.

- a. Increase; when void. Any rental increase at a time other than at the expiration of a lease or termination of a periodic lease will be void.
- b. Unauthorized increases prohibited. No landlord shall after the effective date of this chapter charge any rents in excess of what he or she was receiving from the effective date of this chapter, except for increases authorized by this chapter.
- c. Violations and Penalties. A willful violation of any provision of this chapter, including, but not limited to, a landlord charging a tenant with inappropriate rents, will be charged with a violation of this chapter, and fined \$1,000 for each violation. Thereafter, the tenant is entitled to advance a civil action in the Superior Court of New Jersey's Special Civil Part, seeking any and all damages that the Court deems appropriate.
- d. Interpretation of This Chapter. This chapter shall be necessary for the welfare of the Borough and its inhabitants, and shall be liberally construed to effectuate the purposes thereof.
- e. Severability. If any provision of this chapter or the application for such provision to any person or circumstances is declared invalid, such invalidity shall not affect other provisions of this chapter which are declared to be severable.
- f. Effective date. This chapter is to take effect immediately upon passage and publication according to the laws of the state of New Jersey, and shall remain in full force and effect until such time that this ordinance is changed.

§ 21-4.1 MAXIMUM INCREASE ALLOWABLE.

Establishment of rent between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter. At the expiration of a lease or determination of this increase by a periodic tenant, no landlord may receive or request a percentage increase in rent greater than 2.5% in any calendar year.

§ 21-5 INCREASES; NOTICE TO TENANT.

Any landlord seeking an increase in rent shall notify the tenant of the calculations involved in computing the increase, including the Consumer Price Index at the date of the entry of the lease, the Consumer Price Index one hundred twenty (120) days before the expiration of the lease and the allowable rent increase.

§ 21-6 TAX SURCHARGE.

A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes. The tax surcharge shall not exceed that amount authorized by the following provisions. The landlord shall divide the change in the property tax between the previous two (2) calendar years by the number of rooms in the dwelling to obtain the tax increase per room. The tenant shall not be liable for a tax surcharge exceeding the tax increase per room multiplied by the number of rooms occupied by the tenant.

§ 21-7 NOTIFICATION OF TAX SURCHARGE.

Any landlord seeking a tax surcharge shall notify the tenant of the calculations involved in computing the tax surcharge including the present property tax, the total number of rooms in the dwelling, the tax increase per room, the number of rooms occupied by the tenant and the maximum allowable surcharge.

§ 21-8 PAYMENT OF SURCHARGE.

The tax surcharge that each tenant is liable for shall be paid in twelve (12) monthly installments.

§ 21-9 SURCHARGE NOT CONSIDERED RENT.

The tax surcharge shall not be considered rent for purposes of computing cost of living rental increases. In instances when tax surcharges shall have been imposed resulting from increases in municipal property taxes, proportionate reductions shall be provided in instances when municipal property taxes shall have been reduced.

§ 21-10 INCREASES FOR CAPITAL IMPROVEMENTS.

Landlord may seek additional rental for any major capital improvement or any substantial increase in the services rendered to the tenants. The landlord shall notify each tenant who may or shall be affected by such rental increase by certified mail of the total cost of the completed capital improvement, the number of years of useful life thereof as claimed by the landlord for the purpose of depreciation for Federal income tax purposes, the average annual cost of the improvement or service, the total number of square feet in the structure in which any multiple dwelling space is situated, the total number of square feet occupied by the tenant, and the capital improvement or service increase surcharge which the landlord is seeking from each tenant. The tenant shall not be liable for a capital improvement or service increase surcharge exceeding the same ratio to the total annual cost thereof as the number of square feet occupied by the tenant to the total number of square feet in the building or structure in question. Any landlord seeking a capital improvement or service increase surcharge shall appeal for the surcharge to the Municipal Council. The Municipal Council shall determine if any improvement is a major improvement or if the service increase is a substantial service increase. In no event shall any surcharge granted pursuant to this chapter exceed fifteen (15%) percent of the tenant's rent in effect at the time of the granting of such surcharge. Commencing with the month next succeeding the date of the granting of any such capital improvement or service increase surcharge, each tenant affected thereby shall pay, together with his monthly rental, one-twelfth (1/12) of the portion of such surcharge allocated to him by application of the calculation hereinabove set forth. Prior to any such appeal to the Municipal Council for any such capital improvement or service increase surcharge, a landlord shall post in the lobby of each building where the tenants of which may or shall be affected thereby, or, if no lobby is present, then in a conspicuous place on the premises, a notice of the appeal setting forth the basis for the appeal and the place and date scheduled for the hearing thereof. The notice must be posted not less than ten (10) days in advance of the date scheduled for the hearing of the appeal.

§ 21-11 TAX APPEALS.

In the event of a tax appeal the portion of a tenant's tax surcharge not being paid by the landlord to government will be held in an interest-bearing account.

§ 21-13 HARDSHIP INCREASES.

In the event a landlord cannot meet his mortgage payments and maintenance, or cannot realize a reasonable profit from his investment in his property, he may appeal to the court of competent jurisdiction for increased rents.

§ 21-14 STANDARDS OF SERVICE AND MAINTENANCE.

- a. Maintenance of Standards. During the term of this chapter the landlord shall maintain to minimum housing standards service, maintenance, furniture, furnishings or equipment in the housing space and dwelling as he provided or was required to do by law or lease at the date the lease was entered into.
- b. Deficiency in Maintenance of Standards, Recourse. An individual tenant or a class of tenants who are not receiving substantially the same standards of service, maintenance, furniture or furnishings or equipment may have the court of competent jurisdiction determine the reasonable rental value of the housing unit or dwelling in view of this deficiency. The tenant or class of tenants shall pay the reasonable rental value as full payment for rent until the landlord proves that the deficiency has been corrected.

§ 21-15 UNAUTHORIZED INCREASES PROHIBITED.

No landlord shall after the effective date of this chapter charge any rents in excess of what he was receiving from the effective date of this chapter except for increases authorized by this chapter.

§ 21-16 FIRST RENTAL OF DWELLING SPACE.

The owner of housing space or dwelling being rented for the first time shall not be restricted in the initial rent CHARGED. Any subsequent rental increases, however, shall be subject to the provisions of this chapter.

§ 21-17 VIOLATIONS AND PENALTIES.

A willful violation of any provisions of this chapter including, but not limited to, the willful filing with the Municipal Council of any material misstatement of fact, shall be liable, upon conviction, to a penalty equal to twenty-five (25%) percent of the monthly rental fee in question; the penalty for subsequent offenses shall be equal to one hundred (100%) percent of the monthly rental fee in question. In addition, treble damages may be sought in a Court of competent jurisdiction. Such fine or fines and/or damages shall be computed on the basis of a separate violation as to each household.

§ 21-18 INTERPRETATION OF CHAPTER.

This chapter being necessary for the welfare of the Borough and its inhabitants, shall be liberally construed to effectuate the purpose thereof.

§ 21-19 SEVERABILITY.

If any provision of this chapter or the application for such provision to any person or circumstances is declared invalid, such invalidity shall not affect other provisions of this chapter which are declared to be severable.

§ 21-20 EFFECTIVE DATE AND TERM.

This chapter, upon passage and required publication, shall take effect immediately (adopted by Ord. No. 06-02) and shall remain in full force and effect until the Governing Body amends, revises or repeals this section according to law.

§ 21-21 ENFORCEMENT.

Matters of dispute should be referred to the court of competent jurisdiction.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced:

Adopted: