

**REGULAR MEETING
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS WAS
HELD THIS EVENING IN THE MUNICIPAL BUILDING**

Monday, November 23, 2015

Council President Louis Fontana called the meeting to order at 7:01 p.m. with the following members present: James Damiano, Pamela Porter, William Liess and Joseph Maceri. Also present were Mayor Darlene Conti, Township Attorney Leslie London, Township Engineer Dennis Lindsay Township Administrator Charles Cuccia and Municipal Clerk Cynthia Kraus

Township Employees present: DPW Superintendent Phillip Simone, Lieutenant Steven Post, Sergeant James Minnella and Deputy Registrar Marlene Simone.

Absent: None

Following the Salute to the Flag, the Statement of Public Notice was read.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 6, 2015; a copy of the notice was mailed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the Minutes of the meetings of June 9, 2014 and September 8, 2014 be and they were approved.

Poll: Ayes: Liess, Maceri, Porter and Council President Fontana
 Nayes: None
 Abstain: Damiano

The Council President declared the motion passed.

It was moved by Councilmember Porter, seconded by Council President Maceri, that the Minutes of the meeting of July 7, 2014 be and they were approved.

Poll: Ayes: Liess, Maceri, Porter and Council President Fontana
 Nayes: None
 Abstain: Damiano

The Council President declared the motion passed.

It was moved by Councilmember Maceri, seconded by Council President Fontana, that the Minutes of the meeting of August 11, 2014 be and they were approved.

Poll: Ayes: Liess, Maceri, Porter and Council President Fontana
 Nayes: None
 Abstain: Damiano

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Minutes of the meeting of November 9, 2014 be and they were approved.

Poll: Ayes: Liess, Maceri, Porter and Council President Fontana
 Nayes: None
 Abstain: Damiano

The Council President declared the motion passed.

REMARKS FROM THE CHAIR

Council President FONTANA announced that the annual tree lighting would be held at Memorial Park on 12/5/15 at said 7:00 p.m. He also informed that there will be a blood drive at St. Agnes Church on 12/1/15 from 3:30 p.m. to 7:30 p.m. He wished everyone a Happy Thanksgiving.

COUNCIL MEMBER REPORTS

Councilmember DAMIANO had nothing to report, but wished everyone a nice holiday.

Councilmember MACERI wished everyone a Happy Thanksgiving.

Councilmember PORTER informed that she attended the Veterans Day ceremony last week, and thanked the Damiano family for setting up the flags in the park. She also thanked the DPW for clearing a large tree that fell in front of her house a few weeks ago in under two hours. She commented that the new welcome signs around town are beautiful. She also reported on a new program in the school which is called *Sources of Strength* and shows kids where to look for inner strength when they need some help. She wished everyone a Happy Thanksgiving.

Councilmember LIESS wished everyone a Happy Thanksgiving.

MAYOR'S REPORT

Mayor Conti said the Veterans Day Ceremony was beautiful, noting that each one of the flags represented a NJ resident that perished while serving. She informed that the tank has been refurbished at the park and now has a plaque. She also informed that she attended the League Conference where she obtained some useful information for the Township. She informed that she recently received a letter from the NJDOT informing that the Township received money through the Highway Safety Grant Program for 2015. She also received a letter that the CRS has been improved from a classification of a nine to a six.

At this time, she announced that on 12/7/15, Lieutenant Post will be promoted to Chief of Police and Sergeant Minnella will be promoted to Lieutenant. The swearing in ceremony will take place in the Council Chambers at 7:00 p.m. She wished everyone a Happy Thanksgiving.

ATTORNEY'S REPORT

Ms. London had nothing to report.

ADMINISTRATOR'S REPORT

Mr. Cuccia informed that the refunding issue for the resale of bonds was completed last week and there was a large savings.

PUBLIC PORTION

It was moved by Councilmember Maceri, seconded by Councilmember Damiano, that the meeting be and it was opened to the public.

Poll: Ayes: Maceri, Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Renea Shapiro, Walnut Street, said she previously requested a Workshop to discuss how the town would institute taxes on MSU. She also raised the idea of having a water park in town. She reminded that they previously discussed partitions at the Civic Center to divide the space, noting that this also needs to be addressed. She questioned how topics are selected for Council meetings, and asked if certain topics have restrictions as to when a decision has to be made.

Louis Fernandez, Harrison Street, said there were Police Officers present at the Shoprite this weekend, writing tickets for parking in the fire zone. The officer had explained to him that police presence was requested by Shoprite. He questioned who pays the overtime for this.

Dorothy O'Haire, Turnberry Road, informed that the Flood Board had to postpone its meeting until 11/30/15. She also informed that the Peckman Project has been suspended by the Army Corps, as it was mishandled by them. The municipal portion of the project is \$35.2 million, which will be split between Little Falls and Woodland Park. She asked everyone to attend the next meeting to support the board. Regarding the CRS rating, she pointed out that there is a 20% for going from a nine to a six; Mr. Macones should be commended for his hard work with this.

Rocco Corage, 68 Jacobus Avenue, said he came to a meeting in July to discuss and present information to the Council regarding traffic calming measures on his street. He asked for the status of the traffic study, which former Chief Dmuchowski said would be performed. He also asked if any other measures have been taken to address the speeding on his street.

John Reilly, Cedar Street, agreed with Ms. O'Haire's comments and said she and the board should be supported. He would like to see if there is a way to have homes removed from the flood zone which have not experienced flooding. Regarding the ban on overnight parking, he is not sure why there is a rush to do something. This is a quality of life issue that affects a lot of residents. He suggested having exemption permits for some residents if they are to reinstate the ordinance.

No one further having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Liess, that the meeting be and it was closed to the public.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Cuccia said he and the attorney reviewed the case in Morristown with regard to imposing taxes on the college. At this point, the Township has been advised to do nothing.

Council President FONTANA said he would give a report on open space after they hold another meeting.

Mr. Cuccia said he has spoken with Mr. Pace about partitioning the room in the Civic Center. He said they could look into the issue further, but no one is currently being turned away from using the building.

Council President FONTANA explained that the agenda items are selected by Administration as work comes in. Discussions of these items are held at Workshop meetings prior to action at a Regular meeting.

Ms. London clarified that first readings of ordinances are the introductions and second readings are the public hearings, which allow the public to make comments and have discussion.

Mr. Cuccia explained that the Municipal Code addresses all aspects of boards/commissions that can be established by the Council, adding that ad hoc committees are only advisory and can be selected by Mayor or Council.

Councilmember DAMIANO said several of the committees provide reports on a regular basis.

Mr. Cuccia informed that 2016 is the last year the Township will collect taxes on the Ward Trucking property, adding that the amount is reduced each year.

Lieutenant Post informed that Shoprite pays for the salaries of the officers who are requested to patrol that area around the holidays. He spoke with the officers who were there; warnings were given prior to summonses being issued in most cases.

Mayor Conti said she would attend the Flood Board meeting on 11/30/15. She also said she would have a letter sent to Mr. Tucci in Cedar Grove that they have their debris along the river removed. Council President FONTANA recognized Mr. Macones for all of his hard work. Councilmember PORTER also thanked Mrs. O’Haire.

Lieutenant Post explained that the Senate bill that Mr. Corage of Jacobus Avenue previously presented did not pass. Councilmember DAMIANO pointed out that there have been traffic studies performed on Jacobus Avenue in the past. Lieutenant Post said he would look into the speeding issue further. Mr. Lindsay explained that some remedies were being considered, but they will affect plowing and other Township functions.

Councilmember DAMIANO pointed out that homes were incorporated in the floodway when FEMA redrew the areas, which were not included in the past. Mr. Lindsay agreed that FEMA was more aggressive in certain areas, and said the town could try to appeal to see if there is anything that can be done to change this. He also informed that he is currently working on an appeal for the new maps.

Council President FONTANA said the overnight parking ordinance is still in place, but has been suspended. They will be discussing this further to figure out the details.

CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

REPORTS

Municipal Clerk’s Report – Month of October 2015

MUNICIPAL CLERKS REPORT
Month of October 2015

ABC LICENSES		\$6,600.00
OTHER LICENSES		
Business Licenses	\$8,210.00	
Pre-paid Business Licenses		
Raffle Licenses	100.00	
		\$8,310.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$386.00	
Marriage Licenses-LF	12.00	
Marriage Licenses-NJ	100.00	
		\$498.00
MRNA		
Street Maps		
Zoning Maps		
Zoning Ordinances		
Document Copies	\$8.05	
Garage Sales	115.00	
Misc. Fees & Refunds:		
TOTAL MRNA		<u>\$123.05</u>
TOTAL CURRENT ACCOUNT		<u>\$15,531.05</u>
TOTAL TO TREASURER		<u>\$15,531.05</u>

Municipal Clerk’s Dog/Cat License Report – Month of October 2015

MUNICIPAL CLERK’S DOG/CAT LICENSE REPORT
Month of October 2015

Dog Licenses issued 10/1/15 thru 10/31/15	
Nos. 353 to 359 = 7 Licenses	
Amount due Little Falls	\$47.60
Amount due State	11.40
Total Cash Received	\$59.00
Cat Licenses issued 10/1/15 thru 10/31/15	
Nos. 32 to 34	
Licenses Issued 3	
Total Cash Received	\$24.00
Total to Treas.	<u>\$83.00</u>

Tax Collector’s Report – Month of October 2015

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of October 2015

Categories 01-	October 1-30, 2015	2015 Year to Date
2015 Taxes	\$1,697,286.04	\$34,755,070.39
2014 Taxes	47,975.40	447,830.83
2013 Taxes	0.00	69.70
Prepaid 2016 taxes	34,231.44	90,587.01
Interest	17,739.16	92,341.35
Duplicate Tax Bills	15.00	245.00

Meeting of November 23, 2015

Tax Searches	0.00	4.00
Insufficient Check Charge	0.00	180.00
6% Penalty Fee	1,984.78	11,089.85
GRAND TOTALS	\$1,799,231.82	\$35,397,418.13

Delinquent 2014 Taxes \$106,544.24 (1st-4th Qtrs.), tax sale 12/08/15.
 Delinquent 2015 Taxes \$648,935.09 (1st- 3rd Qtrs.).
Total Delinquent Taxes \$755,479.33

2015 Refunds this month = -\$ 2,173.18
 2015 Year to date refunds = -\$11,777.06
Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

REFUNDS IN THE YEAR 2015

Months	2011 STCJ
January	\$0.00
February	\$0.00
March	\$0.00
April	\$0.00
May	\$0.00
June	\$0.00
July	\$25,864.41
August	\$0.00
September	\$0.00
October	\$0.00
Totals	\$25,864.41

+

Months	2012 STCJ	2013 STCJ	2014 STCJ	2015 STCJ	2015 CBJ	Regular 2015	2015 Veteran / Widow	2015 Senior/ Disabled	Exempt 2015	2015 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,104.11	\$2,104.11
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.50	\$1,500.50
July	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$443.39	\$0.00	\$0.00	\$0.00	\$0.00	\$76,571.71
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18	\$0.00	\$0.00	\$0.00	\$0.00	\$2,173.18
Totals	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$8,172.45	\$0.00	\$0.00	\$0.00	\$3,604.61	\$87,905.38

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.
 CBJ= County Board Judgments.
 Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
 Revenues for the Month of October 2015

	Liens with Premiums Redeemed/(-)	Bal./Dep.(+)
Balance Brought Forward (January 1, 2015)		\$262,400.00
January 2015	\$62,000.00	\$200,400.00
February 2015	\$ 0.00	\$200,400.00
March 2015	\$11,800.00	\$188,600.00
April 2015	\$31,000.00	\$157,600.00
May 2015	\$ 0.00	\$157,600.00
June 2015	\$ 0.00	\$157,600.00
July 2015	\$10,000.00	\$147,600.00
August 2015	\$ 0.00	\$147,600.00
September 2015	\$23,000.00	\$124,600.00
October 2015	\$35,100.00	\$89,500.00
Ending Balance as of October 30, 2015		\$89,500.00

Municipality of Township of Little Falls
 Office of the Tax Collector
 Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
 Revenues for the Month of October 2015

Meeting of November 23, 2015

	<u>Deposit</u>	<u>Year-to-Date</u>
January 2015	\$26,826.41	\$26,826.41
February 2015	\$ 0.00	\$26,826.41
March 2015	\$22,131.51	\$48,957.92
April 2015	\$32,003.85	\$80,961.77
May 2015	\$ 0.00	\$80,961.77
June 2015	\$ 0.00	\$80,961.77
July 2015	\$ 0.00	\$80,961.77
August 2015	\$ 0.00	\$80,961.77
September 2015	\$39,427.13	\$120,388.90
October 2015	\$66,499.84	\$186,888.74
Total Collected as of October 30, 2015		\$186,888.74

RESOLUTIONS

Renewal of Plenary Retail Consumption License

RESOLUTION [A] 15-11-23 - #1

BE IT RESOLVED by the Little Falls Township Council as follows:
 WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION have been filed for the 2014-15 license term and the 2015-16 license term as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-007-010	Top Cucina Corporation t/a Bella Nottes Alta Cucina 112 Stevens Avenue	\$2,200.00

and WHEREAS, it appears that the said applications are in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person(s) for the same stand; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and
 BE IT FURTHER RESOLVED that the license be renewed accordingly, for the license terms of July 1, 2014 – June 30, 2015 and July 1, 2015 – June 30, 2016.

RESOLUTION [B] 15-11-23 - #2

BE IT RESOLVED by the Little Falls Township Council as follows:
 WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION have been filed for the 2015-16 license term as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-001-010	Golden Garden, LLC t/a Mizu Restaurant 68 Newark Pompton Turnpike	\$2,200.00

and WHEREAS, it appears that the said application is in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person(s) for the same stand; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and
 BE IT FURTHER RESOLVED that the license be renewed accordingly, for the license term of July 1, 2015 – June 30, 2016.

Awarding Contract for 2015 Winter Products

RESOLUTION [C] 15-11-23 - #3

ACCEPTING BID AND AWARDING CONTRACT
 FOR THE VENDORS LISTED BELOW FOR THE 2015 WINTER PRODUCTS
 Under County Cooperative Purchasing
 Contract Period December 1, 2015 through November 30, 2016

WHEREAS, the County of Passaic’s Purchasing Agent has advised that pursuant to advertising duly made, bids were received by the County of Passaic as lead agency for the Voluntary Cooperative Pricing System for the furnishing and delivery of
 Rock Salt, Grits, Magnesium Chloride Flakes, Magnesium Chloride,
 Calcium Chloride, Liquid Calcium Chloride
 for the Contract period December 1, 2014 to November 30, 2015; and

WHEREAS, the County of Passaic as lead agency, based on review of bids and the resulting recommendation, has awarded a master contract for this commodity; and

WHEREAS, the Township of Little Falls wishes to participate in the master contract for the purchase of WINTER PRODUCTS because the price under Contract No. 38-PCCP is lower than the prices quoted to the Township by other suppliers; and

WHEREAS the Township Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant the Local Finance Board; and the appropriation to be charged for this expenditure is Department of Public Works Other Expenses;

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

- 1) That the following bids be awarded for purchases to be made on an as-needed basis:

Atlantic Salt, Inc.
 134 Middle Street
 Suite 210
 Lowell, MA 01852
 Bid: \$65.95/ton

the award being based upon the unit price; and payment to be made based upon the unit price multiplied by the quantities), be and the same is hereby accepted; and

- 2) That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the purchase of the within designated goods at the bid price hereinabove cited.

Authorizing Transfers in 2015 Budget

RESOLUTION [D] 15-11-23 #4

WHEREAS, Title 40:4-58 of the New Jersey Statutes provides that should it become necessary, during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the

Meeting of November 23, 2015

Governing Body may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, not less than 2/3 of the members thereof affirmatively concurring, that the Treasurer be and is authorized to make the attached transfers in the 2015 Budget Appropriations.

Special Items of Revenue & Appropriation

RESOLUTION [E] 15-11-23 - #5

SPECIAL ITEMS OF REVENUE AND APPROPRIATION

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$2,689.05, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – 2015 Body Armor Fund in the amount of \$2,680.05;

BE IT FURTHER RESOLVED, that the like sum of \$2,680.05 is hereby appropriated under the caption:

General Appropriations

(A) Operations – Excluded from “CAPS”

Public & Private Programs Offset by Revenues

2015 Body Armor Fund

\$2,680.05

Cancellation of Current Fund Balances – Grants Receivable

RESOLUTION [F] 15-11-23 - #6

RESOLUTION RE: CANCELLATION OF CURRENT FUND BALANCES – GRANTS RECEIVABLE

WHEREAS, certain Current Fund Grant Receivable balances remain for purposes which have been completed; and

WHEREAS, the Township desires to cancel the remaining financial statement balances;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that the following financial statement balances be canceled of record:

<u>Grants Receivable</u>	<u>Operations</u>	<u>Grants</u>	<u>Appropriated Reserves for Total</u>
New Jersey State Police – OEM		\$1,500	\$1,500
Municipal Alliance on Alcoholism And Drug Abuse – 2013		11,271	11,271
Edward Byrne Memorial Justice Assistance Grant	\$1,798		\$1,798
Passaic County CDBG		6,726	6,726
Passaic County Open Space Trust Fund – Freeholder Fund	21,431	3,069	24,500
New Jersey Division Highway Safety Over the Limit Grant/Drive Sober or Get Pulled Over _____		4,225	4,225
	<u>\$23,229</u>	<u>\$26,791</u>	<u>\$50,020</u>

It was moved by Councilmember Porter, seconded by Councilmember Liess, that the Consent Agenda be approved as printed.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

Ordinance No. 1233 – It was moved by Councilmember Liess, seconded by Councilmember Damiano, that Ordinance No. 1233, “**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPLACING CHAPTER 136, ‘NOISE CONTROL’, IN ITS ENTIRETY**”, be and it was opened to the public.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Councilmember DAMIANO said he had questions about certain sections of the noise control ordinance that he would like to discuss, and asked that this ordinance be tabled.

Mr. Cuccia advised that the Council could table the ordinance, but a public hearing would still need to be held tonight.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1233 be and it was closed to the public.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Ordinance No. 1233 be tabled to the next Regular Council meeting on 12/28/15.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance #1234 – It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that Ordinance No. 1234, “**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF SELF-CONTAINED BREATHING APPARATUS UNITS FOR THE FIRE DEPARTMENT IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$545,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$518,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**”, be and it was opened to the public.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1234 be and it was closed to the public.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Liess, seconded by Councilmember Maceri, that the Ordinance No. 1234 be and it was adopted.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1235 – It was moved by Councilmember Liess, seconded by Councilmember Damiano, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1235
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING SECTION 122-19 OF THE TOWNSHIP CODE RESPECTING THE REVOCATION OF LICENSES OR PERMITS FOR FAILURE TO PAY TAXES**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides that any license or permit issued by the Township may be revoked or suspended for failure to pay property taxes for the licensed premises; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Subchapter 122-19 of the Code to clarify that only the licenses or permits of the property owner failing to pay taxes will be revoked or suspended and the licenses and permits of the tenants of the said delinquent property owners will not be revoked or suspended under these circumstances; and

WHEREAS, the Municipal Council has determined to amend Subchapter 122-19 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“§122-19 Revocation of license or permit for failure to pay taxes.

Any license or permit issued by the Township or any permit issued by any agency or Department of the Township under the provisions of this chapter may be revoked or suspended by the governing body where there has been a failure to pay the taxes due on the property for at least three consecutive quarters. The payment of tax provision shall apply to all licenses required under this chapter, including a license of a land owner for the rental of properties to a tenant-operated business. However, a property owner’s failure to pay property taxes will not jeopardize or impact the status of any license(s) or permit(s) of said owner’s tenant(s) or be a cause for any revocation or suspension of the tenant’s license or permit. (See Article IV of this chapter.)”

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Subchapter 122-19 of the Code to read as follows:

“§122-19 Revocation of license or permit for failure to pay taxes.

Any license or permit issued by the Township or any permit issued by any agency or Department of the Township under the provisions of this chapter may be revoked or suspended by the governing body where there has been a failure to pay the taxes due on the property for at least three consecutive quarters. The payment of tax provision shall apply to all licenses required under this chapter, including a license of a land owner for the rental of properties to a tenant-operated business. However, a property owner’s failure to pay property taxes will not jeopardize or impact the status of any license(s) or permit(s) of said owner’s tenant(s) or be a cause for any revocation or suspension of the tenant’s license or permit. (See Article IV of this chapter.)”

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 122 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the revocation of licenses or permits for failure to pay taxes are hereby modified pursuant to the terms of this Ordinance.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1236 – It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

At this time, Ms. London informed that changes must be made to this ordinance prior to introduction. These appointments should actually be made by the Business Administrator under this form of government. Paragraphs A, B, C & D must be modified to reflect these changes.

**ORDINANCE NO. 1236
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 82 FIRE PREVENTION**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township’s Code of General Ordinances (“Code”) provides for Fire Prevention in the Township; and
WHEREAS, the Municipal Council has determined to amend Chapter 82 of the Code and makes the following **amendment**:

§ 82-5. Appointments; qualifications; term of office; removal.
[Amended 6-21-2004 by Ord. No. 938

- A.** Appointment and qualifications of the Fire Official. The Fire Official shall be certified by the State of New Jersey and appointed by the Mayor ~~governing body~~. The Board of Fire Officers of the Little Falls Township Fire Department may provide the Mayor ~~governing body~~ with recommendations for the appointment of a Fire Official, which recommendations shall be advisory and not binding upon the Mayor ~~governing body~~.
- B.** Appointment and qualifications of the Senior Fire Inspector. The Senior Fire Inspector shall be certified as a Fire Official by the State of New Jersey and appointed by the Mayor ~~governing body~~. The Board of Fire Officers of the Little Falls Township Fire Department may provide the Mayor ~~governing body~~ with recommendations for the appointment of a Senior Fire Inspector, which recommendations shall be advisory and not binding upon the Mayor ~~governing body~~. The Senior Fire Inspector shall report to the Fire Official and be in charge of the Bureau of Fire Prevention in the event the Fire Official is absent for more than one week.
- C.** Appointment and qualifications of fire inspectors and other employees. Fire inspectors and other employees shall be appointed by the Mayor ~~governing body~~. The Board of Fire Officers of the Little Falls Township Fire Department may provide the Mayor ~~governing body~~ with recommendations for the appointment of fire inspectors and other employees, which recommendations shall be advisory and not binding upon the Mayor ~~governing body~~. The fire inspectors and other employees shall report to the Fire Official. All life hazard use inspectors shall be certified by the State of New Jersey.
- D.** Term of office. The Fire Official, Senior Fire Inspector each fire inspector and other employees shall serve for a term of one year. Any vacancy shall be filled for the unexpired term.
- E.** Removal from office. The Fire Official, Senior Fire Inspector, fire inspectors and other employees shall be subject to removal by the Mayor ~~governing body~~ for just cause. Before removal from office, the Fire Official, each fire inspector or other employees shall be afforded an opportunity to be heard by a hearing officer designated by the governing body. In the event of an adverse decision by the hearing officer, there shall be a right of appeal to the governing body.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

- 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- 2. The Municipal Council hereby amends Chapter 82- Fire Prevention
- 7. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 82 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
- 8. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- 9. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
- 10. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1237 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1237
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT SECTION 3-7.7 POLICE DIVISION SECTION G DUTIES AND RESPONSIBILITIES OF MEMBERS OF THE DIVISION**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provides for the establishment of a Police Division; and
WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend 3-7.7, of the Code entitled Division of Police; and

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

G.1 Chief of Police; Powers and Duties.

The Mayor shall appoint a Chief of Police who shall have all of the powers set forth in N.J.S.A. 40A:14-118 and who shall be directly responsible to the Township Administrator for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, pursuant to policies established by the Appropriate Authority:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- b. Have, exercise and discharge the functions, powers and duties of the force.
- c. Prescribe the duties and assignments of all subordinates and other personnel.
- d. Delegate authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief’s direction and supervision.
- e. Report at least monthly to the Township Administrator in such form as shall be prescribed by the Appropriate Authority on the operation of the force during the preceding month, and make such other reports as may be requested by the Mayor.

G.5 Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Township Administrator is hereby designated as the "appropriate authority."

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

- 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- 2. The Municipal Council hereby amends Chapter 3-7.7 of the Code of the Township of Little Falls.
- 11. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 3-7.7 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
- 12. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared

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unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

13. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

14. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1238 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1238
AN ORDINANCE AMENDING CHAPTER 147, PEACE AND GOOD ORDER,
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS

Chapter 147. Peace and Good Order

Article I. Disorderly Conduct

§ 147-1. Definitions and word usage.

A. The following words, when used in this article, shall have the following meanings:

TOWNSHIP

The Township of Little Falls.

DISORDERLY ASSEMBLAGE

Any two or more persons gathered together and acting in a boisterous, offensive and threatening manner towards each other or others or committing an act or acts which are a breach of the peace or which tend to create a breach of the peace.

PERSON

Includes a corporation, association, organization, firm and partnership, as well as an individual.

B. Whenever in this article any word importing the singular number or masculine gender is used in describing or referring to any person, party, matter or thing, the same shall include and apply to several persons or parties as well as to one person or party, to females as well as males and to several matters or things as well as one matter or thing.

§ 147-2. Prohibited acts.

A. Except as otherwise permitted by law, no person shall, within the limits of the Township:

- (1) Utter any loud, profane, indecent, lewd or offensive language in or upon any street or public place or make any indecent or offensive remarks or comments to or about any person lawfully in or upon any street or public place, or make any improper noise, or create a riot, disturbance or breach of the peace, or aid and abet any person in creating a riot, disturbance or breach of the peace, or disturb or endanger the public peace by any loud, abusive, offensive or disorderly language or act in any house or building or grounds belonging thereto or in any street or public place.
- (2) Make any threats or utter any threatening language or commit any act which tends to endanger the public peace, or take any part in or aid, abet or assist in a disorderly assemblage.
- (3) Commit an assault or an assault and battery on any person or engage in a fight with another person or persons, either in public or private, or aid, abet or assist in any of the foregoing acts.
- (4) Loiter, lounge, sleep or assemble in or upon any street, street corner, park or public place or obstruct passage through or upon any street, street corner, park or public building or congregate with others on a public street and refuse to move on when ordered to do so by a law enforcement official.
- (5) Disturb, interrupt or interfere, by rude, noisy, indecent, offensive or disorderly conduct, behavior or language, any public or private assembly whatever, including any church, place of worship, religious services, school, library or reading room.
- (6) Disturb, interrupt or interfere, by rude, noisy, indecent, offensive or disorderly conduct, behavior or language, the business, proceedings, activities or meetings of any Municipal Court or Judge, Board, Board of Education, Board of Health, Planning Board, Police Department, Street Department or any of the Township's appointed or officially constituted bodies, agencies, departments or committees.
- (7) Forcibly interfere with any member of the Police or Fire Department or any officer of the municipality in the performance of his duties or prevent or attempt to prevent any member of the Police or Fire Department or any officer of the municipality from performing his duty.
- (8) Interfere with, deface or mutilate any police or fire alarm box or the police or fire alarm system or any apparatus connected therewith, or knowingly give or send or cause to be given or sent a false fire alarm or aid or abet any person to give or send any false fire alarm.
- (9) Expectorate in or upon any public place, public building or public conveyance.
- (10) Offer or expose for sale, sell, possess or use any fireworks or pyrotechnics, except for public display under permit from the Township in writing.
- (11) Operate a carnival or aid, abet or assist in operating a carnival, or give any performance as a street or strolling player or aid, abet or assist in giving any such performance, except where charity is concerned, and then only by consent first obtained from the Township, in writing, provided that no such consent shall be given in any case where gambling or gaming devices or lewd, indecent or offensive exhibits or exhibitions are in any way used in connection with or form a part of any carnival or performance by any street or strolling player.
- (12) Operate a game of chance or gaming or gambling place of business without license to do so or permit a game of chance or gambling or gaming operation to take place on premises without such license.
- (13) Appear in any street or public place in a state of nudity or undress, or indecently or lewdly dressed.
- (14) Use an air rifle, air pistol, BB gun or similar weapons.
- (15) Maliciously or unlawfully destroy, deface, damage or injure public or private property, including any tree or pole.
- (16) Cut any tree, shrub or vine upon, or remove any earth, gravel or sand from, any land belonging to another without his permission.
- (17) Willfully damage, destroy or cause injury to any cultivated crop, orchard, fence, sign or implement belonging to another without his permission.
- (18) Abuse, mistreat or willfully injure any animal.
- (19) Play ball or any other game on any through street in the Township. Sports apparatus such as basketball nets, soccer and hockey goals and alike, may not be permanently placed on the street surface or permanently affixed in the road right-of-way.
- (20) Sell or offer for sale any goods, wares, merchandise, security or services by untrue, deceptive or misleading advertising or by untrue, deceptive or misleading representations made either orally or in writing.
- (21) Go in or upon any private property without proper permission, or go in or upon private property posted against trespassing, or remove, deface, alter or destroy any notice posted against trespassing, without proper permission, or solicit from house to house or in any street or public place a gift of money, clothing or any other thing for a person's own use.
- (22) Urinate or defecate in or upon any open public place, including parks, playgrounds or publicly owned property, or any public street, walkway, alley or parking area, or any place or area to which the public or a substantial group has access, whether publicly or privately owned; or urinate or defecate in or upon any place out of doors, whether public or private, if said place is clearly visible from any public place as described above.

§ 147-3. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not to exceed \$2,000 or imprisonment for a term not to exceed 90 days or a requirement to perform community service for a period not to exceed 90 days.

Article II. Obscene Materials

§ 147-4. Purpose.

The purpose of this article is to regulate, within the confines of New Jersey State law, the public display by retailers of obscene materials, particularly where such materials are likely to be viewed by minors.

§ 147-5. Definitions.

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

OBSCENE MATERIAL

Any description, narrative account, display or depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which, by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

RETAILER

Any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

§ 147-6. Prohibited activities.

It shall be a petty disorderly persons offense for a retailer to display or permit to be displayed at his business premises any obscene material as defined herein, at a height of less than five feet or without a binder or other covering placed or printed on the front of the material displayed.

§ 147-7. Presumptive evidence.

The public display of obscene material, as prohibited in § 147-6 above, on or at the premises of the retailer shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

§ 147-8. Violations and penalties.

Any retailer violating any of the provisions of this article shall, upon conviction thereof, be liable for a fine not to exceed \$2,000 or imprisonment for a term not to exceed 90 days or a requirement to perform community service for a period not to exceed 90 days. Each and every day in which a violation of any provision of this article exists shall constitute a separate violation.

At this time, Councilmember DAMIANO said a portion of this ordinance prohibits individuals from playing in the street; he is not in agreement with this. Mr. Cuccia said they have come up with a change to this section of the ordinance, and read the amendment. Mr. Cuccia said he would report back as to how many through streets there are in town.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1239 – It was moved by Councilmember Maceri, seconded by Councilmember Damiano, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1239
AN ORDINANCE AMENDING CHAPTER 15, AMUSEMENT DEVICES,
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

Chapter 15. Amusements

Article I. Carousels, Whips and Mobile Amusement Devices

§ 15-1. Definitions.

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

CAROUSEL, WHIP or OTHER MOBILE AMUSEMENT DEVICE

Includes any and all forms of amusement where the amusement device may be moved from place to place with the purpose of soliciting patrons or attracting audiences, irrespective of whether the same is accompanied by music, mechanical or otherwise, or by entertainment of any kind, or provides rides or other amusement for patrons.

§ 15-2. License required.

It shall be unlawful for any person to operate or conduct a carousel, whip or other mobile amusement device as herein defined, unless he first obtains a license from the Township Clerk as hereinafter provided.

§ 15-3. Application for license.

- A. Any person desiring a license under this article shall file with the Township Clerk an original and one copy of an application, under oath, in writing, on a form furnished by the Township Clerk.
- B. The application shall set forth the following information:
 - (1) The applicant's name, business name and business address.
 - (2) Whether the applicant is an individual, a partnership, a corporation or another entity, and, if another entity, a full explanation and description thereof.
 - (3) If the applicant is an individual, the applicant's residence address and date and place of birth.
 - (4) If the applicant is a partnership, the full names, residence addresses, dates and places of birth of each partner.
 - (5) If the applicant is a corporation or other entity, in the case of a corporation, the full names, residence addresses, dates and places of birth of each major officer and each stockholder, the name and address of the registered agent and the address of the principal office (the term "stockholder," as used herein, means and includes any person owning or having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of the applicant corporation); in the case of another entity, the full names, residence addresses, dates and places of birth of each person owning or having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of said entity, the name and address of the registered agent, if any, and the address of the principal office.
 - (6) Whether the applicant or any partners, officers or stockholders thereof have ever been arrested or convicted of a crime, and, if so, the name of the person arrested or convicted, the date of arrest, the crime or charge involved and the disposition thereof. The term "officers" as used herein means and includes the president, vice presidents, secretary and treasurer of a corporate applicant.
 - (7) A description of the device to be covered by the license.

§ 15-4. Investigation by Chief of Police.

The application shall be referred to the Chief of Police for the purpose of investigation as to the truth of the matters contained in the application, whether the applicant is of good moral character and whether the amusement device is in such condition as to be operated safely. The Chief of Police shall return the application with his report and with his approval or disapproval thereof endorsed upon the application.

§ 15-5. Prerequisites for issuance of license.

- A. No license shall be issued to any applicant unless he shall have attained the age of 21 years.
- B. No license shall be issued unless the Chief of Police has endorsed his approval thereof upon the application.
- C. No person shall be granted a license under this article unless he first furnishes evidence to the Township Clerk that he has secured and paid for a public liability insurance policy in amounts of not less than \$20,000 for one person and \$100,000 for any one accident.
- D. At the time of making application for a license under this article, the applicant shall deposit with the Township Clerk a bond in the sum of \$100,000, conditioned upon saving harmless the Township from any and all liabilities or cause of action which might arise by virtue of the granting of a license to the applicant, and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property, and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or any private property by such applicant.
- E. Every applicant under this article shall, before a license is issued, file with the Township Clerk a power of attorney, constituting and appointing the Township Clerk his agent for the acceptance of service of process of any court of competent jurisdiction, and any notices required to be given to the licensee or his surety on the bond, and the insurance company on the public liability policy.

§ 15-6. License fee; term.

The license fee shall be \$25 per year. The license shall expire on December 31 of the year in which the license was issued.

§ 15-7. License to be displayed; nontransferability.

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- A. The license issued under this article shall be posted permanently and conspicuously on the amusement device licensed.
- B. Such license shall not be transferred from one person to another, nor from one amusement device to another.
- § 15-8. Operation.
- A. No person holding a license under this article shall permit any person under 21 years of age to play or operate the licensed amusement device.
- B. No person holding a license under this article shall permit the operation of the licensed amusement device:
- (1) Before 10:00 a.m., on weekdays and Saturdays.
 - (2) After 11:00 p.m., on weekdays and Saturdays.
 - (3) On Sundays, all day.
 - (4) Within 1,000 feet of any church during religious services.
 - (5) Within 1,000 feet of any school during school hours.
 - (6) Within 2,000 feet of any medical facility at any time.
- C. No person holding a license under this article shall park the licensed amusement device at any intersection of streets or public highways or at any point upon a public highway so as to create a traffic hazard.

§ 15-9. Revocation or suspension of license.

- A. All licenses issued under this article shall be subject to revocation by the Council at any time for:
- (1) Fraud or misrepresentation in making application for the permit.
 - (2) Violation by the licensee of any of the provisions of this article or any rules and regulations promulgated hereunder.
 - (3) Violation of any other ordinance of the Township or laws of the State of New Jersey.
- B. Prior to such revocation, there shall be a hearing before the council, after a five-day written notice thereof.
- C. Such license may, pending revocation proceedings, be suspended by the Chief of Police if, in his opinion, the conduct of the licensee is detrimental to the health, safety and welfare of the Township.

§ 15-10. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Article II. Games of Skill; Jukeboxes

§ 15-11. Definitions.

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

AMUSEMENT AND ENTERTAINMENT MACHINES OR DEVICES

Any machine, contrivance or device which, upon the insertion of a coin, slug, token, disc or key into a slot, crevice or other opening or by the payment of any price, operates or may be operated by the public generally and shall include, without limitation, such devices as marble machines, pinball machines, mechanical games or machines, skillball or similar amusements and shall also mean pool or billiard tables and bowling alleys.

DISTRIBUTOR

Any person who supplies, offers or exhibits for sale, leases, sells or distributes automatic amusement and entertainment machines or devices or jukeboxes to any other person.

JUKEBOX

Any music-vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

OPERATOR

Any person who owns, leases, rents or operates any premises on or at which any automatic amusement and entertainment machine or device or jukebox is kept, placed or exhibited for use or operation by the public.

PERSON

Any individual, firm, corporation, partnership, association or entity.

PREMISES

Any building, business, store, restaurant, tavern, movie theater or other place to which the public is invited or may enter.

§ 15-12. Licensing of distributors.

- A. No person shall supply, offer or exhibit for sale, lease, sell or distribute any automatic amusement and entertainment machine or device or jukebox in the Township of Little Falls without first obtaining distributor's license. A separate listing shall be required for each location within the Township of Little Falls that the distributor supplies, offers or exhibits for sale, leases, sells or distributes any automatic amusement and entertainment machine or device or jukebox.
- B. The application for said license shall contain the following information:
- (1) The name, date, home address and business and telephone number of the applicant and each of its stockholders, officers and directors holding in excess of 10% of its stock.
 - (2) The name and address of the registered agent of the applicant or person upon whom service of process is authorized to be made.
 - (3) The name, date and place of birth, home address and home telephone number of the manager or other authorized agent of the applicant who shall be in charge of or conduct the business of the applicant within the Township of Little Falls.
 - (4) The number of mechanical amusement devices which the applicant will distribute at a location in the Township.
 - (5) The application shall contain a certification under oath, made by the applicant or its authorized representative, that the information contained in the application and all attachments thereto is complete, accurate and truthful to the best of his knowledge and belief.
- C. The Township Clerk shall promptly forward a copy of the application and accompanying materials to the Chief of the Police Department for investigation, review and report. Such report shall be sent to the Township Council which, in accordance with the standards and requirements set forth herein, may grant the license or refuse the license. If the license is granted, the Township Clerk shall forthwith issue the license upon payment of the licensing fee.
- D. The Township Clerk shall ensure that the license application and all attachments thereto are complete and those persons whose names are required to be disclosed on the application are all persons capable of owning, controlling and/or operating machines or devices within the Township of Little Falls in a manner consistent with the public safety, morals and general welfare of the community; that those persons whose names are required to be disclosed on the license application can reasonably be expected to own, control, manage or operate the proposed business in accordance with all applicable laws, ordinances, rules and regulations and free from any gambling, illegal or immoral activity and free of unnecessary and unwanted noise or commotion; that no criminal element is in direct or indirect control or management of the business of the applicant; that the granting of the application and issuance of the license will promote a fair and competitive market for the distribution of such devices within the Township of Little Falls; that the granting of the application and issuance of the license has been done after the applicant has properly executed all agreements and consents required by this article and has agreed to conduct his business in accordance with all requirements of this article and all other applicable laws, ordinances, rules and regulations.
- E. No license shall be granted for any amusement or entertainment device which is to be used for the purpose of gambling. For the purpose of this article, an amusement and entertainment device, the operation of which is based in any part on random chance or the random assignment of numbers and the operation of which does not require more than minimal skill or hand-eye coordination, shall be presumed to be intended to be utilized for gambling purposes. By way of clarification but not limitation, amusement or entertainment device used for the purpose of gambling shall be deemed to include the following:
- (1) Amusement or entertainment devices known as "Joker Poker" or any similar mechanical amusement devices displaying playing cards; "Keno," "Dice," "Lucky Lines," "Cherry Master" or any similar amusement devices styled after a slot machine with a rolling display or circular wheel on which are depicted symbols; lotto or lottery-type machines.
 - (2) Any amusement or entertainment device which does not have an operable slot or receptacle for the insertion of coin or paper money.
 - (3) Any amusement or entertainment device with buttons or controls labeled "double up" or "bet."
 - (4) Any amusement or entertainment devices which can be controlled or operated from a remote location by other than the individual operator.

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- (5) Any amusement device readily capable of being converted by the internal technology of the amusement or entertainment device to machines such as set forth in Subsection E(1) above, including but not limited to dual screen machines.

§ 15-13. Licensing of operators.

- A. No person shall keep, place or exhibit any automatic amusement device or jukebox for use or operation by the public on or at any premises in the Township of Little Falls without first obtaining an operator's license for such premises.
- B. Application.
 - (1) The application shall contain the following information:
 - (a) The name, date, home address and business address, home telephone number and business telephone number of the applicant.
 - (b) The name, address and telephone number of the registered agent of the applicant or person upon whom service of process is authorized to be made.
 - (c) The type, manufacturer and serial number of each device to be licensed.
 - (d) The name, address and telephone number of the distributor of each amusement or entertainment machine or device sought to be licensed.
 - (e) A floor plan reflecting the total square footage of available floor space in the location where the machines are to be maintained. Said floor plan shall also reflect the location of each machine with the aisle and exit corridors clearly shown.
 - (f) The seating capacity of the location where the machines are to be maintained.
 - (g) The number of machines to be maintained at each location.
 - (2) The application must be accompanied by a copy of a valid certificate of occupancy (CO) issued to the present owner/occupant by the Construction Code Official of the Township of Little Falls.
 - (3) All applicants shall submit bills of sale for such machines or other legal proof of ownership thereof.
- C. The Township Clerk shall promptly forward a copy of the application and accompanying materials to the Chief of the Police Department and the Construction Code Official for investigation, review and report. Such reports shall be sent to the Township Council, which, in accordance with the standards and requirements set forth herein, may grant the license or refuse the license. If the license is granted, the Township Clerk shall forthwith issue the license upon payment of the licensing fee.
- D. The person operating the premises where the machine is located shall be liable and responsible for the proper operation thereof, regardless of whether or not he/she is the actual owner of the machine or has rented the same, but this shall not in any way release the actual owner of the machine or device from liability or responsibility for violation of this article or any ordinance of the Township of Little Falls.
- E. No operator holding a license for the operation of an amusement or entertainment machine or jukebox shall permit the playing of jukeboxes or mechanical amusement devices within 200 feet of any church, public or parochial school or playground.
- F. No operator's license shall be transferable from operator to operator nor from place to place by any operator of an amusement or entertainment device or jukebox. It shall be valid only at the place and by the operator designated in the license, except as otherwise provided in Subsection G of this section.
- G. No distributor or operator of amusement or entertainment devices shall offer or permit to be offered any prize, free game or other reward to a person playing any such machine required to be licensed under this article.

§ 15-14. General regulations.

- A. The operator shall not permit, suffer or allow any person to gamble in any form or manner on the licensed premises and shall prevent any immoral or illegal conduct or activity from occurring.
- B. No person on the licensed premises shall have in his possession or under his control or offer to another any habit-forming drug, nor shall the operator permit, suffer or allow any such person on the licensed premises.
- C. No operator shall permit, suffer or allow the unlawful sale or consumption of alcoholic beverages upon the licensed premises.
- D. No operator shall permit the operation of any amusement or entertainment machine or device during the hours when the taverns in the Township of Little Falls are required to be closed or between 3:00 a.m. and 9:00 a.m.
- E. The operator shall at all times maintain good order upon the licensed premises and shall not permit, suffer or allow any disturbance, congestion or loitering upon the licensed premises.
- F. No device shall be operated in such a manner as to be heard outside.
- G. No song shall be played or words spoken on any device which violate the obscenity law of New Jersey.
- H. No device shall be permitted to cause any unnecessary or unwanted noise or commotion nor otherwise interfere with the public health, welfare and morals.
- I. No operator shall offer or permit to be offered any prize or other award to any person playing any device.
- J. No device shall be located in a so-called back room nor in any part of the licensed premises which is not open to the general public.
- K. No licensed premises shall be without adequate sanitary facilities nor contain any fire, safety or health hazard.
- L. No licensee nor any of his agents, officers or servants shall by threats, promises or intimidation seek to control or direct the placement or removal of any device or to control the placement of any such device from any location within the Township of Little Falls, and any such threats, promises or intimidation shall be reported immediately to the Police Department and to the Township Clerk.
- M. No licensee shall fail to report promptly to the Police Department and Township Clerk any violation of any law or ordinance occurring on the licensed premises, nor shall any licensee fail to report promptly to the Township Clerk any conduct or activity prohibited by this article.
- N. Each licensee, distributor and/or operator shall promptly report, in writing, to the Township Clerk any change or addition or deletion of the information furnished on the license application and all material attached thereto, and this obligation shall be fully met during the term of any license or the renewal thereof.
- O. No licensee shall refuse to cooperate fully with the Township Clerk or any law enforcement officer or agency, nor shall any such licensee, operator and/or owner-operator refuse to produce and make available all records relating to the purchase or distribution of such devices. No such licensee and/or operator shall refuse access to its premises to the Township Clerk nor to any member of the Departments of Police, Fire, or Health nor to any law enforcement officer or agency. All mechanical amusement devices licensed by the Township of Little Falls must be available at all times during licensure for internal inspection by an authorized representative of the Township of Little Falls. No mechanical amusement device shall be fastened, locked or secured in such a fashion that the licensee or person in charge of the licensed premises cannot immediately provide access to the internal components of said machine upon request.
- P. Total number.
 - (1) The total number of amusement and/or entertainment machines or devices permitted at any location shall be as follows:

<u>Seating Capacity</u>	<u>Machines Permitted</u>
Up to 25	4
26 to 50	5
51 to 75	6
76 to 100	7
101 to 150	8
More than 150	9
 - (2) All amusement and/or entertainment machines or devices shall be distributed throughout the licensed premises so as not to create an arcade-type atmosphere.

§ 15-15. Contents of license; payment of fees; expiration.

- A. Each license, when issued, shall designate the number, type and serial number of machines or devices operated hereunder.
- B. Each such license shall bear a number, and the number of that license shall be placed in some permanent way upon each machine or device operated or distributed under this article.
- C. All license fees shall be paid to the Clerk of the Township of Little Falls prior to the issuance of the license, and all licenses issued hereunder shall be issued for a term of one year commencing on January 1 and expiring on December 31.

§ 15-16. License fees.

- A. The fee for the issuance of a license to operate amusement or entertainment machines or devices, excluding jukeboxes, shall be as follows:

Number of Machines	Fee
1 to 3	\$250
4 to 6	\$330
7 to 9	\$385

- B. The fee for the issuance of a license to operate amusement or entertainment devices in a restaurant associated with a hotel shall be \$2,250.
- C. The fee for the issuance of a distributor's license for amusement or entertainment machines, excluding jukeboxes, shall be as follows:

Number of Machines	Fee
1 to 10	\$440
11 to 20	\$660
21 to 30	\$880
31 to 40	\$1,100
41 to 50	\$1,320
51 to 60	\$1,650
61 to 75	\$1,800
75 or more	\$2,000

- D. The fees for the issuance of a license to operate and distribute jukeboxes in any place of business shall be \$40 for each jukebox distributed to and located at the place of business, and \$5 per station for each jukebox located at a station at the place of business.
- E. The licensee fee shall be waived for nonprofit organizations.
- § 15-17. License to be posted; transferability.
- A. Each license issued shall be posted prominently and conspicuously in the licensed premises.
- B. Any such license may be amended to evidence the transfer of one machine or device to another similar device, upon application to the Township Clerk, giving a description by type, manufacture and serial number of such machine.

§ 15-18. Revocation of license; hearing.

Every license issued hereunder is subject to revocation if any of the following things occur:

- A. The violation of any of the provisions of this article.
- B. Any misstatement or omission in the license application or in any information submitted therewith or the failure to notify, in writing, the Township Clerk of any changes by addition or deletion or amendment to said application or information during the term of said license or renewal.
- C. The determination on revocation shall be made after a hearing before the Township Council.
- D. Prior to revoking any such license, the licensee shall be given a hearing, in the event that such a hearing is requested, after notice of the right to such a hearing is given by the Township Clerk. The licensee shall be given 10 days' notice of said hearing, or more, and such notice shall state the ground or grounds therefor. At such hearing, the licensee may submit relevant information on his behalf. The rules of evidence shall not apply to such hearing, but each party shall have the opportunity to present his case and to be represented by counsel. Any appeal from the decision of the Township Council shall be to the Superior Court of New Jersey.

§ 15-19. Age of applicant.

No license under this article shall be issued to any applicant unless he is 21 years of age or over.

§ 15-20. Hours of operation.

Amusement devices shall not be operated between the hours of 3:00 a.m. and 9:00 a.m.

§ 15-21. Licensee to keep license application on file.

The licensee of any premises in which a license for one or more amusement devices or machines is required shall be required to keep on file each application for a license for amusement and/or entertainment machines or devices. Upon request by any law enforcement official of the Township of Little Falls, any licensee of said premises or any employee at said premises shall furnish such information to said law enforcement official.

§ 15-22. Compliance with other regulations.

Every person seeking licensure hereunder shall comply with all state statutes, municipal ordinances and regulations, building and fire code regulations and zoning code requirements, as well as all other statutes and regulations prior to receiving a license or licenses hereunder.

§ 15-23. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 30 days, or both.

At this time, Council President FONTANA asked why Ordinance No. 1239 and Ordinance No. 1240 are not combined. Mr. Cuccia explained that Ordinance No. 1240 adds an entire new section to this area of the Code.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1240 – It was moved by Councilmember Liess, seconded by Councilmember Maceri, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1240
 AN ORDINANCE AMENDING CHAPTER 15, AMUSEMENT DEVICES,
 OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS, TO INCLUDE SECTION 24, BAZAARS, CARNIVALS, CIRCUSES AND
 FESTIVALS

Chapter 15.24 Bazaars, Carnivals, Circuses and Festivals

§ 15.24.1. Definitions.

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

BAZAAR

Includes a fair or function conducted for the sale of fancy or specialty wares, handicrafts, toys, food or food products and other miscellaneous goods and merchandise or other things contributed for some charitable object; provided, however, that said term "bazaar" as defined herein shall be deemed expressly to exclude making or permitting to be made available for public use or participation, either gratuitously or for a fee or admission charge, amusements of all kinds, including concession and amusement stands, rides or amusement devices, or games of chance or skill, or partly of chance and partly of skill, as a part of or incidental to the conduct or operation of any such bazaar.

CARNIVAL, EXHIBITION or TRAVELING SHOW Includes a transient outdoor show or exhibition conducted in a temporary structure, composed wholly or partly of canvas or similar material, as a place of amusement or recreation or for any other similar public assemblage in which is conducted, operated or permitted games of chance, skill or partly chance or skill; or wherein goods are given or awarded to persons paying a consideration for a chance or opportunity to win or secure the same as a prize or award; or where concession stands or amusement stands are operated, conducted or maintained.

CIRCUS

Includes a transient outdoor show or exhibition conducted in a temporary structure, composed wholly or partly of canvas or similar material, in which are displayed or exhibited for the amusement or recreation of the general public feats of horsemanship, tumbling, acrobatics and feats of human skill and daring, together with feats of highly trained or unusually skilled animals, either alone or in concert with their tamers, trainers or keepers, and the performances of those persons garbed or dressed and made up in the costumes and makeup commonly or generally associated with circus clowns.

FESTIVAL

Includes a sidewalk, street sale or other outdoor function conducted for the sale of food or food products and other miscellaneous goods, wares and merchandise.

§ 15.24.2. Certain performances and events prohibited; exceptions; permit requirements.

- A. No person as owner, lessee, manager, sponsor, officer or agent shall establish, operate or conduct or suffer or permit the establishment, operation or conduct of any carnival, festival, exhibition, traveling or other show, or have a street parade in connection therewith, within the boundaries of the Township.
- B. A bazaar, carnival or circus, however, may be conducted or operated by any church, church society, charitable or veterans organization of the Township, provided that such bazaar, carnival or circus is conducted solely for the applicant's financial benefit and welfare, and provided further that a permit has first been applied for, its issuance consented to and approved by the Township Council and such permit obtained from the Township Clerk as hereinafter provided in this section. The permit to be granted for a bazaar, carnival or circus under this section may include permission to operate or conduct as a part thereof a maximum of 12 games of chance or skill, six amusement devices or rides and 15 merchandise booths, upon a finding by the Township Council that such inclusions will not adversely affect the health, safety and welfare of the public.
 - (1) All applications for a permit under this section shall be made and delivered to the Township Clerk in triplicate on forms to be supplied for that purpose.
 - (2) The application for the permit shall contain the following:
 - (a) The name and address of the applicant.
 - (b) The location of the proposed bazaar, carnival or circus, including the size of such location and a proposed layout of the facilities, stands and rides and the like, to be conducted as a part of such bazaar, carnival or circus.
 - (c) The days and hours upon and during which the bazaar, carnival or circus is proposed to be conducted.
 - (3) Before any application is presented to the Township Council for consideration, the Township Clerk shall append thereto the results of investigations conducted by the Police Department, Board of Health and Building Department with reference to the effect of the conducting of the proposed bazaar, carnival or circus upon the health, safety and welfare of the public.
 - (4) The permit which may be granted hereunder shall not exceed one such permit to any organization or affiliate in any one calendar year. The bazaar, carnival or circus authorized under any such permit shall not be conducted for more than five consecutive days.
 - (5) No more than two bazaars, carnivals or circuses which conduct, as a part thereof, games of chance or skill shall be authorized hereunder on any Sunday.
 - (6) All tents, rides, exhibits, food concessions and/or other amusements operated at the bazaar, circus or carnival must successfully pass all requisite health, safety and fire inspections, which inspections shall be conducted by the Township of Little Falls at least 48 hours prior to the opening of the bazaar, carnival or circus in question.
 - (7) The applicant shall file with the Township Clerk a surety bond from a surety company licensed to conduct business in the State of New Jersey and approved as to form and surety by the Township Council of the Township of Little Falls, in an amount equal to one thousand dollars (\$1,000.) multiplied by every one hundred (100) persons or part thereof estimated to be in attendance daily at the program or activity for which the permit is sought. The bond shall be for the purpose of protecting and preserving the property of the Township of Little Falls and shall be conditioned upon the applicant repairing or replacing any and all damage cause to Township property or equipment from the conducting of such program or activity.
 - (8) The applicant shall also file with the Township Clerk an additional surety bond from a surety company licensed to conduct business in the State of New Jersey and approved as to form and surety by the Township Council of the Township of Little Falls, in the amount of two thousand five hundred dollars (\$2,500.). The bond shall be posted to ensure that the costs of police protection and cleanup relating to the events are covered.
 - (9) In lieu of the surety bonds mentioned in Subsection B(7) and (8) above, the applicant may place two thousand five hundred dollars (\$2,500.) in escrow with the Township of Little Falls in the form of a bank or certified check.
- C. A festival, sidewalk sale or street sale, however, may be conducted or operated by any merchant, merchants' association or neighborhood association of the Township, provided that a permit has been applied for, its issuance consented to and approved by the Township Council and such permit obtained from the Township Clerk as hereinafter provided in this section.
 - (1) All applications for a permit under this section shall be made and delivered to the Township Clerk in triplicate on forms to be supplied for the purpose.
 - (2) The application for the permit shall contain the following:
 - (a) The name and address of the applicant.
 - (b) The location of the proposed festival, sidewalk sale or street sale.
 - (c) The days and hours upon and during which the festival, sidewalk sale or street sale is proposed to be conducted.
 - (3) Before any application is presented to the Township Council for consideration, the Township Clerk shall append thereto the results of investigations conducted by the Police Department, Fire Department, Board of Health and Building Department with reference to the effect of the conducting of the proposed festival, sidewalk sale or street sale upon the health, safety and welfare of the public.

§ 15.24.3. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding ninety (90) days, or both.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1241 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1241
 ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO REVISE THE LOCATION OF A CERTAIN BUS STOP ALONG EAST MAIN STREET**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township’s Code of General Ordinances (“Code”) currently identifies the location of the bus stops in the Township;
WHEREAS, the Township received direction from New Jersey Transit to relocate a certain existing bus stop along East Main Street near its intersection with Randolph Place; and

WHEREAS, pursuant to *N.J.S.A. 39:4-8(e)*, the Township may designate bus stops on any street under its jurisdiction without the approval of the commissioner of the New Jersey Department of Transportation; and

WHEREAS, the re-location of the bus stop provided for herein requires concurring approval from the Passaic County Board of Chosen Freeholders because East Main Street is a county roadway; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 7, Subchapter 7-25 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“§7-25 Bus stops.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location.

Name of Street	Direction	Location
Browertown Road at Long Hill Road	Northbound	Beginning at the northerly curblin of Long Hill Road and extending 100 feet northerly therefrom (far side)

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE]		
East Main Street [at] between Browertown Road and Randolph Place	Eastbound	Beginning 208 feet from [at] the easterly curbline of [Randolph Place] Browertown Road and extending [100] 135 feet easterly therefrom [(far side)] (mid-block)
... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE]		
Stevens Avenue at Crane Street	Southbound	Beginning 114 feet south from the southerly curbline of Crane Street and extending 100 feet southerly therefrom (far side)

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Subchapter 7-25 of the Code to read as follows:

“§7-25 Bus stops.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location.

Name of Street	Direction	Location
Browertown Road at Long Hill Road	Northbound	Beginning at the northerly curbline of Long Hill Road and extending 100 feet northerly therefrom (far side)
... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...		
East Main Street between Browertown Road and Randolph Place	Eastbound	Beginning 208 feet from the easterly curbline of Browertown Road and extending 135 feet easterly therefrom (mid-block)
... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...		
Stevens Avenue at Crane Street	Southbound	Beginning 114 feet south from the southerly curbline of Crane Street and extending 100 feet southerly therefrom (far side)

15. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 7 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the identification and location of bus stops in the Township enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

16. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

17. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

18. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law, subject to concurring approval of the Passaic County Board of Chosen Freeholders.

Councilmember DAMIANO asked for clarification that this is no additional cost to the Township; Mr. Simone agreed.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1242 – It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that there be introduced and the meeting of December 28, 2015 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1242

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO PROHIBIT THE PLACEMENT OF BASKETBALL HOOP SYSTEMS WITHIN THE PUBLIC RIGHT OF WAY

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township has experienced difficulty with street sweeping, snow removal, movement of emergency vehicles and the general maintenance and regulation of the public right of way within the boundaries of the Township due to the placement of portable and in-place basketball hoop systems within, overhanging or encroaching same; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend the Little Falls Township Code (“Code”) to prohibit the placement of basketball hoop systems within the public right of way, namely on the public streets and sidewalks; and

WHEREAS, the Code at Chapter 223 regulates and governs generally the streets and sidewalks within the Township; and

WHEREAS, the Municipal Council has determined to amend and supplement Chapter 223 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“Article VI Placement of Basketball Hoop Systems

§223-58 Prohibited locations.

No portable or in-place private basketball hoop system may be temporarily or permanently placed within, or so as to obstruct, the public right of way. Such private systems may not be placed on public streets or sidewalks, at the edge of curblines so as to encroach or overhang public streets nor where vehicles may be parked on public streets and public parking lots.

§223-59 Duty to remove.

A notice to remove shall be provided to such persons owning or responsible for such basketball hoop systems that are impermissibly located within the public right of way. There shall be a presumption that the person(s) who have violated this provision are those who control the private property on which the system is situated, or if the system is in a public right of way, those who control the private property closest to the system. The notice shall be attached to and/or placed at the front door of the property, together with a copy of the ordinance. Persons owning or responsible for such systems shall remove the equipment from the impermissible location within five (5) days of the date of the notice, which date may be adjusted in the event an issue arises regarding identification of the owner. Such systems remaining in an impermissible location after the passing of the notice period shall be subject to forcible relocation and/or impoundment.

§223-60 Enforcement.

The Police Department and the Superintendent of Public Works shall enforce the provisions of this article.

§223-61 Violations and penalties.

Any person violating the provisions of this article shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article I. A separate administrative fee of \$150 shall be paid to the Township to retrieve any impounded basketball hoop system.”

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 223 of the Code to read as follows:

“Article VI Placement of Basketball Hoop Systems

§223-58 Prohibited locations.

No portable or in-place private basketball hoop system may be temporarily or permanently placed within, or so as to obstruct, the public right of way. Such private systems may not be placed on public streets or sidewalks, at the edge of curblines so as to encroach or overhang public streets nor where vehicles may be parked on public streets and public parking lots.

§223-59 Duty to remove.

A notice to remove shall be provided to such persons owning or responsible for such basketball hoop systems impermissibly located within the public right of way. There shall be a presumption that the person(s) who have violated this provision are those who control the private property on which the system is situated, or if the system is in a public right of way, those who control the private property closest to the system.. The notice shall be attached to and/or placed at the front door of the property, together with a copy of the ordinance. Persons owning or responsible for such systems shall remove the equipment from the impermissible location within five (5) days of the date of the notice, which date may be adjusted in the event an issue arises regarding identification of the owner. Such systems remaining in an impermissible location after the passing of the notice period shall be subject to forcible relocation and/or impoundment.

§223-60 Enforcement.

The Police Department and the Superintendent of Public Works shall enforce the provisions of this article.

§223-61 Violations and penalties.

Any person violating the provisions of this article shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article I. A separate administrative fee of \$150 shall be paid to the Township to retrieve any impounded basketball hoop system.

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 223 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the regulation of the public right of way enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Mr. Simone said the enforcement is included in this ordinance for playing on the street. Ms. London advised that the two ordinances should be kept separate.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Porter, seconded by Councilmember Damiano, that the Council approve the following:

RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer’s certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

Poll: Ayes: Porter, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the meeting be and it was adjourned at 8:15 p.m.

Cynthia Kraus
Municipal Clerk