

TOWNSHIP COUNCIL WORKSHOP AGENDA

MONDAY, JULY 12, 2021

6:00 P.M.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE – TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-10 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, NJ ON JUNE 30, 2021. A COPY OF THE NOTICE WAS FAXED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

THIS MEETING IS BEING CONDUCTED UNDER THE CIRCUMSTANCES SURROUNDING THE COVID-19 HEALTH SITUATION. NO PUBLIC WILL BE ALLOWED TO ATTEND THE MEETING IN PERSON. A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT WWW.LFNJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

ROLL CALL

PUBLIC COMMENT – GENERAL MATTERS

MEMBERS OF THE PUBLIC WHO DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

ITEMS TO BE DISCUSSED:

MAYOR/ADMINISTRATOR:

1. RESOLUTION AUTHORIZING PARTICIPATION IN STATE GRANT PROGRAM FOR BODY WORN CAMERAS
2. RESOLUTION AUTHORIZING INSERTION INTO 2021 MUNICIPAL BUDGET OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR BODY WORN CAMERA GRANT
3. INTRODUCTION OF ORDINANCE NO. 1420, ESTABLISHING CHAPTER 33 (CANNABIS REGULATIONS)
4. INTRODUCTION OF ORDINANCE NO. 1421, AMENDING CHAPTER 182, RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES

ACTION ITEMS:

RESOLUTION AUTHORIZING PARTICIPATION IN A STATE GRANT PROGRAM WITH NJ DIVISION OF LAW AND PUBLIC SAFETY FOR BODY WORN CAMERA GRANT [A]

RESOLUTION AUTHORIZING THE INSERTION INTO THE 2021 MUNICIPAL BUDGET OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION EACH TITLED NJ DEPARTMENT OF LAW AND PUBLIC SAFETY SFY21 BODY-WORN CAMERA GRANT: \$61,140.00 [B]

BILL LIST [C]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1413, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO RESCIND CHAPTER 240-1, PUBLICATION OF DELINQUENT TAXPAYER LIST, OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1414, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LITTLE FALLS FIRE DIVISION IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8.1 ENTITLED, EMERGENCY MEDICAL SERVICE, AND CREATING THE DIVISION OF EMERGENCY MEDICAL SERVICE".

INTRODUCTION OF ORDINANCE NO. 1420, AN ORDINANCE ENTITLED, AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO ESTABLISH CHAPTER 33 (CANNABIS REGULATION) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR AUGUST 9, 2021.

INTRODUCTION OF ORDINANCE NO. 1421, AN ORDINANCE ENTITLED, ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 182, RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR AUGUST 9, 2021.

COUNCIL TOPICS FOR DISCUSSION

PUBLIC COMMENT - AGENDA ITEMS ONLY

MEMBERS OF THE PUBLIC WHO DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

ADJOURN

RESOLUTION [A] 21-07-12 - # _____

RESOLUTION AUTHORIZING PARTICIPATION IN A STATE GRANT PROGRAM
WITH NJ DIVISION OF LAW AND PUBLIC SAFETY

WHEREAS, the Township of Little Falls has been awarded a grant from the NJ Department of Law and Public Safety, Office of the Attorney General for the SFY21 Body-Worn Camera Grant Program; and

WHEREAS, the Township is authorized to accept said award of grant funds in the amount of \$61,140.00 under award number 21-BWC-231 for the award period of January 1, 2021 through December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to execute a grant agreement with the NJ Department of Law and Public Safety for the SFY21 Body-Worn Camera Grant Program award.

APPROVED: _____

cc: Police Chief
NJ Dept. of Law & Pub. Safety
Contract File

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [B] 21-07-12 - #_____

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 2021 in the sum of \$61,140.00, 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 NJ Department of Law and Public Safety SFY21 Body-Worn Camera Grant

BE IT FURTHER RESOLVED, that the like sum of \$61,140.00 is hereby appropriated under the caption:

General Appropriations

(A)	Operations – Excluded from “CAPS”	
	Public & Private Programs Offset by Revenues	
	NJ Department of Law and Public Safety	
	SFY21 Body-Worn Camera Grant	\$61,140.00

APPROVED: _____

ccc: DLGS
cc: Finance
Auditor
Budget File
Dep.

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1413**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO RESCIND CHAPTER 240-1 PUBLICATION OF DELINQUENT TAXPAYER LIST OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS

WHEREAS, the current Municipal Code under Chapter 240-1 contains certain provisions for the Publish the names of delinquent taxpayers in the Township of Little Falls; and

WHEREAS, it has been determined that this procedure serves no purpose in generating tax payments; and

WHEREAS, the Township Council has found this practice to be burdensome on certain taxpayers;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Little Falls, that Chapter 240-1 Taxpayer List, of the Code of the Township of Little Falls, is hereby rescinded in full:

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor

ORDINANCE NO. 1414

**AN ORDINANCE AMENDING THE LITTLE FALLS
FIRE DIVISION IN THE CODE OF THE
TOWNSHIP OF LITTLE FALLS CODE SECTION 3.7.8.1 ENTITLED: EMERGENCY
MEDICAL SERVICE AND CREATING THE DIVISION OF EMERGENCY MEDICAL
SERVICE**

The Township of Little Falls is repealing Code section 3.7.8.1 in its entirety and replacing code section 3.7.8.1 as follows:

§ 3-7.8.1. Emergency Medical Service. Establishment and organization; definitions.

- (1) Township of Little Falls Emergency Medical Service. The Township of Little Falls Emergency Medical Service is hereby created and established as a Division of the Township.
- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

AUTHORITY — The right to issue orders, give commands, enforce obedience, initiate actions, and make necessary decisions commensurate with rank or assignments as provided for in the Emergency Medical Service rules, policies and procedures. Authority may be delegated by those designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

CHAIN OF COMMAND — Vertical lines of communication, authority and responsibility within the organizational structure of the Emergency Medical Service:

DIRECTIVE — A document detailing the performance of a specific activity or method of operation. "Directive" includes:

- (a) GENERAL ORDER — Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the Emergency Medical Service.
- (b) PERSONNEL ORDER — A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- (c) SPECIAL ORDER — A directive dealing with a specific circumstance or event that is usually self-canceling.

EMERGENCY MEDICAL SERVICE COORDINATOR

(EMS Coordinator) is required at minimum to hold valid
Emergency Medical Technician-Basic certification as set forth at
N.J.A.C.8:40A

Classification Responsibilities: An Emergency Medical Services (EMS)

Coordinator is responsible for analyzing, planning, designing, implementing, and administering EMS programs as well as billing for care and other department-wide and community-oriented programs. EMS Coordinators research and analyze current and future medical and EMS issues and trends to ensure the provision of quality medical services in the Township of Little Falls. The EMS coordinator is responsible to review patient care charts to ensure proper care and procedures have been followed by the assigned EMT.

EMERGENCY MEDICAL SERVICE DIVISION — Herein to be known as the "Little Falls Emergency Medical Service (EMS)."

EMERGENCY MEDICAL SERVICES — Any service, including transportation, provided by the Emergency Medical Service to a potentially ill or injured person in response to a call for service.

EMERGENCY MEDICAL TECHNICIAN

Emergency Medical Technician-Basic" or "**EMT-Basic**" **means** a person trained in basic life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-Basic certification as set forth at N.J.A.C.8:40A

EMT EMPLOYEE — A person who performs in the capacity of an emergency medical technician not more than 24 hours per week. "Basic life support" or "BLS" means a basic level of pre-hospital care that includes patient stabilization, airway clearance and maintenance, cardiopulmonary resuscitation (CPR) (to the level of the Professional Rescuer or Health Care Provider as issued by either the American Heart Association, the American Red Cross, the National Safety Council or other entity determined by the Department to comply with AHA CPR Guidelines), hemorrhage control, initial wound care, fracture stabilization, victim extrication and other techniques and procedures as defined in the United States Department of Transportation (U.S.D.O.T.) EMT-Basic National Standards Curriculum Obtainable from

MAY/SHOULD — The action indicated is permitted.

MEDICAL DIRECTOR — Within the Emergency Medical Service, a Medical Director is a physician who provides guidance, leadership, oversight and quality assurance for the practice of local paramedics and EMTs within a predefined area. In North America, Medical Directors are typically board-certified in emergency medicine.

ORDER — Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

PATIENT — Any person who receives emergency medical services from the Emergency Medical Service.

POLICY — A statement of emergency medical service principles that provides the basis for the development of procedures and directives.

PROCEDURE — A written statement providing specific direction of performing emergency medical service activities. Procedures are implemented through policies and directives.

SHALL/WILL — The action indicated is mandatory.

SUPERVISOR (Crew Chief) — An employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

THIRD-PARTY BILLING AGENCY — A business entity engaged by the Township of Little Falls for the purpose of effecting the billing of patients and collecting payments therefrom, which payment shall be remitted to the Township of Little Falls.

(3) Division created. Within the Department of Administration, there is hereby created a Division of Emergency Medical Service.

(a) Chief of the Division of Emergency Medical Services.

[1] Position created. The position of EMS Coordinator is hereby created. The EMS Coordinator shall head the Division of Emergency Medical Service and serve under the direction and supervision of the Township Administrator and the Medical Director.

[2] The EMS Coordinator will be an employee subject to all requirements, allowances and regulations of such employees set forth in the Township Personnel Policy Manual and Township Code.

(3) The appointee shall serve a probationary period of six months.

(4) Compensation. The EMS Program Coordinator will be compensated at a yearly rate established by the Mayor.

Medical Director.

[1] Position created. The position of Medical Director will provide guidance, leadership, oversight and quality assurance for the practice of local paramedics and EMTs within the Township of Little Falls. The Medical Director shall be board-certified in emergency medicine and serve under the direction and supervision of the Township Administrator.

[2] Appointment. The Medical Director shall be appointed by the Mayor.

[c] Employees: The Little Falls Emergency Medical Service shall consist of an EMS Coordinator and as many other EMT members as are or may be appointed and approved by Township Administrator with authority of the Mayor. The EMS Coordinator and all EMT's must hold a valid New Jersey or National EMT certification.

- (4) Qualifications for employees. No person shall be eligible to become an employee of the Little Falls Emergency Medical Service unless such person possesses and provides proof of the following qualifications:
- (a) All applicants for membership shall be between the age of 18 and the state maximum permitted. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit to a medical evaluation by a licensed physician designated by the Township.
 - (b) Be subject to a criminal background check and have no prior convictions for any offense or crime.
 - (c) Be subject to a motor vehicle background check with no prior record of careless or reckless driving, driving under the influence of drugs or alcohol or any other serious moving violation.
 - (d) Be subject to pre-employment and random drug testing.
 - (e) Be a certified emergency medical technician of the State of New Jersey or National certification. Any lapse in certification will be cause for immediate suspension of duties. Reinstatement may occur upon certification being reinstated.
 - (f) Possess a valid New Jersey driver's license.
 - (g) Compensation. All EMS employees will be compensated at a hourly rate of pay established by the Mayor.

(5) Application and approval for employment.

- (a) Employees shall comply with and follow the Township of Little Falls Personnel Policy Manual and make application to the Township as directed by said Manual. Appointments as employees will follow the provisions of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq.

(6) Emergency Medical Service composition. The active roster of the Emergency Medical Service shall be comprised of as many EMT's as needed to meet the scheduling requirement and maintain the operations of the Emergency Medical Service.

B. Executive Board.

(1) Composition of Board; control of the Emergency Medical Service.

- (a) The EMS Coordinator, the Medical Director, and the Mayor or his designee shall constitute the Executive Board. The Board shall meet as needed for the transaction of Emergency Medical Service business.
- (b) The EMS Board will be primarily responsible for framing the ongoing vision of the Township's EMS system. The Board will serve to ensure transparency and coordinate with EMS Administration to develop recommendations for a plan to maintain the EMS system in the Township of Little Falls.

C. Operations

(1) The EMS Coordinator will function as the head of the Division of Emergency Medical Service. Pursuant to municipal ordinance, the EMS Coordinator shall be the head of the Emergency Medical Service and shall be directly responsible to the Township Administrator for the efficiency and day-to-day operations of the Emergency Medical Service. Pursuant to policies established by the Township of Little Falls:

- (a) Report at least monthly to the Township Administrator, in such form as shall be prescribed, on the operation of the Emergency Medical Service during the preceding month and make such other reports as may be requested by the Township Administrator.
- (b) Prepare and submit the annual budget and proposed expenditure programs to the Township Administrator.

(2) Records maintained. The EMS Coordinator shall see that timely and accurate records are kept of all responses to calls for service, training, attendance, certifications, and any other records required by the state, Township, or other authorized agency.

D. Appointment of Crew Chiefs. Members who meet the qualifications for the position of EMS Crew Chief may submit their names for consideration. These names shall be presented to the EMS Coordinator and Township Administrator for review. The EMS Coordinator and Township Administrator will review the qualifications of all interested members. The EMS Coordinator and Township Administrator may conduct interviews to establish facts, such as available time and management skills. The EMS Coordinator and Township Administrator shall make recommendations to the Mayor. The Mayor will appoint the EMS Crew Chiefs.

E. Policy for Emergency Medical Services billing.

(1) Purpose.

- (a) The Township of Little Falls recognizes the need to bill for the provision of emergency medical services to aid in the provision of those services.
- (b) No person requiring emergency medical services shall be denied services due to a lack of insurance or ability to pay.
- (c) Whereas the Little Falls Emergency Medical Service is funded by local taxes, it is in the best interest of the residents of Little Falls to establish the payment plan in accordance with the Health Care Finance Administration (HCFA) guidelines so that residents will not be responsible for any out-of-pocket expenses.

(2) Billing for service.

- (d) The Little Falls Emergency Medical Service (the "program") shall obtain licensure from the New Jersey State Department of Health. The Little Falls Emergency Medical Service.
- (e) The Township of Little Falls shall apply for a provider number from the federal and state Medicare/Medicaid programs enabling the municipality to institute a third-party payment plan (the "payment plan").

- (f) All patients, whether or not residents of the Township of Little Falls, and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the Little Falls Emergency Medical Service according to the fee schedule established herein or at rates established by the Township of Little Falls from time to time.
- (g) A patient who receives emergency medical services from the Emergency Medical Service is obligated at the time of service, or as soon as practicable thereafter, to provide the Emergency Medical Service with all pertinent insurance and payment information to facilitate the Township's billing of third-party payment sources for services rendered. The Township may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- (h) All patients shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance, and the Township shall make reasonable collection efforts for all such balances according to the most-current rules or regulations set forth by applicable Health Care Financing Administration federal policies and regulations. The Township may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Township has knowledge of a particular patient's indigence or where the Township has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.
- (i) The Township shall not bill any Little Falls resident for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Township bill a Little Falls resident for emergency medical services provided if the resident is not covered by private or public insurance.

- (j) The Township of Little Falls may, either directly or through any third-party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Township determines that:
 - [1] The financial condition of the patient requires such an arrangement; and
 - [2] The patient and/or financially responsible party has demonstrated a willingness to make good-faith efforts towards payment of the bill.
 - (k) A patient for whom the Township of Little Falls has not received payment from a third-party payer on assignment and who receives payment directly from a third-party payer for emergency medical services rendered by the Emergency Medical Service is obligated to remit such monies to the Township in the event the Township has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.
 - (l) The Township of Little Falls shall be authorized to enter into contracts with area hospitals that provide advanced life support (ALS) services to patients that are transported by the Little Falls Emergency Medical Service. This will allow the hospitals to bill for emergency medical services and reimburse the Township for its transportation costs within 45 days of receiving payment.
- (3) Procedure for third-party emergency medical services billing.
- (a) The Township of Little Falls is hereby authorized to enter into a contract with a third-party billing agency for the performance of EMS billing and collection services; provided, however, that the following standards for such third-party billing contracts are met:
 - [1] The third-party billing agency has in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.

[2] Neither the billing agency nor any of its employees are subject to exclusion from any state or federal health care program.

[3] The billing agency is bonded and/or insured in amounts satisfactory to the Township of Little Falls.

(b) A detailed listing of patients who utilize emergency medical services provided by the Little Falls Emergency Medical Service will be compiled by the Township of Little Falls. This information will be transmitted to the third-party billing agency. The information will be subjected to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:

[1] Name, address and telephone number of patients.

[2] Name, address and claim number of insurance carrier, if applicable.

[3] Date, time and EMS chart number.

[4] Point of origin and destination.

[5] Odometer reading at point of pick up and destination.

[6] Reason for transport/patient's complaint/current condition.

[7] Itemization and description of services provided and charges.

[8] Signature of the patient, when possible, or authorized decision maker.

[9] Name of receiving physician.

[10] Names, titles and signatures of ambulance personnel, when possible.

(c) The third-party billing agency shall obtain the information from the Emergency Medical Service and will bill the patient and/or their financial representative parties, insurers or carriers according to the fee schedule established herein; provided, however, that the third-party billing agency shall not bill any Little Falls resident for any fee, balance, deductible, or co-payment not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Township bill a Little Falls resident for emergency medical services provided if the resident is not covered by private or public insurance.

- (d) The fees for emergency medical services shall be Authorized by the Mayor annually and kept on file in the office of the Township Clerk and the EMS Coordinator.
- (e) The Mayor shall review the fees for services listed in Subsection E(3)(d) above annually and adjust said fees based on the recommendation of the Township Administrator, the EMS Program Coordinator and the Township Financial Officer and in accordance with the federally approved Medicare fee schedule.
- (f) The Township of Little Falls may, at its discretion, bill additionally for materials, vehicle and/or personnel costs in the case of major or unique incidents.

Severability.

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

Repealer and Merger.

All Township ordinances and parts or ordinances inconsistent with this ordinance are hereby repealed.

Section 7 - Effective Date.

This ordinance shall take effect upon its final passage by the Township Council.

DATE INTRODUCED: _____

DATE ADOPTED: _____

APPROVE:

James Belford Damiano, MAYOR

ATTEST:

Cynthia Kraus, TOWNSHIP CLERK

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1420**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO ESTABLISH CHAPTER 33 (CANNABIS REGULATION)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, the Township Council of the Township of Little Falls has determined that it is appropriate to permit a limited number of Class 1, 2, 3, 4 and 6 licenses in the Township, but to absolutely prohibit the issuance of any Class 5 (Cannabis Retailer) license throughout the boundaries of the Township, subject to regulations necessary to protect the health, safety and welfare of the residents of the Township and to enforce the rules and regulations which may be from time to time enacted by the State of New Jersey or any of its entities.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that there shall be established Chapter 33, Cannabis Regulation, of the Code of the Township of Little Falls, is as follows:

§33-1 Purpose

This Chapter is authorized pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, P.L. 2021, c.016, and the implementing regulations promulgated by the Cannabis Regulatory Commission (collectively, the “Act”), which are hereby incorporated herein by reference, and shall be controlling unless more restrictive standards are prescribed herein. If any provision of this Chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.

§33-2 Definitions.

For the purposes of this Chapter, all terms shall be defined consistent with the Act. All definitions included in N.J.S.A. 24:6I-33 are incorporated by reference herein. Additional definitions are as below:

“Permitting Authority” means the Cannabis Regulatory Commission (“CRC”), established pursuant to Section 31 of P.L. 2019, c. 307 (C. 24:6I-24) or other entity with regulatory jurisdiction over adult-use cannabis.

§33-3 Local Licensing Authority

- A. A local license shall be required to operate a Cannabis Establishment, as defined in the Act and as allowed by ordinance, in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all Cannabis Establishments.
- B. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment if the Permitting Authority has not issued the appropriate State license. It is the intent of this Chapter that no Cannabis Establishment may lawfully operate in the Township absent the issuance of the appropriate State license and full regulatory oversight of the Cannabis Establishment by the Permitting Authority as well as that of the Township.
- C. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment unless or until the applicant has obtained the appropriate zoning approval from the Township land use board with jurisdiction over the application and a Certificate of Zoning Compliance has been issued by the Zoning Officer.
- D. All Cannabis Establishments shall be subject to site plan review prior to commencing operations. Submitted plans shall depict parking and loading areas, floor plans, building elevations, signage, landscaping, and such other information as may be required by the Township.
- E. The Township Clerk, or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter.
- F. Whenever the Cannabis Regulatory Commission established by the Act (the “Commission”) forwards to the municipality any application for initial licensing or renewal of an existing license for any cannabis establishment or delivery service pursuant to Section 19 of the Act or for a cannabis consumption area pursuant to Section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality’s restrictions on the number of cannabis establishments or delivery services, and on their location, manner, or times of operation, and promptly inform the Commission, applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it.

§33-4 Local Licensing Application

- A. Persons wishing to obtain a local license for a Cannabis Establishment shall file a license application with the Township Clerk, on a standardized form established by the Business Administrator and available in the Clerk's office and on the Township's website.
- B. An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 - (1) The applicant shall submit proof of licensure by the Permitting Authority.
 - (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.
 - (3) The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.
 - (4) The applicant shall submit an application fee of \$1,000.00 for a license. The amount of the nonrefundable application fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.
 - (5) Each subsequent year, the applicant will be required to re-certify the qualifications to remain as a valid Cannabis Establishment under the laws of the State and the ordinances of the Township. The renewal application form will be prepared by the Business Administrator and available through the Township Clerk's Office. The fee for the renewal application shall be \$500.00 annually.
 - (6) The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the State and local laws, regulations, or requirements.
- C. The license as issued by the Township shall serve as written proof of the suitability of the Cannabis Establishment location from the Township. Other written statements, letters, resolutions, or other documents issued by the Township or any official, employee, or other representative shall not constitute annual or renewed "written, municipal approval" for purposes of the Act.

§33-5 Term of License and License Renewals

- A. Any license shall be valid for a period of one year from January 1 in each year. The respective fees for any such license shall be prorated according to the effective date of the license and based on the respective annual fee as in this Chapter provided.
- B. The Township Clerk may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule, and the annual license fee shall be increased or decreased to prorate the period, accordingly.
- C. Upon renewal of a license, the licensee shall be governed by any amendments, additional restrictions, or changes in requirements adopted since the previous license was issued or renewed.
- D. Transfer of ownership of a license, change of location of any license, or modification to expand a licensed premise shall be treated as a new application, subject to Township land use review and approval. The application fee under such circumstances shall be the same as a new license \$1,000.00.

- E. If the licensee has received notice of violation of any law or regulation relating to their State license, including disciplinary action against any past or current cannabis license, the applicant for renewal shall include a copy of the notice of violation or disciplinary action with their application.

§33-6 Limitation on the Number of Licenses

- A. A maximum of two (2) Cannabis Wholesalers shall be permitted to operate in the Township.
- B. A maximum of two (2) Cannabis Distributors shall be permitted to operate in the Township.
- C. A maximum of two (2) Cannabis Cultivators shall be permitted to operate in the Township.
- D. A maximum of two (2) Cannabis Manufacturers shall be permitted to operate in the Township.
- E. A maximum of two (2) Cannabis Deliveries shall be permitted to operate in the Township.
- F. No Licenses shall be allowed for Cannabis Retainer as defined by the Act.
- G. No Licenses shall be allowed for Cannabis Microbusinesses as defined by the Act.
- H. Nothing herein shall be read or construed in any manner to authorize or in any manner apply to Medical Cannabis businesses of any type as defined by the Act.
- I. Permitted locations of Cannabis Establishments are set forth in Ordinances 1415 and 1416 amending Chapter 280. No Cannabis Establishment can be located in any other zone than as listed in the amended Chapter 280.

§33-7 Restrictions

- A. No building or structure associated with a Cannabis Establishment shall be located within 1,000 feet of any school property (including any property owned or leased by a public school board).
- B. No Cannabis Establishment shall be located in a residences of any type such as a home-office or similar arrangement.

§33-8 Hours of Operation

All Cannabis Establishments shall limit their hours of operation from 6:00 a.m. to 10 p.m., Monday through Saturday.

§33-9 Enclosed Building

All operations of a Cannabis Establishments shall occur within a single, or series of, completely enclosed buildings. No outdoor storage shall be permitted.

§33-10 Security and Reporting

- A. There shall be at least two employees on continuous duty in any part of a Cannabis Establishment to which the public is invited.
- B. A Cannabis Establishment shall employ a security officer, or the premises shall have in operation a security device approved by the Chief of Police of the Township which may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed circuit television connected to a

central security monitoring system designed to activate police response, or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly person's activity is in progress.

- C. The Township Police Department shall be provided the name and phone number of a contact person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation.
- D. A burglarproof drop safe that regulates an employee's access to cash shall be used on the premises.
- E. The exterior portion of a Cannabis Establishment, including parking areas, shall be well lit during business hours. Said lighting shall be designed so as to not unduly interfere with any neighbor's reasonable use and/or enjoyment of the property.
- F. Fencing, a minimum of six (6) feet in height, shall be installed around the loading and unloading area of the Cannabis Establishment.
- G. Security protocols shall be submitted to the Township Police Department for compliance review with all safety and security standards established by the State of Cannabis Establishments. The Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

§33-11 Storage of Products

Cannabis plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with applicable federal, state and local laws and regulations.

§33-12 Limitations on Consumption or Smoking on Premises

It shall be unlawful for any person 21 years of age or older to consume cannabis through means other than by smoking, vaping, or aerosolizing (e.g., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57.

§33-13 Prevention of emissions and disposal of materials

- A. A Cannabis Establishment must provide sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Cannabis Establishment. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- B. A Cannabis Establishment shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations.
- C. Cannabis Establishments must meet industry best practices for odor control.
- D. All State regulations concerning ventilation systems shall be followed.

§33-14 Transfer Tax and User Tax

- A. In accordance with the Act, the Township shall impose a cannabis transfer tax on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator and receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment in the following percentages:
 - a. Two (2%) percent of the receipts from each sale by a Cannabis Cultivator
 - b. Two (2%) percent of the receipts from each sale by a Cannabis Manufacturer
 - c. One percent (1%) of the receipts from each sale by a Cannabis Wholesaler.

- B. In accordance with the Act, the user tax for the Township shall be imposed at equivalent cannabis transfer tax rates on any concurrent license holder operating more than one (1) Cannabis Establishment in the Township.
- C. The user tax rate shall be assessed at 2% on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this Article, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.
- D. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
- E. All revenues collected from a transfer tax or user tax shall be remitted to the Township Chief Financial Officer in a manner prescribed by the Township. The Chief Financial Officer shall collect and administer any transfer tax or user tax. The Township shall enforce the payment of delinquent taxes or transfer fees in the same manner as provided for municipal real property taxes.

§33-15 Compliance with Law

A Cannabis Establishment shall comply with all applicable State and local laws and regulations.

§33-16 Revocation or Suspension of License

- A. The Township Clerk shall suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.
- B. Where it is found that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Clerk is authorized and empowered to immediately suspend any license or permit issued pursuant to this Chapter and order that the licensee cease all operations until such time as the violations are abated.
- C. Any person aggrieved by the action of the Township Clerk in the denial of an application for license or the decision with reference to the revocation or suspension of a license in accordance with this section, shall have the right of appeal to the Business Administrator, or his/her designee. Such appeal shall be taken by filing with the Business Administrator, within 10 days of the action complained of, a written statement setting forth fully the grounds for the appeal. The Business Administrator, or his/her designee, may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this Chapter, at least five days prior to the date set for said hearing. The decision and order of the Business Administrator, or his/her designee, on such appeal shall be final and conclusive.

§33-17 Violations and penalties

- A. Operation of any prohibited or unpermitted Cannabis Establishment within the municipality in violation of the provisions of this Ordinance is hereby declared a public nuisance and any such violation shall be abated pursuant to all available remedies.
- B. It shall be deemed a nuisance if a person, who is consuming, using, smoking, vaping, aerosolizing or imbibing cannabis, shall cause excessive odor or other pollution to extend beyond the person's premises.

C. Any person violating this Chapter shall be subject to the penalties of \$1,000.00 per day of violation and each day constituting a separate violation.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor

ORDINANCE NO. 1421

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 182 RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township’s Code of General Ordinances (“Code”) currently provides for the regulation of its Retail Food Establishments and Vending Machines in the Township;

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 182 of the Code entitled Retail Food Establishments and Vending Machines; and

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

Chapter 182 Retail Food Establishments and Vending Machines

§ 182-2. Fees. [Amended 12-22-2008 by Ord. No. 1060]

There shall be a fee established as set forth in Chapter 71, Fees, for a license or license approval issued pursuant to this section. Retail food establishment licenses and associated fees shall be defined as follows:

- A. Class VII, Farmers Market and or Green Fair Full Time Fee: ~~\$600—~~
There shall be a fee established as set forth in Chapter 71, Fees, for a license or license approval issued pursuant to this section

~~—20 market days, May through October dates as determined by the Mayor or his/her designee.—~~
- ~~Part Time Fee: \$300—~~
- ~~10 market days, May through October dates as determined by the Mayor or his/her designee.—~~
- ~~Guest Fee: \$35 per day, choice of 1 to 6 market dates approved by the Mayor or his/her designee.—~~

136. XI. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 182 of the Code entitled Retail Food Establishments and Vending Machines of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 182 of the Code entitled Retail Food Establishments and Vending Machines of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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

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

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

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor