

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE NOVEMBER 2, 2022
REGULARLY SCHEDULED WORKSHOP/REGULAR MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 379 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-016-007 FROM SUNWOO TRADE LLC TO PARADISE PUB & BAR LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been filed for a Person to Person transfer of 2021-2022 Plenary Retail Consumption License 1615-33-016-007 heretofore issued to Sunwoo Trade LLC to Paradise Pub & Bar LLC for premises located at 3055 Route 23, Oak Ridge, NJ 07438; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application form is complete in all respects and transfer fees paid.
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.
3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the active license be transferred with conditions listed below.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford does hereby approve, effective November 2, 2022 the transfer of the aforesaid Plenary Retail Consumption License to Paradise Pub & Bar LLC and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: this license, subject to all its terms and conditions is hereby transferred to Paradise Pub & Bar LLC effective November 2, 2022.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved by the Mayor and Township Council of the Township of West Milford and the Township Clerk is authorized to endorse the license certificate to the new ownership and is hereby transferred to Paradise Pub & Bar LLC.

LICENSE	CONDITIONS
<p style="text-align: center;">PARADISE PUB & BAR LLC t/a Paradise Pub & bar LLC 3055 Route 23 Oak Ridge, NJ 074381 1615-33-016-007</p>	<p>1. Second floor occupancy load must be strictly adhered to.</p>

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 047 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SECTION 500-92 EMERGENCY STANDBY GENERATORS PARAGRAPH (C) SITING AND PLACEMENT REQUIREMENTS FOR ALL GENERATORS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council previously clarified the ordinance and amended Section 500-92 Emergency Standby Generators; and

WHEREAS, the Mayor and Township Council wish to further clarify the ordinance provisions for emergency standby generators on residential and commercial lots with the amended kW size shown below; and

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

SECTION 1. Chapter 500 "Zoning" Section 500-92 Emergency Standby Generators is amended to read as follows:

§ 500-92. Emergency standby generators.

C. Siting and placement requirements for all generators.

- (1) Emergency standby generators shall be considered minor accessory structures if 25 kW or less and must adhere to the requirements for minor accessory structures as set forth in § 500-92.1C. If the generator is larger than 25 kW, standard accessory structure standards apply.

SECTION 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reasons held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. This Ordinance may be renumbered for codification purposes.

Introduced: October 5, 2022

Adopted:

Effective Date:

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 049 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD AMENDING THE TOWNSHIP CODE TO ADD WITHIN PART II, GENERAL LEGISLATION, A NEW CHAPTER 96 TO BE ENTITLED “BUSINESS INSURANCE REGISTRATION”

WHEREAS, on August 5, 2022, Governor Murphy signed into law Senate Bill 1368, which mandates that business owners, rental unit owners, and certain multi-family home owners maintain liability insurance for negligent acts and omissions in amounts set forth in N.J.S.A. 40A:10A-1; and

WHEREAS, Senate Bill 1368 additionally requires such business, rental unit and certain multi-family home owners to annually register a Certificate of Insurance with the municipality in which the business, rental unit, or multi-family home is located, in accordance with N.J.S.A. 40A:10A-2a, effective November 3, 2022; and

WHEREAS, N.J.S.A. 40A:10A-2b authorizes municipalities to, by ordinance, establish a reasonable administrative fee for administration of the registration program, and to enforce penalties pursuant to N.J.S.A. 2A:58-10 *et seq.* for failure to comply with the registration requirements; and

WHEREAS, in order to ensure compliance with this new law, business owners and owners of multi-family rental units are required to annually register a certificate of insurance with the municipality where the business or rental unit is located; and

WHEREAS, the Township of West Milford has reviewed this recent legislation and determined that the Township Code should be amended to establish a registration program and establish fees and penalties associated with same.

NOW THEREFORE BE IT ORDAINED, by the Township of West Milford, in the County of Passaic and State of New Jersey, that the Township Code shall be amended to add a new Section to read as follows:

SECTION 1. Chapter 96. BUSINESS INSURANCE REGISTRATION

§96-1. Insurance Coverage Required.

The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in this Section below, shall be required to maintain liability insurance for all negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§96-2. Annual Registration Requirement.

Any owner of a business or rental unit(s) required to maintain insurance as set forth in Section 96-1 above, is required to register the certificate of such insurance coverage with the Township Clerk, as follows:

- 1) Within 30 days of the date this Ordinance takes effect;
- 2) Within 30 days of the date of establishment of said business or rental unit(s) within the Township;
- 3) On or before January 15 or each year following enactment of this Section.

A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15 of each year. It shall be the responsibility of any owner conducting, operating or engaging in any business covered by this requirement to apply for a certificate at the Office of the Municipal Clerk.

§ 96-3 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS

Any person offering and/or engaged in buying, selling, storing and/or transferring merchandise, goods, real property, personal property, moneys, services and/or other items who do so for a fee, price, retainer, commission, percentage and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit or other gain.

MUNICIPAL INSURANCE REGISTRATION FORM

The registration form to be filed with the Municipal Clerk.

MUNICIPAL INSURANCE REGISTRATION CERTIFICATE

The certificate issued by the Municipal Clerk indicating compliance with the registration requirement.

CERTIFICATE OF INSURANCE

The certificate of insurance form.

MUNICIPALITY

The Township of West Milford

§ 96-4 Municipal Insurance Registration Form; Required Information; Issuance of Certificate

A. Any business owner, rental unit owner, or owner of a multifamily home that is four or fewer units, one of which is owner occupied, located within the Township of West Milford shall file a completed municipal insurance registration form and certificate of insurance with the Municipal Clerk and shall pay the required fee.

B. The municipal insurance registration form shall contain the following information for each owner applying for a certificate:

- (1) The name of the owner.
- (2) The nature of and address of the business, rental unit(s) or multifamily home(s).
- (3) The business address of the owner.
- (4) The home address of the owner.
- (5) The business telephone number of the owner
- (6) The home telephone number and/or cell number of the owner.
- (8) The trade name or other business identification titles used by the owner.

C. The Municipal Clerk shall issue a municipal insurance registration certificate to any owner who files a completed municipal insurance registration form with certificate of insurance demonstrating the required coverage, and pays the required fee.

D. Upon receipt of the requirements of § 96-4(C), the municipal insurance registration certificate shall be issued along with a copy of the completed municipal insurance registration form with an acknowledgment by the Municipal Clerk that it has been properly filed.

§ 96-5 Licensing Two or More Businesses or Locations.

A. In the event that two (2) or more businesses occupy the same location, the owner shall be required to complete a separate municipal insurance registration form and obtain a separate certificate for each such business.

B. In the event that the same owner conducts businesses at two (2) or more locations, a separate

business registration form and certificate shall be required for each location.

§ 96-6 Changes in Businesses or Locations or Owners.

Every owner having a municipal insurance registration certificate for a business or rental unit or multifamily home of four or few units, one of which is owner occupied, that ceases to operate, changes the principal activity in which it is engaged, changes its location and/or locations in the municipality, moves out of the municipality or changes owners and/or managers, must submit written notice to the Municipal Clerk within thirty (30) days of such change. In the event of cessation of business or moving out of the municipality, the person having a certificate for a business must provide the name, address and home telephone number of the person or principal officer of the business to the Municipal Clerk within thirty (30) days of such event.

§ 96-7 Compliance with Applicable Laws and Ordinances.

Issuance of a municipal insurance registration certificate by the municipality does not evidence compliance with other applicable rules, regulations, ordinances and statutes of the municipality, county and State of New Jersey, or other regulatory agencies having jurisdiction over the activities of the certificate holder.

§ 96-8. Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Section shall be \$25.00, due at the time the certificate of insurance is to be registered with the Municipal Clerk.

§ 96-9. Violations.

If the owner of a business or rental unit(s) subject to the registration requirements of this Section is found to be in violation of these provisions, a fine of not less than \$500 but no more than \$5,000 may be assessed against same through a summary proceeding in accordance with the provisions of in N.J.S.A. 2A:58-10 et seq.

SECTION 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. 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.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 050 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SECTION 500-66 ACCESSORY BUILDINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP AND ADDING A NEW SECTION 500-XX “OUTDOOR WOOD BURNING FURNACES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

-Ordinance to Follow-

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 051 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER §285, “PROPERTY MAINTENANCE” AND RETITLING SECTION §285-12 “VACANT AND ABANDONED PROPERTIES” OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 285, “Property Maintenance”, be and is hereby retitled “Vacant and Abandoned Properties” and amended to read as follows:

§285-12 Vacant/Abandoned Properties

§285-12-1. Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of this article:

ENFORCEMENT OFFICER - The Township Enforcement Officer shall be defined as the Zoning Officer, Construction Official, Township Engineer or any other Township officials so designated by the Township Council to enforce the provisions of this chapter. Nothing herein shall preclude any Township employee engaged in the enforcement of laws and ordinances from enforcing the provisions hereof. The Construction Official shall be responsible for enforcement of violations of the New Jersey Uniform Construction Code.

EXTERIOR OF THE PREMISES - Those portions of a residential structure or accessory structure on residential property which are exposed to public view and the surrounding open space.

NUISANCES AND HAZARDS - The following shall be considered nuisances and hazards for the purposes of this Article: (1) any residential structure or accessory structure that is in disrepair by reason of deteriorating conditions or storm damage; (2) out of service swimming pools in disrepair by reason of deteriorating conditions or storm damage; (3) dead, rotting or diseased trees; (4) loose and overhanging tree limbs; (5) accumulated junk, litter or debris; (6) accumulated hazardous, noxious, or unhealthy substances or materials; and (7) overgrown or neglected lawns, bushes, trees, shrubbery and landscaping
RESPONSIBLE PARTY - The title owner of a vacant and abandoned property or a creditor responsible for the maintenance of a property pursuant to N.J.S.A 46:10B-51.

OWNER - every person or entity, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

STREET ADDRESS - This means an address at which a natural person who is the responsible party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

VACANT - Any residential parcel of land in the Township of West Milford that contains any building or structure that is not lawfully occupied.

§285-12-2. Vacant, abandoned Residential Property

Any improved residential property which is not physically and lawfully occupied by a title owner, title owner's family member, title owner's relative or a tenant of the title owner, and at which at least three of the following conditions exist at the property:

- 1) Overgrown or neglected vegetation;
- 2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- 3) Disconnected gas, electric or water utility services to the property;
- 4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- 5) The accumulation of junk (including junk vehicles), litter, trash, or debris on the property
- 6) The absence of window treatments such as blinds, curtains, or shutters;
- 7) The absence of furnishings and personal items;
- 8) Statements of neighbors, delivery persons, or governmental employees indicating that the property is vacant and abandoned;
- 9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- 10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- 11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property;
- 12) An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied
- 13) The authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing, or;
- 15) Any other reasonable indicia of abandonment

A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Enforcement Officer and the property meets the criteria set forth in this Article.

§285-12-3. Yard

An open space extending between the closest point of any building and a lot line or street line, excluding those portions of the yard that are critical areas.

§285-12-4. Registration of Vacant, Abandoned Properties

- A. Registration. The responsible party for a vacant, abandoned residential property shall immediately file a certificate of registration with the Township Clerk after receipt of notice that the property has been determined to be vacant and abandoned, or immediately after the responsible party assumes ownership of or responsibility for a property already determined to be vacant and abandoned. A certificate of registration shall remain valid for one year from the date of issuance and shall be renewed on an annual basis if the property remains vacant and abandoned.
- B. Form of Certificate of Registration. The certificate of registration shall be filed on forms prescribed by the Township Clerk and shall contain:
 - 1) The name, street address, email address, and direct telephone number of a person who resides or maintains an office within the municipality and who is either the responsible party or an authorized agent designated by the responsible party to receive notices and complaints of property maintenance and code violations on behalf of the responsible party;
 - 2) The name, street address, and telephone number of the person responsible for maintaining the property, if different; and

- 3) A certificate from a licensed insurance provider evidencing the liability insurance coverage on the vacant and abandoned property.

Certificate of Registration Amendments.

A responsible party for a vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.

§285-12-5. Security; Notification; Liability Insurance

- A. Within 45 days after the property has been determined to be vacant and abandoned and until the property is reoccupied, the responsible party for a vacant, abandoned, or foreclosed residential property shall:
 - 1) Enclose and secure the property against unauthorized entry;
 - 2) Post a sign affixed to the inside and outside of the property, visible to the public, indicating the name, address, and telephone number of the responsible party, and authorized agent designated by the responsible party for the purpose of maintaining the property if different from the responsible party or authorized agent; and
 - 3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

§285-12-6. Maintenance Standards for Vacant, Abandoned, and Foreclosed Properties

- A. Vacant, abandoned, and foreclosed properties shall be maintained in accordance with the following standards:
 - 1) The property shall be kept free of all nuisances and hazards, litter, and debris.
 - 2) The property shall be kept free of accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation.
 - 3) Grass in the yard area shall be cut and maintained so as to prevent the grass from growing to seed or exceeding fourteen inches (14") in height.
 - 4) The exterior of every structure or accessory structure or other improvement on the premises shall be kept in good repair and all exposed surfaces subject to deterioration shall be covered by a protective coating appropriate for the particular material as needed.
 - 5) The exterior of the buildings shall be free of loose material that may create a hazard by falling on persons utilizing the premises
 - 6) All exterior walls, roofs, windows, window frames, doors, door frames, sky lights, foundations, and other parts of the structure shall be maintained to keep water from entering the structure and to prevent excessive drafts or heat loss during cold or inclement weather and to provide a barrier against infestation. Damaged or badly worn materials shall be repaired or replaced and places showing signs of rot, leakage or deterioration or corrosion shall be treated or restored to prevent weathering or seepage.
 - 7) Leaders and drain pipes shall be securely fastened to the building and maintained in good condition

§285-12-7. Notice of Vacancy and Abandonment

Upon determination of the enforcement officer that a residential property is vacant and abandoned, the enforcement officer shall notify the responsible party by personal service or registered mail, and posting of notice in a noticeable place on the property of the determination and the requirements of this Article.

§285-12-8. Notice of Violation

The enforcement officer upon determination of any violation of the provisions of this Article, or any other applicable ordinances, statutes or regulations, shall attempt to notify the responsible party by personal service or registered mail and posting of notice in a noticeable place on the property of the determination and the requirements of this Article. The notice shall advise the responsible party of the violation and the obligation to remedy the same within 10 days from the date of the notice. If the violation is not remedied to the satisfaction of the enforcement officer within said 10 days, the enforcement officer may issue a summons to the responsible party and request the governing body to adopt a resolution authorizing the municipality to abate the violation and place the property in compliance with the provisions of this Article

and any other applicable ordinances, statutes or regulations at the responsible party's sole cost and expense and impose a lien on the property for all costs and fees associated herewith.

§285-12-9. Appeals of Abandoned Property List Inclusion

- A. An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Building Standards Board within the thirty (30) days of the owner's receipt of notice or forty days from the date upon which the notice was sent. An owner whose identity was not known to the Construction Official shall have forty (40) days from the date upon which the notice was published or posted, whichever is later, to challenge the inclusion on the abandoned property list. For good cause shown, the Building Standards Board shall accept a late filing of an appeal. Within 30 (thirty) days of receipt of a request for an appeal of the findings contained in the notice, the Building Standards Board shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The Building Standards Board shall decide any timely filed appeal within (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the proper owner of the decision and reasons thereof.
- B. The property owner may challenge on adverse determination of an appeal with the Building Standards Board by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in Passaic County, which action shall be tried de novo. Such action shall be instituted within (20) days of the date of decision mailed by the Building Standards Board. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- C. The Construction Official shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- D. The abandoned property list shall become effective and the Township of West Milford shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to the property or upon the denial of an appeal brought by the property owner.

§285-12-10. Abatement by Municipality: Costs and Lien

Upon adoption of a resolution by the governing body, the municipality may abate any nuisance, hazard or violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes, or regulations. The enforcement officer shall certify the costs thereof to the governing body. The governing body shall review the certificate of costs and if found acceptable, authorize a lien be placed against the property. The amount of the lien shall be added to the taxes to be assessed and levied upon the property. The amount of the lien shall also bear interest at the same rates as taxes and be collected in the same manner as any other taxes assessed and levied upon the property.

§285-12-11. Violations and Penalties

Any person or entity that violates any provision of this article shall, upon conviction thereof, be punished by a fine not less than \$500 or more than \$1,000. Each day that a violation continues shall constitute an additional, separate and distinct offense. Any penalty imposed pursuant to this section shall be recoverable by a summary proceeding under the "Penalty Enforcement Law of 1999, "P.L. 1999, c.274

(C.2A:58-10 et seq.). The Superior Court, Law Division, or the municipal court shall have jurisdiction to enforce such penalty

§285-12-12. Severability

If any provisions of this Ordinance shall be determined to be invalid or unenforceable, such adjudication shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced:

Adopted:

Effective Date:

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 052 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 285 AND CREATING A NEW SECTION 285-XXX OF THE TOWNSHIP CODE OF WEST MILFORD TO BE ENTITLED, “REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council has determined that it is necessary and appropriate and in the best interest of the health, safety and welfare of the Township of West Milford’s residents to amend the Township Code regarding vacant, abandoned properties and foreclosure properties; and

WHEREAS, the Township of West Milford finds it in the best interest in providing for purpose, intent and applicability of an ordinance requiring the registration and maintenance of certain real property by mortgagees, providing for penalties and enforcement as well as the regulation, limitation and reduction of registrable real property within the Township, providing for severability, repealer, codification and an effective date.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of West Milford Passaic County, New Jersey that Chapter 285 Code of the Township shall be amended to create a new section 285-XXX to read as follows:

SECTION 1. Chapter 285 Property Maintenance shall be further amended to include the following provision and include as a new Section 285-XXX “Registration of Foreclosure Mortgaged Properties” and as noted below:

§ 285-XX. Registration of Foreclosure Mortgaged Properties.

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Township of West Milford and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon (hereinafter referred to as “Registrable Properties”) located throughout the Township lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring residential and commercial properties within the Township for which a summons and complaint in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the creditor of such properties.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP the Council finds that the implementation of the following changes and additions will assist the Township in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing Township regulations and laws.

- (a) That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
- (b) That the Council does hereby amend the Township Codified Ordinances by amending Chapter 285 Property Maintenance, Section 285-XXX entitled "Registration of Foreclosure Mortgage Properties" to read as follows.

SECTION 1. Chapter 285 Property Maintenance, Section 285-XXX Registration of Foreclosure Mortgage Properties

Section 285-XXX PURPOSE AND INTENT.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosure mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that there exist within the Township structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance or, further, that such conditions, including but not limited to structural deterioration; lack of maintenance of exterior premises and vacant lots; infestation; existence of fire hazards, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that, by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced, and the public health, safety and welfare protected and fostered. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Section 285-XXX DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ENFORCEMENT OFFICER shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

EVIDENCE OF VACANCY shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

FORECLOSURE OR FORECLOSURE ACTION shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGE shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as assignee or owner.

OWNER shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

PROPERTY MANAGER shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

REAL PROPERTY shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

REGISTRABLE PROPERTY shall mean any Real Property located in the Township, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed.

REGISTRY shall mean a web-based electronic database of searchable real property records, used by the Township to allow Mortgagees the opportunity to register properties and pay applicable fees as required in this Chapter.

ANNUAL REGISTRATION shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

UTILITIES AND SERVICES shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

VACANT as used in this Article shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied or inhabited by human beings. A property also shall be deemed vacant if it is occupied without a valid, unexpired certificate of occupancy or other written authorization for occupancy as may be required by Applicable Laws.

Section 285-XXX APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing or Foreclosed property within the Township.

Section 285-XXX ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

No less than 20 percent of any money collected shall be utilized by the municipality for municipal code enforcement purposes.

Section 285-XXX INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon the filing of a Foreclosure Action or any evidence of an existing foreclosure action or lien holder has obtained ownership of the real property by the Mortgagee.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Foreclosure when legally possible. A separate registration is required for each Registrable Property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number, regardless of whether it is occupied or vacant.
- (e) At the time of initial registration each registrant shall pay a non-refundable Annual Registration fee of five hundred dollars (\$500.00) for each occupied Registrable Property and two thousand dollars (\$2,000.00) for each Vacant property. Subsequent non-refundable Annual Registrations of properties and fees are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Foreclosure properties, (3) post-closing counseling and

Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (l) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (m) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.
- (n) Properties registered under this Section are not required to register under Section §285-12.

Section 285-XXX MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.

Section 285-XXX SECURITY REQUIREMENTS

- (a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m.

and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____
AND IS INSPECTED ON A REGULAR BASIS.
THE PROPERTY MANAGER CAN BE CONTACTED
BY TELEPHONE AT _____
OR BY EMAIL AT _____

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

Section 285-XXX PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

Section 285-XXX PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

Section 285-XXX ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.
- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Township contract with for that purpose.

Section 285-XXX OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

Section 285-XXX IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

Section 285-XXX PENALTIES

- (a) Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.
 - 1. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph
 - 2. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (2) A creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, of the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Section 285-XXX AMENDMENTS

Registration fees and penalties outlined in this Article may be modified an amendment to this Article, passed and adopted by the Council.

SEVERABILITY

It is hereby declared to be the intention of the Township that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or

section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 2. REPEALER - All ordinances of the Township of West Milford or parts of ordinances in conflict herewith, are hereby repealed and replaced to the extent of such inconsistency.

SECTION 3. CODIFICATION - It is the intention of the Council, that the provisions of this Ordinance shall become and be made a part of the Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. 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.

SECTION 6. This Ordinance shall take effect immediately, upon final passage, approval, and publication as required by law.

Introduced:
Adopted:
Effective Date:

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 053 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 420 “LAND USE PROCEDURES” AND 500 “ZONING” SECTION 500-90 FARM ANIMALS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, upon discussion the Township Council of the Township of West Milford finds it desirable and necessary to provide certain clarifications to the standards regulating fowl and farm animals to ensure proper and efficient implementation of same.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

SECTION 1. Chapter § 420 Land Use Procedures

§ 420-6 Definitions

FOWL

Domesticated chickens, ducks, peahens, and the like, excluding roosters and male chickens of any age.

SECTION 2. § 500-90. Farm animals.

A. Notwithstanding any other provisions of this chapter, farm animals shall be housed and kept in a manner which will not constitute a public nuisance.

B. A minimum tract for the keeping of farm animals shall be:

- (1) One acre for the keeping of horses, except as provided in Subsection B(5) of this section. The number of horses permitted shall be determined by the size of the accessory structure(s) housing the animals, using 100 square feet of roof area per animal as the criteria for determining the number of horses permitted on the property. A minimum of 32 square feet of roof area shall be required per animal.
- (2) One acre for the keeping of cows, sheep, pigs and goats, except as provided in Subsection B(5) of this section. No more than one animal shall be kept per acre of lot area.
- (3) One acre for the keeping of poultry and fowl as defined in § 420-6, except as provided in Subsection B(5) of this section and subject to the following standards:
 - [a] There shall be allowed a maximum amount of 12 fowl, as defined in § 420-6, allowed on lots of less than one acre.
 - [b] The keeping of roosters (mature male chickens) and cockerels (young male chickens) is prohibited.
 - [c] No more than 32 animals shall be kept per acre of lot area.
 - [d] Fowl shall be provided with a fully enclosed shelter (coop) and a run or fenced enclosure, with the following requirements:
 - [1] Portable (not permanently affixed to the ground) coops do not require a Zoning Permit Application. Permanent coops must submit a Zoning Permit Application.
 - [2] Coops and runs or fenced enclosures shall meet the Accessory Structure setback requirements per § 500-12 and must be a minimum of 25 feet from any residential dwelling.
 - [3] Coops and shelters shall have a maximum permitted height of twelve (12) feet.

- [e] The shelter and enclosures shall remain in good repair and in a clean and healthy condition, free from the accumulation of waste, free from noxious or offensive odor, and free from any condition which may breed flies or other insects. Slaughtering fowl in public view is prohibited.
 - [f] Storage of manure, waste, and odor or dust producing substance shall be kept in a water-tight container, disposed of in accordance with health code and accepted agricultural practices; and such manure and waste storage shall be located at least 15 feet from any lot line and a minimum of 25 feet from any residential dwelling.
 - (4) There shall be no minimal lot size for the keeping of rabbits. No more than 25 rabbits shall be kept on lots of one acre or less and no more than 75 rabbits shall be kept on lots of over one acre.
 - (5) No farm animals shall be kept on one-acre lots in subdivisions of over five lots which have received major subdivision approval from the West Milford Planning Board. (6) The housing and keeping of all other farm animals is prohibited.
- C. No farm animals shall be kept unless they can be contained on the property of their owner or the agent of their owner.
- D. Any use for the keeping of farm animals prior to the adoption of this chapter shall be considered nonconforming, provided that the owner register the use with the Township Zoning Officer within 90 days of the passage of this chapter.
- E. The provisions of this section shall not apply to farms or commercial horse stables as defined in § 420-6, Definitions.

SECTION 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other section or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 4. All ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

Introduced:
 Adopted:
 Effective Date:

TOWNSHIP OF WEST MILFORD
 COUNTY OF PASSAIC
 STATE OF NEW JERSEY

ATTEST:

 William Senande, Township Clerk

By: _____
 Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 054 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMENDING CHAPTER 500-ZONING SECTION 500-68 FENCES, WALLS AND SIGHT TRIANGLES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, upon discussion the Township Council of the Township of West Milford finds it desirable and necessary to provide certain clarifications to the standards regulating fences, walls and sight triangles to ensure proper and efficient implementation of same.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

SECTION 1. Chapter § 500 Zoning

§ 500-68. Fences, walls and sight triangles.

- A. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms or where necessary for the keeping of farm animals as provided in § 500-90 and except further that fences permitted for commercial and industrial uses may be topped by a barbed wire protective barrier. Moreover, notwithstanding any other provisions of this section, retaining walls which are under four feet in height, part of a larger project certified by an engineer, or on a site plan approved by the Township Engineer do not require a separate zoning or building permit application. Retaining walls over four feet in height require both a zoning and building permit application. Any Township review of the submitted request shall consider the safety and aesthetic aspects of the proposed retaining wall. [Amended 10-20-2021 by Ord. No. 2021-035]
- B. On any lot in any residential district, no wall or fence shall be erected or altered so that such wall or fence is over four feet in height in the front yard areas and six feet in height in the side and rear yard areas except: [Amended 11-4-1998 by Ord. No. 1998-19]
- (1) A private residential swimming pool area shall be surrounded by a fence at least four feet, but no more than six feet, in height. Swimming pool areas shall be located in rear or side areas only. See § 500-86 for additional standards.
 - (2) A tennis court area, located in rear yard areas only, may be surrounded by a nonopaque fence, a maximum of 15 feet in height. The fence shall be set back from any lot line the distances required for accessory buildings in the zoning district as specified.
 - (3) Buffer areas shall meet the requirements specified in this chapter.
 - (4) Off-street parking, loading, and driveway areas shall meet the requirements specified in § 500-73.
 - (5) Where necessary for the keeping of farm animals as provided for in § 500-90.
- C. On any lot in any nonresidential district, no wall or fence shall be erected or altered so that the wall or fence shall be over three feet in height in the front yard areas and six feet in height in side and rear yard areas. [Amended 11-4-1998 by Ord. No. 1998-19]

- D. Sight triangle easements shall be required at intersections, in addition to the specified right-of-way width, in which no grading, planting or structure shall be erected or maintained except for street signs, fire hydrants, and light standards. The "sight triangle" shall be defined as that area outside of the street right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight 1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). :1 points," one each located on the two intersecting street center lines; arterial streets at 300 feet; collector streets at 200 feet; and local streets at 90 feet. Where the intersecting streets are both arterials, both collectors, or one arterial and one collector, two overlapping sight triangles shall be required, formed by connecting the "sight point" noted above with a "sight point" 90 feet on the intersecting street. Such easement dedication shall be expressed on the site plans as follows: "Sight triangle deeded for the purposes provided for and expressed in the Land Development Ordinance."
- E. In all zone districts, any walls must be located at least one foot from any property line. Walls are prohibited from being placed within any right-of-way.

SECTION 2. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. 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.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2022 – 055 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officer(s) and Employee(s) here below stated shall be classified by job title with the corresponding pay ranges:

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Director of Public Safety/Chief of Police	\$45,000.00	\$180,000.00

1. The aforelisted Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced:
 Adopted:
 Effective Date:

TOWNSHIP OF WEST MILFORD
 COUNTY OF PASSAIC
 STATE OF NEW JERSEY

ATTEST:

 William Senande, Township Clerk

By: _____
 Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 380 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO EID ASSOCIATES, INC. FOR THE TAX MAP CONVERSION PILOT PROJECT

WHEREAS, the State of new Jersey requires revisions to municipal tax maps be reviewed and certified by a licensed land surveyor; and

WHEREAS, the Township of West Milford utilizes original mylar tax maps that required manual revision by use of inking pens and materials; and

WHEREAS, the Engineering Division has been pursuing converting the tax maps to electronic format according to New Jersey State guidelines and standards; and

WHEREAS, a proposal was requested and received from Eid Associates, Inc. for conversion of three tax map sheets for consideration and evaluation for a potential future project of the Township tax maps (201 sheets); and

WHEREAS, the Engineering Division has reviewed said proposal and recommends the award of a Professional Services Contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate to Eid Associates, Inc. to provide these services; and

WHEREAS, Eid Associates, Inc. will complete and submit a Business Entity Disclosure Certification which will certify that the firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year and that the contract will prohibit the firm of Eid Associates, Inc. from making any reportable contribution through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services, said funds to be encumbered from account numbered 01-201-20-165-450; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Eid Associates, Inc., 102 Wayside Road, Hewitt, NJ 07421, for professional services for the Tax Map Conversion Pilot Project in an amount not to exceed \$2,400.00.
2. This contract is awarded as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$2,400.00, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 381 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO AMERICAN ASPHALT & TRUCKING, LLC FOR THE 2022 TOWNSHIP ROAD RESURFACING – GOULD ROAD & VAN ORDEN ROAD PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on October 21, 2022 at 10:00 am for the resurfacing of a section of Gould Road between Wooley Road and Union Valley Road and Van Orden Road between Union Valley Road and Clinton Road (entire length) as per the bid specifications; and

WHEREAS, the Township of West Milford received six (6) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division and the Township Attorney; and

WHEREAS, the bid received from the low bidder, American Asphalt & Trucking, LLC, has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbered 04-215-55-833-008 and 04-215-55-837-003; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

1. The Township Council hereby awards a contract to American Asphalt & Trucking, LLC, 818 Summer Avenue, Newark NJ 07104 for the 2022 Township Road Resurfacing – Gould Road & Van Orden Road project in an amount not to exceed \$791,946.30.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid for said resurfacing of Gould Road and Van Orden Road in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 382 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE LEASE OF ONE (1) 2023 INTERNATIONAL MV607 SBA 4X2 CHASSIS WITH TEREX XT PRO 60 BUCKET WITH 10' LIFT THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #011620-NCL FROM NCL GOVERNMENT CAPITAL

WHEREAS, the Township is in need of procuring a Bucket Truck through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the leasing of such vehicle may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C. 139 and N.J.S.A. 52:34-6.2; and

WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative is Contract #011620-NCL from NCL Government Capital; and

WHEREAS, the Township will take delivery in 2024, with the first lease payment being made 12 months after commencement of the lease; and

WHEREAS, funds will be budgeted for seven (7) years based on the terms of the lease.

NOW, THEREFORE BE, IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease the Bucket Truck as described above through Sourcewell National Cooperative Contract #011620-NCL from NCL Government Capital, 220 22nd Ave. E., Suite 106, Alexandria, MN 56308.

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 383 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE LEASE OF ONE (1) 2023 INTERNATIONAL CV515 4 X 4 SERVICE TRUCK THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #011620-NCL FROM NCL GOVERNMENT CAPITAL

WHEREAS, the Township is in need of procuring a Service Truck through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the leasing of such vehicle may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative is Contract #011620-NCL from NCL Government Capital; and

WHEREAS, the Township will take delivery in 2023, with the first lease payment being made after delivery; and

WHEREAS, funds will be budgeted for seven (7) years based on the terms of the lease.

NOW, THEREFORE BE, IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease the Service Truck as described above through Sourcewell National Cooperative Contract #011620-NCL from NCL Government Capital, 220 22nd Ave. E., Suite 106, Alexandria, MN 56308.

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 384 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE LEASE OF ONE (1) 2024 INTERNATIONAL HV507 SFA 4X2 SINGLE AXLE TRUCK WITH PLOW THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #011620-NCL FROM NCL GOVERNMENT CAPITAL

WHEREAS, the Township is in need of procuring a Single Axle Truck with plow through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the leasing of such vehicle may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative is Contract #011620-NCL from NCL Government Capital; and

WHEREAS, the Township will take delivery in 2024, with the first lease payment being made 12 months after commencement of the lease; and

WHEREAS, funds will be budgeted for seven (7) years based on the terms of the lease.

NOW, THEREFORE BE, IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease the Single Axle Truck with plow as described above through Sourcewell National Cooperative Contract #011620-NCL from NCL Government Capital, 220 22nd Ave. E., Suite 106, Alexandria, MN 56308.

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 385 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE REPAIR PARTS AND SERVICE FROM JESCO IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICY AND IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase or purchases in excess of the Pay-to-Play threshold of \$17,500 and that the purchases shall warrant use of State contract, Cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need for repairs to loaders, mowers, backhoes, graders and grounds maintenance equipment which expenses would exceed the Pay-to-Play threshold of \$17,500; and

WHEREAS, Jesco holds both a State Contract, Sourcewell and an ESCNJ Cooperative Contract for repair parts for loaders, mowers, backhoes, graders and grounds maintenance equipment; and

WHEREAS, the Township is a municipality within the State of NJ, a member of Sourcewell and a member of the ESCNJ and can therefore take advantage of the discounted prices; and

WHEREAS, Jesco has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(b), no orders of materials shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from Jesco is hereby authorized and approved purchases are made through a Cooperative pricing contract, State contract or a minimum of three quotations when the purchase is not covered under a Cooperative pricing contract or State contract and the total purchases are not to exceed the budgeted appropriation established for this purpose for the remainder of the 2022 calendar year.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 386 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE REPAIR OF THE EXISTING NOSENZO POND PARK TENNIS COURTS AND THE LAYOUT AND PAINTING OF (10) SETS OF REGULATION PICKLEBALL PLAYING COURTS FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

WHEREAS, the Township of West Milford wishes to repair existing cracks in the Nosenzo Pond Park Tennis Courts and line the existing Tennis Courts for 10 new Pickleball courts; and

WHEREAS, the Director of Community Services and Recreation has provided a recommendation to purchase through Sourcewell Cooperative Contract #060518-AST from Sports Tech Acrylics; and

WHEREAS, the total amount of the purchase shall not exceed \$29,600.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the repair and installation of ten (10) sets of regulation Pickleball playing lines per American Sports Builders Association (ASBA) Specifications using Laykold Acrylic textured yellow line paint in an amount not to exceed \$29,600 through Sport Tech Acrylics 410 Route 22, Brewster, NY 10509 through Sourcewell Cooperative Contract #060518-AST.
2. The Township Chief Financial Officer has certified the availability of funds for same in account 19-295-56-100-701.
3. This resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 387 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF 10 FRANKLIN PORTABLE PICKLEBALL NET SYSTEMS WITH WHEELS FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

WHEREAS, the Township of West Milford wishes to purchase 10 Franklin Portable Pickleball net systems with wheels; and

WHEREAS, the Director of Community Services and Recreation has provided a recommendation to purchase this through Pickleball Inc. Wholesale after obtaining a quotation: and

WHEREAS, the total amount of the purchase shall not exceed \$1,589.62

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the purchase of ten (10) Franklin Portable Pickleball net systems with wheels in an amount not to exceed \$1,599.62 through Pickleball Inc. Wholesale 6250 South 196th St Kent, WA 98032
2. The Township Chief Financial Officer has certified the availability of funds for same in accounts: # 19-295-56-100-701
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: November 2, 2022

Adopted this 2nd day of December, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 388 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF PASSAIC FOR FUELING SERVICES

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C.40A:65-1 et seq. local units may enter into shared services agreements with other local units; and

WHEREAS, the Township of West Milford, as a local unit, wishes to enter into Shared Services Agreement with Passaic County to fuel certain vehicles at Township facilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Mayor and the Township Clerk be and are hereby authorized to enter into an agreement effective December 1, 2022 through November 30, 2024 with the County of Passaic and invoiced at the current rate of fuel plus a 10% ten percent administrative fee.
2. The Passaic County Officials will provide the West Milford DPW Director with a list of County employees and list of vehicles that will be the subject to this subject.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
4. A copy of this resolution to be sent to the Division of Local Government Services.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 389 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A TITLE TRANSFER FOR ONE (1) 2016 FORD TAURUS AND ONE (1) 2014 DODGE CHARGER FROM TOWNSHIP OF WEST MILFORD TO ENTERPRISE FLEET MANAGEMENT FOR THE PURPOSE OF SELLING SAME

WHEREAS, the Township of West Milford has owned one (1) 2016 Ford Taurus VIN# 1FAHP2MK3GG138323 and one (1) 2014 Dodge Charger VIN# 2C3CDXAT4EH140496; and

WHEREAS, the Township of West Milford wishes to enter into an agreement with Enterprise Fleet Management (EFM) for the purpose of selling said vehicles; and

WHEREAS, EFM requires a clear title for said vehicles to be sold and requires possession of clear titles to effectuate the sale; and

WHEREAS, the Police Department is in possession of said titles to be transferred; and

WHEREAS, the transfers are being done in conjunction with the leasing of replacement vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows:

1. The Township Administrator is hereby authorized to execute an agreement to sell one (1) Ford Taurus VIN# 1FAHP2MK3GG138323 and one (1) 2014 Dodge Charger VIN# 2C3CDXAT4EH140496 and a title transfer from said vehicles to Enterprise Fleet Management
2. The Township Administrator is authorized to take any other incidental actions to effectuate this transaction.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 390 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR DISPOSAL/RECYCLING OF RESIDENTIAL YARD WASTE FROM THE RECYCLING CENTER AND AUTHORIZING THE INTENT TO PURCHASE MATERIALS FROM RVH MULCH SUPPLY, LLC IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchases and expenditures in excess of the Pay-to-Play threshold of \$17,500.00 and that the purchases/expenditures shall warrant use of State contract, cooperative pricing contract or a minimum of three quotations; and

WHEREAS, the Township of West Milford has a need on a timely basis to dispose of (recycle) residential yard waste (grass/leaves) from the recycling center and to purchase materials (mulch/top soil) for various projects throughout the Township from RVH Mulch Supply, LLC., which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor will comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of material shall be undertaken until such time as the funding for the goods or services are certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from and expenditures to RVH Mulch Supply, LLC is hereby authorized and approved provided that purchases/expenditures are made through a State contract, cooperative pricing contract or a minimum of three (3) quotations when the purchases/expenditures are not covered by State or cooperative contract and the total purchases/expenditures are within the budgeted appropriation established for this purpose for the remainder of the 2022 calendar year.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 391 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4 - 58

WHEREAS, there appears to be a surplus in the 2022 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
General Services, S&W	20-161-100	\$10,000
General Services, OE	20-161-200	\$13,300
Zoning, S&W	21-185-100	\$10,000
Police Communications, OE	25-243-200	\$5,000
Public Health, S&W	27-330-200	\$40,000
Bubbling Springs, S&W	28-371-100	\$10,000
TOTAL TRANSFERS OUT		\$83,300

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2022 budget year:

Elections, OE	20-146-200	\$13,300
Police Communications, S&W	25-243-100	\$5,000
Parks, S&W	28-375-100	\$40,000
Shared Services-Health	47-500-200	\$30,000
TOTAL TRANSFERS IN		\$83,300

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2022 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 392 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF J & J FLOWERS LLC'S CANNABIS BUSINESS

WHEREAS, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

WHEREAS, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which established the adult use cannabis program in the State of New Jersey; and

WHEREAS, the Township of West Milford endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Township of West Milford supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Highway Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-193, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, J & J Flowers LLC has expressed interest in siting such a retail cannabis dispensary at 3055 Route 23 (Block 16001, Lot 3); and

WHEREAS, the proposed location is within the Township's Highway Commercial Zone; and

WHEREAS, the Township of West Milford has not imposed any limits on the number of retail cannabis dispensary that may operate in the Highway Commercial Zone.

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Township Council supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Highway Commercial Zone by J & J Flowers LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 393 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions on the Consent Agenda are hereby approved:

Resolutions:

- a) **2022-394** – Recreation Refund
- b) **2022-395** – Refund Health Ins Payment
- c) **2022-396** – Refund of Overpayment
- d) **2022-397** – Reinstatement of Taxes
- e) **2022-398** – Refund of Other Liens

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 394 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF RECREATION FEES

BE IT RESOLVED that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

REC BASKETBALL			
\$100.00	Rocio Urena 21 Newfield Road Hewitt, NJ 07421		

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 395 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PARTIAL REFUND OF HEALTH INSURANCE PAYMENT

BE IT RESOLVED, that the following Health Insurance Premium fee be refunded upon the request of Payroll:

Name / Address	Account No.	Amount to be Refunded	Reason
Loraine Musto 12345 Spreading Oak Drive Spring Hill, FL 34609	01-201-23-220-507	\$288.00	Overpayment

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 396 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENT

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

- REASON:**
- | | |
|----------------------|-------------------------------|
| 1. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Exempt Property |
| 5. Homestead Rebate | 10. Trust Assessment |

Block / Lot	Name	Amount	Year	Reason
09801-028.09	Rocket Mortgage Attn: Sheila Jackson 635 Woodward Ave Detroit, MI 48226	\$5,570.79	2022	1

Adopted: November 2, 2022

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William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 397 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

- REASON:**
1. INSUFFICIENT FUNDS
 2. NO ACCOUNT/CANNOT LOCATE
 3. ACCOUNT CLOSED
 4. STOP PAYMENT
 5. INVALID ACCOUNT NUMBER

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
13802-004	RACHEL BOHMANN	39.58	2022	2
05301-005	ROBERT F ANGLESEA	\$3,960.89	2022	1
02310-001	DENHEYER FAMILY TRUST	\$2,075.00	2022	2
07307-001	CHERYL & MICHAEL GRANATELL	\$3,194.00	2022	2
02702-009	FRANK, ROSEMARY	\$991.96	2022	1
Total:		\$10,261.43		

Adopted: November 2, 2022

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William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 – 398 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
22-0020	10/11/2022	06101-024	\$6,474.55	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z, LLC PO BOX 71276 PHILADELPHIA, PA 19176
22-0026	10/11/2022	09713-015	\$90,521.91	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z, LLC PO BOX 71276 PHILADELPHIA, PA 19176
20-0023	10/13/2020	02414-005	\$24,015.25	FIG CUST FIGNJ19, LLC PO BOX 54226 NEW ORLEANS, LA 70154-4226
TOTAL			\$121,011.71	

Adopted: November 2nd, 2022

Adopted this 2nd day of November, 2022
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution No. 2022 – 399 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer’s report of checks prepared by the Treasurer’s Office be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$802,603.40
3	Reserve Account	1,101.00
2	Grants	11,115.45
6	Refunds	137,820.95
1	General Ledger	5,625,142.22
26	Refuse	195,824.77
4	Capital	7,111.44
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	5,715.21
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	87.00
Total		\$6,786,521.44
	Less Refund Resolution	-\$137,820.95
	Actual Bills List	\$6,648,700.49
	Other Payments	
	Payroll	\$526,983.99
	State of NJ, Dog report	70.80
	Total Expenditures	\$7,175,755.28

Adopted: November 2, 2022

Adopted this 2nd day of November, 2022
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William Senande, Township Clerk