



**A G E N D A**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, May 8, 2024**  
**7:00 PM**

**STUDENT GOVERNMENT DAY**

To view the Mayor & Council meeting via livestream, please access the YouTube link which is posted on the Northvale website, [www.northvalenj.org](http://www.northvalenj.org). Go to government tab, then to meeting livestreams.

**CALL THE MEETING TO ORDER**

**OPEN PUBLIC MEETINGS ACT NOTICE**

This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the official Newspaper of the Borough, filed with the Municipal Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.

**SALUTE TO THE FLAG AND MOMENT OF SILENCE**

**ROLL CALL**

**Borough Official**

Mayor McGuire  
Council President McMorrow  
Councilman Bakalian  
Councilwoman Fernandez  
Councilman Mattessich  
Councilman Menafra  
Councilman Sokoloski  
Borough Attorney Ferraro  
Borough Engineer Loverich  
Municipal Clerk Weston

**Student Representative**

Ryan Mathew  
Maria DiMeglio  
Sean Park  
Dalmi Boror Camey  
Jesse Lim  
Jay Seo  
Gianna Porto  
Alex Horton  
Lily Burke  
Lily Burke

**STUDENT OFFICIALS**

Dohyeon Park	Tovah Kirch	Sophia Watkins
Ethan Nikac	Michael Pawlowski	Derek Cloesmeyer
Hannah Yun	Sean Moon	Isabella Kwon
Isabel Manteiga	Rayna Mathew	
Eli Zimble	Amanda Zajdel	

**Approval of Block Party, June 9, 2024, rain date June 25, 2 -requested by Andre & Toleen Farah – Longview Court**

**APPROVAL OF MINUTES**

**Combined Meeting of April 10, 2024**

**CORRESPONDENCE**

1. Neglia Group Proposal  
2024 Riverside Cooperative Road Surfacing Program  
(Resolution #2024-77)
2. Rockleigh DPW Shared Service Agreement  
(Resolution #2024-81)
3. Automatic Fire Aid Agreement-Harrington Park  
(Resolution #2024-84)



**RESOLUTIONS – Consent Agenda –**

*“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”.*

**RESOLUTION #2024-77**

**TITLE: RESOLUTION AUTHORIZING PROFESSIONAL SERVICES FOR NEGLIA GROUP – 2024 RIVERSIDE COOPERATIVE ROAD PROGRAM – PROJECT NO. NOVLMUN24.012**

**WHEREAS**, Neglia Group has prepared a scope of services for the 2024 Riverside Cooperative Road Program as per their letter dated April 22, 2024 as follows:

<b>Construction Management Services (Phase I)</b>	<b>\$21,590.00</b>
<b>Material Basis (Phase II)</b>	<b>\$ 1,000.00</b>

**WHEREAS**, the Chief Financial Officer certifies that the funds will be available not to exceed \$22,590.00.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby approve the Proposal for Construction Management Services and Material Basis for Neglia Group.

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**RESOLUTION #2024-78**

**TITLE: RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAX DUE TO TAX EXEMPT STATUS 179 FRANKLIN STREET, BLOCK 917, LOT 4 – BOROUGH OF NORTHVALE**

**WHEREAS** ,2024 2<sup>nd</sup> Quarter Taxes remain outstanding on the Borough of Northvale tax records; and

**WHEREAS**, the property has been granted Tax Exempt Status according to New Jersey Statute 54:4-3.6; and

**WHEREAS**, the outstanding balance of 2024 Tax is \$2,691.68 as analyzed:

Assessed To	Property Location	Block/Lot	Amount	Year
Robert Bettega	179 Franklin Street	917/4	\$2,691.68	2024

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, that the Tax Collector is hereby authorized to cancel the amount of \$2,691.68 from the tax records for the tax year 2024.

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**RESOLUTION #2024-79**

**TITLE: RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO RETURN ESCROW FOR SJ PAVING, INC., PROPERTY ADDRESS 413 SEMINO ROAD, BLOCK 104, LOT 6**

**WHEREAS**, SJ Paving, Inc., 700 Kinderkamack Road, Ste. 310, Oradell, New Jersey 07649 was hired to install a pool at 413 Semino Road, Block 104, Lot 6; and

**WHEREAS**, the homeowner at 413 Semino Road, Block 104, Lot 6 never had the project started; and

**WHEREAS**, SJ Paving Inc. is requesting the escrow be returned to them; and



**WHEREAS**, there are no objections to the return of escrow from the Borough Engineer and Building Department and there are no outstanding bills.

**NOW, THEREFORE BE IT RESOLVED**, that the Chief Financial Officer is hereby authorized to return the remainder of escrow fees to SJ Paving, Inc., 700 Kinderkamack Road, Ste. 310, Oradell, New Jersey 07649 in the amount of \$1,087.50 from escrow account number 9706320057.

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**RESOLUTION #2024-80**

**TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH THE BOROUGH OF ROCKLEIGH FOR THE PROVIDING OF PUBLIC WORKS SERVICES BY THE BOROUGH OF NORTHVALE FOR 2024**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1, et. seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive; and

**WHEREAS**, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property and pothole repair on streets, all within the Borough of Rockleigh; and

**WHEREAS**, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

**NOW, THEREFORE BE IT RESOLVED**, that Mayor Joseph McGuire and the Municipal Clerk be and are hereby authorized to execute aforesaid agreement; and

**BE IT FURTHER RESOLVED**, that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to NJSA 40A:65-4b.

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**RESOLUTION #2024-81**

**TITLE: RESOLUTION ACCEPTING LOWEST RESPONSIBLE BID FOR SENIOR CENTER ADA BATHROOMS**

**WHEREAS**, on Tuesday, April 16, 2024, the Borough of Northvale accepted bids for the Senior Center ADA Bathrooms; and

**WHEREAS**, the Borough of Northvale proposes to award the contract to the lowest responsible bidder for the base bid only. The Borough received ten (10) bids for the project; and

**WHEREAS**, the following base bids were received:

- |                                       |              |
|---------------------------------------|--------------|
| 1. HM Company                         | \$72,900.00  |
| 2. VMF Construction                   | \$74,000.00  |
| 3. Ranco Mechanical                   | \$74,000.00  |
| 4. K&D Contractors LLC                | \$83,025.00  |
| 5. Innovational Construction & Design | \$84,500.00  |
| 6. Affirmative Mechanical             | \$88,888.00  |
| 7. BGD Contracting                    | \$91,000.00  |
| 8. R.J.Michaels & Co.                 | \$94,998.00  |
| 9. Northeast Construction Services    | \$97,225.00  |
| 10. Westcraft Builders                | \$113,500.00 |



**WHEREAS**, the bids are on file in the office of the Municipal Clerk; and

**WHEREAS**, HM Company is the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that a contract be awarded to HM Company for its base bid of \$72,900.00; and

**BE IT FURTHER RESOLVED** that the Northvale Mayor and Municipal Clerk be and are hereby authorized and directed to execute a Contract with HM Company for the sum of \$72,900 for the scope of work set forth in the base bid.

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**RESOLUTION #2024-82**

**TITLE: RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR RIVERSIDE COOPERATIVE TREE REMOVAL, TRIMMING, AND STUMP GRINDING AND FENCING MATERIALS AND INSTALLATION**

**WHEREAS**, N.J.S.A. 40A:11-1 ET. SEQ. and N.J.A.C. 5:34-7 et seq., permits the creation of a cooperative pricing system whereby two or more contracting units join together to form a joint purchasing and cooperating pricing system; and

**WHEREAS**, the Riverside Cooperative was duly formed and created and has designated the Borough of Northvale as the Lead Agency; and

**WHEREAS**, the Riverside Cooperative intends to solicit bids for the 2024 Tree Removal, Trimming and Stump Grinding Services AND Fencing Materials and Installation Services; and

**WHEREAS**, the aggregate of said goods and services is anticipated to exceed the current bid threshold and is therefore required to be bid under a formal process pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-3 et. seq; and

**WHEREAS**, as the Lead Agency, the Borough of Northvale is responsible for advertising for the receipt of bids for the 2024 Tree Removal, Trimming and Stump Grinding Services and Fencing Materials and Installation Services.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, County of Bergen, and State of New Jersey, that the Borough of Northvale does hereby authorize the Municipal Clerk to advertise for the receipt of bids for the 2024 Tree Removal, Trimming and Stump Grinding Services and Fencing Materials and Installation Services.

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**RESOLUTION #2024-83**

**TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF AN AUTOMATIC FIRE AID AGREEMENT AND SUPPLEMENTING EXISTING MUTUAL AID AGREEMENTS**

**WHEREAS**, the Borough of Northvale has a duly designated fire department created by ordinance which provides for lifesaving and property protection services; and

**WHEREAS**, the Borough has been advised that the current mutual aid agreements may be enhanced by entering into Automatic Aid Agreements for Firefighting Services with participating municipalities; and

**WHEREAS**, the Mayor and Council of the Borough recognize the importance of a prompt response when property or life is threatened by fire originated circumstances which is a desirable benefit that advances the health, welfare, and safety of not only Northvale residents but other communities.



NOW, THEREFORE BE IT RESOLVED, that the Northvale Mayor and Municipal Clerk or other authorized person may enter into such Automatic Aid Agreements.

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**RESOLUTION #2024-84**

**TITLE: RESOLUTION TO APPROVE THE REDEMPTION OF TAX SALE CERTIFICATE #92 FOR BLOCK 706, LOT 3**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale that the Tax Collector shall conduct the Redemption of Tax Sale Certificate #92, Chris and Bessie Fiakos, the property owners, from Robert Rothman, the lienholder, according to N.J.S.A. 54:5-54. The breakdown is as follows:

Block 706, Lot 3 – Chris and Bessie Fiakos – 407 Wildwood Road

Tax Sale Certificate #92	\$ 12,447.02
6% Redemption Penalty	746.82
0% Interest on Certificate	0.00
Recording Fee	43.00
Search Fee	12.00
Subsequent Tax 2011-2018	81,513.18
Interest on Subsequent Taxes	<u>134,825.31</u>
Total Due to the Lienholder	\$229,587.33

The Chief Financial Officer shall issue a check in the amount of \$229,587.33 to:

Robert Rothman  
411 Grand Avenue  
Englewood, New Jersey 07631

**BE IT FURTHER RESOLVED**, that the Premium on Tax Sale Certificate #92 in the amount of \$7,000.00 shall be forfeited to the Borough since the certificate was not redeemed before the 5 year limit.

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**RESOLUTION #2024-85**

**TITLE: RESOLUTION CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045**

**WHEREAS**, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

**WHEREAS**, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

**WHEREAS**, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

**WHEREAS**, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and



**WHEREAS**, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

**WHEREAS**, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

**WHEREAS**, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

**WHEREAS**, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

**WHEREAS**, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

**WHEREAS**, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens’ personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees.

**NOW, THEREFORE BE IT RESOLVED**, the governing body of the Borough of Northvale in the County of Bergen respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

**BE IT FURTHER RESOLVED**, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Holly Schepisi, Assemblyman Robert Auth and Assemblyman John Azzariti, Governor Murphy, and the New Jersey League of Municipalities.

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**RESOLUTION #2024-86**

**TITLE: PAYMENT OF BILLS**

**WHEREAS**, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2024)	\$599,335.95
Current Fund Appropriations (2023)	
General Capital Fund	2,077.00
Grant Fund	6,148.68
Animal Trust	2.40
Police DEA Trust	19,355.08



Escrow Trust	4,821.00
Affordable Housing Trust	
Recreation Trust	
Summer Recreation Trust	9,641.96
<b>SUBTOTAL</b>	<b>\$641,382.07</b>
<b>TOTAL</b>	<b>\$641,382.07</b>

**WHEREAS**, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, finance committee, and/or the chief financial officer; and

**WHEREAS**, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued; accordingly, and

**WHEREAS**, claims have already been paid in the following amounts for the purposes specified below during the course of the year:

Northern Valley Regional High School	4-10-24	\$943,431.59
Payroll – Salaries & Wages	4-10-24	943,431.59
Payroll- Salaries & Wages	4-10-24	\$160,000.00
Health Benefits	4-25-24	\$165,000.00
County Taxes	04-16-24	\$62,353.04
Employee Pension Payment-PERS/PFRS		
Northvale Board OF Education Northern Valley Regional High School District	4-10-24	\$752,087.50
Northvale Public Library		
Trust - Interfund		
DTC- Bond Principal		
DTC- Bond Interest		
<b>TOTAL</b>		<b>\$3,668,630.57</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$3,668,630.57** and ratified respectively.

**ROLL CALL**

**OPEN MEETING TO PUBLIC ON CONSENT AGENDA ITEMS ONLY**

**ORDINANCES – 2nd READING**



## ORDINANCE #1082-2024

### AN ORDINANCE TO CREATE CHAPTER 17 OF THE BOROUGH CODE ENTITLED "FILMING"

WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to create Chapter 17 of the Borough Code entitled "FILMING" as set forth herein.

BE IT ORDAINED, by the Mayor and Council of Northvale, County of Bergen, State of New Jersey, as follows:

Section 1:

#### Chapter 17 Filming

##### § 17-1 Purpose and intent.

The Borough of Northvale has determined that family-friendly commercial filming is an important industry in the Borough and should be regulated to maintain the health and safety of all persons, mitigate the disruption to all persons within filming areas, maintain the safety of property within the Borough of Northvale, and control traffic congestion at certain locations within the Borough. This chapter is not intended to apply to purely private filming events, including, but not limited to, the filming or photographing of a wedding or private social function, or the filming by any public entity; neither is it intended to include the filming of news stories.

##### § 17-2 Definitions.

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

##### APPLICANT or APPLICANT OF PERMIT

Any person, organization, corporation, association, or other entity applying for a film permit from the Borough of Northvale.

##### BOROUGH

The Borough of Northvale.

##### FILM

As used in this chapter, any film, including a movie, television program, commercial, still photography, video documentary, music video, internet video or other visual recording medium, used in whole or in part for sale, lease, or other commercial exchange, including the advertisement or promotion of any product, service or organization. A recurrent television or internet series is a film. A film which is not sold or leased in whole or part, or is not otherwise part of a commercial exchange, is a "nonprofit film."

##### FILM CREW MEMBERS

Shall include, but not be limited to: directors, actors, set or costume designers, camera crew members, lighting crew members, sound crew members, boom operators, pyrotechnics experts, stunt performers, extras, stage hands, security personnel, production or personal assistants, contractors and subcontractors, interns (whether or not paid) and agents.

##### INTERMEDIATE FILM

Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between 10 and 19 people, a casting size that is between 10 and 14 people, or the presence of nine or fewer production vehicles on Borough streets.

##### MAJOR FILM

Major motion pictures, commercials, TV series, network, cable, streaming services (e.g., Netflix, Hulu, Amazon, etc.) that consist of either a filming crew size of 20 or more people, a casting size of 15 or more people, or the presence of greater than 10 production vehicles on Borough streets.



### **MINOR FILM**

Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between four and nine people, a casting size that is between four and nine people, or the presence of three or fewer production vehicles on Borough streets.

### **NEWS MEDIA**

As used in this chapter, filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.

### **PRIVATE PROPERTY**

As used in this chapter, any property not owned by the Borough of Northvale, but rather is owned by or assessed to a private person or entity in which filming would not interfere with public right-of-way, access or safety.

### **PUBLIC PROPERTY**

Any public street, road, sidewalk, public park or playground, Borough-owned building or property or any other public place which is maintained and within the control of the Borough of Northvale.

### **STILL PHOTOGRAPH**

Photographs or other visual impressions which are not films which are sold or leased or otherwise commercially exchanged and all activity related to the staging or shooting of such photographs or other visual impressions.

### **STUDENT FILM**

A not-for-profit film, filmed in eight hours or less, made by currently enrolled students under the sponsorship of an accredited school or institution of higher learning, who have evidenced such sponsorship with a letter written on school letterhead, signed by a school administrator, and who present a certificate of insurance.

## **§ 17-3 Filming/still photography permit.**

### **A.**

Permit requirement. No person or organization shall commence the making of a film or permit filming or take still photographs (as defined in this chapter) on public property without first having completed an application and obtaining a film/photography permit from the Clerk's office.

### **B.**

1. No person shall commence the making of a film, commercial film or permit filming or take still photographs on private property without first having completed an application and obtaining a film/photography permit from the Borough Clerk's office if filming will interfere with the public's use of public property or rights-of-way on public property.
2. No permit shall be issued if, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other township agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
3. The Borough reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

### **C.**

Time to apply. Applicants shall, if practicable, apply for a permit at least seven days before commencing filming. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Clerk and shall be accompanied by a permit fee in the amount established by this chapter.



**D.**

Upon approval as provided for in this chapter, a permit shall be issued, and be readily available for inspection by Borough officials at all times at the site of the filming.

**E.**

If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough Clerk may, at the request of the applicant, issue a new or amended permit for filming on other dates, subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

**§ 17-4 Permit fees.**

**A.**

Permit fees. The imposition of fees shall not preclude the Borough from seeking payment or reimbursement for additional expenses incurred by the Borough.

**(1)**

Major film permit: \$750 per day.

**(2)**

Intermediate film permit: \$500 per day.

**(3)**

Minor film permit: \$150 per day.

**B.**

Notwithstanding the above schedule of fees, the Borough Clerk hereby have authorization to waive any administrative fees, and waive or decrease permit fees in extenuating circumstances or when a film does not meet the criteria of major, intermediate and minor as defined in this Chapter.

**C.**

Reimbursement of costs.

**(1)**

It is intended by this section that the Borough of Northvale incur no unreimbursed costs which must be expended in order to reasonably deal with health, safety and welfare concerns generated by the filming. Said costs may include, for example: Fire Inspector, Sanitarian, police, public works or similar persons or agencies. At the time of issuance of the permit and in addition to the requisite fee, the Borough Clerk shall seek an escrow deposit in an amount equal to the estimated costs to be incurred, if any, for the individuals herein discussed. Such estimate will be based upon the approximate hourly cost for the individuals involved times the estimated number of hours which they may be compelled to expend. At the conclusion of the filming, any unexpended balance will be refunded.

**(2)**

If the fire official determines that the Borough's volunteer Fire Department and/or Ambulance Corps are required to stand by during all or a portion of the film shoot, arrangements are to be made directly with the Fire Chief and/or Ambulance Corps Chief respectively. A donation to the volunteer organization is customary in such situations. In the event Emergency Management Services are used, a donation to that organization is customary as well.

**§ 157-5 Exceptions to permit requirements.**

**A.**

No permit shall be required for:

**(1)**

Filming by news media as defined in this chapter.



**(2)**

Filming for private social activities, including weddings, unless the filming or photographing of such events is sold, leased, rented or used for any commercial purposes, including reality television, in which case a permit shall be obtained and all fees paid.

**(3)**

Filming activities or still photography conducted for use in a criminal investigation or civil or criminal court proceeding, but not including films or photographs which are sold, leased or used for any commercial purpose.

**(4)**

Filming or still photography conducted solely for private nonprofit, personal or family use, including real estate sales purposes of selling an individual residence.

**(5)**

Filming activities or still photography conducted by or for the Borough of Northvale.

**(6)**

Filming which requires no more than three crew members and no other equipment except two cameras and two tripods.

**(7)**

A student film, provided that the makers and the school shall agree, in writing, that if the student film is ever released for commercial purposes, all permit costs and fees shall be due and payable as provided for in this chapter. All fees other than the permit fee, shall apply.

**(8)**

Permit fees may be waived at the discretion of the Borough Clerk for nonprofit organizations with a valid 501(c)(3) status.

**B.**

In the event that any of the above activities require the use of commercial vehicles, a permit shall be obtained notwithstanding the fact that no fee is imposed.

**§ 17-6 Requirements for applicants.**

**A.**

Liability insurance. Before a permit is issued, a certificate of insurance will be, for bodily injury to any one person, in the amount of \$1,000,000 and, for any occurrence, in the aggregate amount of \$3,000,000, as well as, for property damage, for each occurrence, in the aggregate amount of \$500,000. The Borough officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after 30 days' written notice to the Borough. A copy of the certificate will remain on file.

**B.**

Workers' compensation insurance. An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a permit.

**C.**

Hold-harmless agreement. An applicant shall execute a hold-harmless agreement as provided by the Borough prior to the issuance of a permit under this chapter. This agreement will be in writing, whereby the applicant agrees to indemnify and save harmless the Borough of Northvale from any and all liability, expense, claims or damages resulting from the use of public lands.

**D.**

Security deposit. To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable security deposit in the form of a cash bond as follows: the posting of a cash



bond of \$500 or a maintenance bond of \$1,000 running in favor of the Borough and protecting and ensuring that the location utilized will be left, after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, laws, and regulations will be followed. Within 14 business days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.

**E.**

Child labor laws. An applicant shall conform to all applicable child labor laws, including, but not limited, to N.J.S.A. 34:2-21.57 to 34:2-21.64 and N.J.A.C. 12:58-4.14.

**F.**

Off-duty police Off duty police officers requested for extra duty work will be compensated by the applicant at such rates of pay as are set forth in the then existing Collective Bargaining Unit Agreement for police officers. Off-duty police officers shall be required during filming if:

**(1)**

Firearms or any prop resembling a firearm, pyrotechnics or other hazardous materials are to be used;

**(2)**

Any actors or crew members are to be wearing costumes that resemble the uniforms of any type of public personnel;

**(3)**

Any streets or lanes are to be intermittently or permanently closed; or

**(4)**

The filming involves activities in which a police presence is necessary to protect the health, safety or welfare of the residents of Northvale.

**G.**

Parking lots and any on street parking space metered spots. An applicant shall be required to arrange with the Chief of Police for the use of parking in a municipal lot or any on street parking space metered spot(s).

**§ 17-7 Granting of permit; rules and regulations.**

**A.**

Permits shall not be transferable.

**B.**

A permit may be denied if:

**(1)**

The Superintendent of Public Works and/or Police Chief determines that closing a street will cause a substantial risk to public safety or interfere with street maintenance work, or a previously authorized excavation permit.

**(2)**

The filming activity will substantially interfere with municipal functions or the scheduled maintenance of Borough buildings or grounds.

**(3)**

The activity creates a substantial risk of injury to persons or damage to property.

**(4)**

The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.



**(5)**

The activity violates federal, state, or local law including licensing or permit requirements.

**(6)**

The applicant has failed to obtain or provide proof of insurance, as required in § **17-6** above.

**(7)**

The applicant has failed to submit the appropriate application fee in the manner required in § **17-4** above.

**(8)**

Filming may violate any regulation in § **17-7D** below.

**C.**

When the grounds for permit denial can be corrected by imposing reasonable conditions, the Borough may impose such conditions rather than denying the permit.

**D.**

Regulations upon receipt of permit.

**(1)**

The permit holder shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

**(2)**

The permit holder shall conduct its activities in such a manner so as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The permit holder shall avoid any interference with previously scheduled activities upon Borough property and limit, to the extent possible, any interference with normal activities.

**(3)**

Where a permit holder's activities, by reason of location or otherwise, affect any business(es), merchants or residents, the permit holder will give these parties at least 48 hours' notice prior to the film/photography shooting date(s).

**(4)**

The permit holder shall make every effort to minimize the inconvenience caused by filming and shall provide a designee who will respond to residents' concerns and for ensuring the obtaining of off-duty police assistance, the placing of "no parking" signs and other traffic control devices (under the direction of the Parking Utility, but at the applicant's expense), providing advance notice to affected property owners/businesses and cleanup and restoration of all property, including streets, affected by the filming.

**(5)**

All filming and/or photography must be completed by the time specified in the permit. Any extension to this time must be approved by the Borough Clerk.

**(6)**

The permit holder shall pay all fees, and obtain all permits and licenses required for its activity under local, state and federal law and pay any fees associated therewith.

**(7)**

The permit holder shall abide by all governmental fire regulations.



**(8)**

The permit holder shall disclose to the Borough and obtain permission for any use of stunts, pyrotechnics, open flames, vehicle crashes or hazardous materials.

**(9)**

The permit holder shall conceal police, fire and other official uniforms worn by actors, when the actors are not on camera.

**(10)**

The applicant shall file a request for the use of Borough logos, insignias, badges or decals, and abide by any restrictions imposed.

**(11)**

The Borough shall receive credit on the project that shall read: "Thanks to the Borough of Northvale." The credit shall have a blank space above and below the credit so that it stands apart from and not on a list of like credits.

**(12)**

The permit holder shall provide the Borough with five different publicity stills. The stills will be used by the Borough solely for promotional purposes, including, but not limited to, encouraging tourism and filmmaking. The applicant shall give the Borough proper acknowledgment for any assistance provided in making feature, television, or commercial productions.

**(13)**

The permit holder shall immediately report all accidents, injuries, health incidents or damage to property to the appropriate public authority.

**(14)**

Cleanup. The permittee shall conduct operations in an orderly fashion, with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

**(15)**

Filming in residential zones shall be permitted only between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

**(16)**

The Borough Clerk may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this subsection, the Clerk, after consulting with the Chief of Police or his designee, shall consider the following factors:

**(a)**

Traffic congestion at the location caused by vehicles to be parked on the public street;

**(b)**

The applicant's ability to remove film-related vehicles from the public streets;

**(c)**

When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;

**(d)**

The nature of the film shoot itself, e.g., indoors or outdoors, day or night; and

**(e)**

Prior experience of the film company/applicant with the Borough, if any.



**(17)**

Copies of the approved permit will be sent to the Borough of Northvale Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Department or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Department or other Borough inspectors. A fire extinguisher must be maintained on site at all times.

**(18)**

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

**(19)**

If an applicant wishes to utilize Bergen County property within the Borough of Northvale, the applicant must obtain a permit from the Bergen County Film Commission and the Borough of Northvale.

**(20)**

Weapons. If weapons, including, but not limited to, guns, knives, swords, cannons, machetes, rifles, and bow and arrows, are used during filming, the applicant must notify the Borough of Northvale Police Department of same, even if these weapons are only props. Notifications must be made 7 days prior to filming. Notification shall include a description of how weapon is to be used during filming.

**(21)**

Pyrotechnics. If an applicant wishes to use pyrotechnics, they must submit their plan, including the date, time, location and amount of explosives, to the Borough of Northvale Fire Chief.

**(22)**

Drones. Drone operation may be permitted in accordance with FAA rules and regulations. See <https://www.faa.gov/uas/>. Operations over people and property are not allowed without a waiver, in which case they will be allowed if a waiver request is submitted and approved ([https://www.faa.gov/uas/commercial\\_operators/part\\_107\\_waivers](https://www.faa.gov/uas/commercial_operators/part_107_waivers)).

**§ 157-8 Violations and penalties.**

Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punishable as provided in Article II § 1-15, General Penalty, of the Code of the Borough of Northvale. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 157-9 Appeals.**

Any person aggrieved by a decision of the Borough Clerk denying or revoking a permit or a person requesting relief from any requirements of § **17-3** through **17-7** of this chapter may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Clerk. An appeal from the decision of the Clerk shall be filed within 10 calendar days of the Clerk's decision. The Borough Council shall set the matter down for a hearing at the next regularly scheduled meeting of the Mayor and Borough Council to be held after the appeal was filed. The decision of the Borough Council shall be in the form of a resolution supporting the decisions of the Borough Clerk at the first regularly scheduled public meeting of the Borough Council after the hearing of the appeal, unless the appellant agrees, in writing, to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Clerk shall be deemed to be reversed, and a permit shall be issued in conformity with the application, or the relief from any requirements of § **17-3** through **17-7** of this chapter shall be deemed denied.



Section 2. This ordinance will take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.

## **ROLL CALL**

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### **ORDINANCE #1083-2024**

#### **AN ORDINANCE TO REPLACE ARTICLE 1 GENERAL PROVISIONS OF CHAPTER 174 OF BOROUGH CODE ENTITLED STREETS AND SIDEWALKS**

**WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to repeal Article 1 General Provisions of Chapter 174 of the Borough Code and ordains that it be replaced it with the following:**

#### **Section 1.**

#### **Chapter 174 Streets and Sidewalks.**

#### **§ 174-1 Definitions.**

Whenever used in this article, unless a different meaning clearly appears from the context, the following terms shall have the following meanings indicated:

#### **APPLICANT**

Any person, firm or entity who makes application for permit.

#### **BOROUGH**

The Borough of Northvale.

#### **CLERK**

The Borough Clerk of Northvale or her duly authorized representative.

#### **CROSS TRENCH**

Any opening at 90° to the center line of the street.

#### **EMERGENCY**

Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to a person or property.

#### **MAJOR PERMIT**

An opening exceeding 20 square yards.

#### **MATERIALS**

Includes pipes, fittings and appurtenances, as well as the excavation or backfill.

#### **MINOR PERMIT**

An opening of 20 square yards or less.

#### **PERMITTEE**

Any person, firm or entity who has been issued a permit and has agreed to fulfill all the terms of this article.

#### **ROADWAY**

The cartway or paved area only.

#### **STREET**

The improved portion of the right-of-way of any public street, public highway, public way, public road or public easement within the borough, including that portion of the right-of-way improved with curbs and sidewalks.

#### **SUPERINTENDENT**

The Superintendent of Public Works or his duly authorized representative.

#### **UTILITY**

Any utility, public, private or government.



**§ 174-2 Permit required; restrictions.**

**A.**

No person, firm or corporation shall open or cause to be opened, by cutting or excavating, the surface or soil of any street, roadway or other public property for any purpose whatsoever without first obtaining therefor from the Clerk a written permit; provided, however, that any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided that the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the borough is open for business.

**B.**

It is not intended to require a permit for the opening or excavating within any county or state road for which a permit has been acquired from the proper authority.

**C.**

A permit shall be valid for an effective period not to exceed 30 consecutive calendar days. Such effective period may be extended, if so requested by the permittee prior to the expiration thereof, for an additional period not to exceed 30 days. An additional extension for a final period not to exceed 30 days may be requested and granted. A permit may not be extended for a period in excess of 90 days from the date the original permit was issued.

**D.**

No work shall proceed between November 15 and March 15 unless emergency circumstances exist.

**E.**

No work provided to be done under a permit shall be performed on Saturdays, Sundays or holidays except with prior approval of the Clerk or in the event of an emergency. Any work regulated hereunder shall be performed between the hours of 8:00 a.m. and 5:00 p.m. unless an emergency exists.

**§ 174-3 Notice of work.**

The permittee shall not begin or carry on any part of the work provided to be done, except in the event of an emergency, without first notifying the Clerk not less than 24 hours in advance and obtaining her approval therefor.

**§ 174-4 General considerations.**

**A.**

In all cases, full consideration is required to be given to the adoption and implementation of measures reflecting sound engineering principles and economic factors necessary to preserve and protect the integrity and visual quality of the roadway, its maintenance and efficiency and vehicular and pedestrian traffic safety.

**B.**

Utility lines are to be located to permit servicing such lines with minimum interference with vehicular or pedestrian traffic. Efforts must be made to minimize the construction of chambers or vaults in the roadway area and to avoid their location at street intersections.

**C.**

Ground-mounted utility facilities shall be of a design compatible with the visual quality of the roadway section being traversed.

**D.**

New roadways or roadways resurfaced with a bituminous concrete surface course shall not be opened for a period of two years unless an emergency exists.



**E.**

If any subsequent borough facility necessitates the moving or adjusting of utility facilities located by permit, then such utilities shall bear all costs and expenses of the required move or adjustment unless the cost and expense of said move or adjustment is otherwise provided for by law.

**F.**

Utility line designs and construction are subject to minimum safety standards and construction requirements prescribed by the respective national or industry standard codes.

**§ 174-5 Application for permit; required information.**

Any person desiring a permit for street opening shall make application therefor to the Clerk for each such opening upon forms provided for that purpose. Applications for a street opening permit for work to be performed for a utility shall be made by the utility, and such permit shall be issued to the utility and not to the contractor. A separate application shall be made and a separate permit issued for each street to be opened by the permittee.

**A.**

Except to the extent waived by the Clerk in the case of any emergency, the application shall show or include the following information for a minor street opening:

**(1)**

The name, address and twenty-four-hour telephone number(s) of the applicant. The applicant shall also provide the Police Department with at least two emergency contact telephone numbers to be called in case of emergency problems at the construction site prior to the start of any work.

**(2)**

The name, address and telephone number of the owner of the property in front of which or for whom the work is to be performed.

**(3)**

The location of the property.

**(4)**

The extent and nature of the work to be done.

**(5)**

The date or dates when the work is to be done.

**(6)**

Evidence that all materials, labor and/or equipment which are needed to complete such undertaking as authorized by the permit are available.

**(7)**

The signed statement by the applicant that he agrees to perform the work for which the permit is granted strictly in accordance with the conditions of the permit and this article.

**(8)**

A list of all federal, state or local government agencies having jurisdiction thereover and, if such agencies require approval, a statement whether such approval has been obtained and attachment of a copy of such approval.

**(9)**

A signed statement by the applicant that the borough is to be saved harmless by the applicant from any loss, injury or damage arising out of the granting of the permit or from any negligence or fault



of such applicant, his servants or agents in connection with any of the work done under or in connection with such permit.

**(10)**

Certificate of insurance.

**(a)**

A certificate of insurance stating that 10 days' written notice shall be given to the borough before a policy covered thereby shall be changed or cancelled, indicating that the applicant is insured against all hazards and risks of loss which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or anyone directly or indirectly employed by him, and shall include protection against liability arising from completed operations. This insurance shall be written in comprehensive form, and the liability limits shall not be less than the following:

**[1]**

Bodily injury: \$1,000,000 each person; \$3,000,000 each occurrence.

**[2]**

Property damage: \$1,000,000 each occurrence.

**(b)**

With the approval of the Clerk, public utilities subject to regulation by the Board of Public Utilities may furnish a self-insurance certificate in lieu of a liability insurance certificate.

**(c)**

Certificates of insurance required pursuant to this article shall name the borough as an additional insured.

**B.**

The application for a major street opening permit shall require the items in Subsection A(1) through (10), both inclusive, and, in addition thereto, three sets of plans and specifications, a traffic control plan in accordance with the Manual on Uniform Traffic Control Devices and/or a detour plan as required by the Clerk.

**§ 174-6 Action of Clerk on application.**

**A.**

The Clerk will have a minimum of five working days to review the application prior to issuing a street opening permit.

**B.**

When the Clerk approves an application, she shall at that time advise the applicant of the amount of deposit necessary to cover the work proposed in said application.

**C.**

The Clerk will also state the probable inspection costs that may be incurred and advise the applicant of such costs.

**D.**

Once the applicant meets all the requirements of this article, the Clerk will grant the permit.

**§ 174-7 Permit fee; deposits.**

Every person obtaining a permit shall:



**A.**

Pay a permit fee for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work in an amount as set forth in this article.

**B.**

Pay an inspection fee as set forth in this article.

**C.**

Make a deposit as required by §174-9 of this article.

**§ 174-8 Conditions for permit.**

In granting any permit under this article and to prevent danger to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance, the following conditions will apply:

**A.**

Only rubber-tired equipment shall be used unless approved by the Borough Engineer.

**B.**

Routes upon which materials may be transported are to be approved by the borough before the permit is issued.

**C.**

Disposal of excavated materials within the Borough of Northvale is subject to Chapter 166, Soil Removal, of the Borough Code.

**D.**

Dust resulting from construction procedures is to be kept to a minimum.

**E.**

Excessive noise shall be prohibited.

**F.**

Roadways and sidewalks are to be kept clear for pedestrian and vehicular traffic. All operations shall be planned with full regard to safety and to keep traffic interference to an absolute minimum. No trench shall remain open beyond the hours of work. Gas companies, however, shall be permitted to leave open small openings for the purpose of adequately venting natural gas, provided that said small openings are adequately protected with traffic control devices and that proper notice is given to the borough. Said openings shall be maintained for no longer than 48 hours. The Clerk may permit other small openings in circumstances where work cannot be completed during normal working hours, provided that said openings are properly plated so as not to interfere with the flow of traffic or to endanger the public.

**G.**

Construction equipment and materials shall not be left on the street overnight unless special permission is given, in writing.

**H.**

Traffic shall be controlled in accordance with the appropriate sections of the Manual on Uniform Traffic Control Devices, which manual includes information regarding the furnishing and erecting of traffic control devices necessary to move pedestrians and vehicular traffic safely through or around the work area.

**I.**

Construction shall be performed in accordance with the latest edition of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction.



**J.**

Road closings and/or traffic detours shall not be permitted unless approved by the Northvale Police Department.

**K.**

Traffic directors shall be posted at all construction sites when determined by the Northvale Police Department that same is necessary to provide for the safety and expeditious movement of traffic. In the event that it is determined that traffic directors are required, uniformed Northvale police shall act as traffic directors, and the cost of providing uniformed police shall be the responsibility of the applicant.

§ 174-9 **Required deposit.**

The amount of deposit for street openings shall be \$5,000 or shall be computed in accordance with the following unit prices for pavements or other areas to be disturbed or work to be done, as determined by the Clerk, whichever is greater:

**A.**

Paved streets (all types): \$750 per square yard.

§ 174-10

**A. Form of deposit; approval.**

The deposit may be in the form of cash, a certified treasurer's or cashier's check or surety bond made payable to the borough and meeting the approval of the Clerk. The surety bond must be written by a reputable surety company licensed to do business in the State of New Jersey, and the bond shall be conditioned upon the payment of all charges required by this article. Such bond must be approved by the Borough Attorney as to form. The borough shall have the right to require the submission of the deposit in any of the above specified forms.

**B. Use of deposit.**

**(i).**

The amount of deposit shall be retained by the borough for the duration of the period of maintenance, as defined hereunder.

**(ii).**

Upon failure or default by the permittee of any of the terms, agreements, covenants and conditions of the permit on the permittee's part to be done or performed, said deposit may be used by the borough for any expense incurred by the borough by reason of such failure or default on the part of the permittee.

**(iii).**

Any balance left after the expense of such failure or default, as determined and certified by the Clerk, has been paid and deducted from the amount of the deposit shall be refunded to the permittee.

**(iv). Insufficient deposit.**

If the deposit made is less than sufficient to pay all fees and costs, the permittee shall, upon demand, pay to the borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency upon demand, the borough may recover the same by action in any court of competent jurisdiction. Until such deficiency is paid in full, additional permits shall not be issued to such permittee.

**C. Annual deposits.**

Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation per calendar year, it may post a surety bond in the amount of at least \$50,000 for the calendar year or part thereof to cover the estimated fees and cost of any and all work. Said bond must be written by a reputable surety company



licensed to do business in the State of New Jersey or other approved surety, and the bond shall be conditioned upon the payment of all charges estimated to be required by this article during the term of the bond. Such bond must be approved by the Borough Attorney as to form.

**§ 174-11 Maintenance period; costs.**

**A.**

The period of maintenance shall be construed as a period of two years after the date of final completion, as determined by the Borough Engineer, of the work to be done pursuant to the terms of the permit; except, however, that in the event that the termination of said two-year period shall fall between November 1 and April 1, inclusive, then and in that event, the period of maintenance shall be considered as extending until the 15th day of May next thereafter.

**B.**

The permittee shall be responsible for the entire work and shall keep every portion of said work in perfect order and repair during the entire period of maintenance, and should said permittee fail to make needed repairs to the work or to adequately maintain surfaces disturbed by said permittee, the Clerk reserves the right, and without prior notice to the permittee, to cause such repairs to be made or such surfaces to be maintained by the borough's own forces or by contract or otherwise, in which case all expenses incurred by the borough shall be deducted from the deposit as herein otherwise provided for.

**§ 174-12 Notice**

**A. to adjoining property owners or tenants.**

If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the permittee shall, in writing, notify by hand delivery or mail the affected property owners or tenants of the proposed work to be done. The permittee shall submit a list of the names and addresses of the owners and/or tenants of such properties to the Clerk along with a copy of the notification.

**B. Notice to police and fire officials.**

The permittee shall notify the Borough Police and Fire Departments of any street opening or excavation which affects the flow of traffic in the streets within the borough. Such notification shall state the nature of the work to be done and the location of such project. He shall also notify the Police and Fire Departments when any openings or excavations have been closed, permitting traffic to flow thereon.

**C. Exhibit of permit.**

Any person receiving a permit as provided in this article shall cause the same to be kept in the possession of the person in charge of the work, who shall exhibit the same to any official or police officer in the borough on demand.

**§ 174-13 Permission of Borough Engineer required.**

Except in the case of emergency, no work shall be performed by the permittee unless the Borough Engineer shall be present or permission has been given by the Borough Engineer to proceed in his absence. Such permission should not be unreasonably denied.

**§ 174-14 Inspections.**

The Superintendent or Borough Engineer shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with the conditions imposed on the issuance of the permit and the specifications. The Borough may, upon the recommendation of either of them:



**A.**

Order a temporary stop to any road opening.

**B.**

Order that the applicant perform or correct work in accordance with the directions of the borough.

**C.**

Order a stop to any work and revoke the permit, in which event the Borough of Northvale shall complete the work or cause it completed and either declare the applicant's deposit forfeited or notify the applicant's surety of an intent to file claim on the bond.

**D.**

Authorize the correction of any work after notification to the permittee and after the neglect or the refusal of the permittee to make sure corrections within 24 hours and, after completion of the same, either declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file a claim on the bond.

**E.**

Take any other action deemed reasonable under the circumstances to protect the borough's interests.

**§ 174-15 Permit not required of borough.**

Street opening permits will not be required for any contracts proposed by the borough. All guarantees are provided for within plans and/or specifications so provided by the borough.

**§ 174-16 Performance of additional work.**

**A.**

No person to whom a permit has been granted under the provisions of this article shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon the approval by the Borough Engineer and payment of the additional fee, additional work may be done under the provisions of the permit in an amount not greater than 10% of the amount specified in the permit.

**B.**

Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limits mentioned herein.

**§ 174-17 Time period for commencement of work; renewal of permit.**

**A.**

Work for which a permit has been issued pursuant to this article shall commence within 30 days after the issuance of the permit therefore and shall be carried out as expeditiously as possible.

**B.**

If not so commenced or proper time extension granted, the permit shall be automatically terminated and the permit fee, inspection fee and any cash deposit shall be refunded to the permittee, with the exception of the application fee.

**C.**

Permits thus terminated may be renewed upon the payment of an additional application fee and the required permit and inspection fees as defined within this article.



**§ 174-18 Nontransferability.**

Permits issued under this article are not transferable from one person to another, and the work shall be carried out only at the location specifically designated in the permit.

**§ 174-19 Notification to owner of pipes, conduits or other structures.**

It shall be the duty of the permittee to notify any company whose pipes, conduits or other structures are laid in the street in which any work is to be done by the permittee not less than 72 hours before commencing such opening or work. The permittee doing such work shall, at its own expense, carefully support, maintain in operation and protect from injury such pipes, conduits or other structures and, in case of injury, shall restore the same at its own expense or allow the company to whom the pipes, conduits or other structures belong, at its option, to make the necessary repairs, and costs thereof sustained by said company thereby shall be paid by said permittee to said company upon presentation of a bill.

**§ 174-20 Excavation specifications; notice of blasting.**

**A.**

Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of two feet, plus the outside diameter of the pipe to be installed. Trenches shall be braced as necessary in accordance with all applicable federal, state, county and municipal laws and regulations.

**B.**

Pipe bedding shall be installed in accordance with the manufacturer's or industry standard instructions for the pipe or conduit being used.

**C.**

Prior to the excavation of the trench, the existing pavement shall be cut by pneumatic or hydraulically operated hand-held equipment or by saw cut. In no case shall large impact-type equipment be used.

**D.**

The integrity of the remaining pavement structure, shoulders and slopes shall be of primary concern, and construction methods shall be utilized which will keep the damages to the existing pavement and other areas to a minimum.

**E.**

All blasting shall be conducted in accordance with applicable state and federal laws and regulations. Prior to proceeding with blasting, twenty-four-hour notice shall be given to the Borough Engineer, owners of utilities within 50 feet and adjacent property owners.

**§ 174-21 Other minimum requirements to be met.**

**A.**

Utility installations must meet the minimum requirements of the national or industry associations, institutes or codes which recommend methods of installation and utilization.

**B.**

Wherever possible, the depth of bury for pipelines and conduits shall be a minimum of three feet. Sufficient vertical and horizontal clearance between pipelines or structures of another utility facility shall be provided to permit the proper maintenance of the pipeline or structure.

**§ 174-22 Backfilling and Pavement Restoration**

**A. Inspection required before backfilling.**

No backfilling shall be done by the permittee until the work being done under the permit shall have first been inspected and the backfilling authorized by the Borough Engineer. In case of nonconformity with this requirement, the Borough Engineer shall have the right to require that the



work be uncovered by the permittee at the latter's own expense so that property inspection may be made.

**B. Backfilling methods and materials.**

**1.**

Backfilling must be done with a pervious material placed in two stages. The first stage includes the fill to a level of one-foot above the top of the pipe, and the second stage includes the remaining portion of the trench to finished grade. Backfill for the first stage shall be carefully deposited and compacted in six-inch layers without in any way injuring or disturbing the completed pipe or structure. The remaining portion of the trench shall be backfilled and compacted in twelve-inch layers.

**2.**

Backfilling must be accomplished with select material. Backfilling necessitated by an emergency opening during the period from November 15 to March 15, inclusive, shall not be made with frozen material. In the event that backfilling is made with frozen material, it shall be removed by the permittee and replaced with stone dust or backrun sand.

**3.**

Compacting shall be accomplished by approved mechanical or vibratory means to achieve 95% of maximum density based on the modified proctor test.

**D Pavement Restoration.**

**A. Temporary pavement restoration.**

**1.**

Immediately after backfilling the excavation, the permittee shall place thereon an acceptable temporary pavement as provided herein below. Such temporary pavement shall be maintained even with the roadway surface until the permanent restoration is placed.

**2.**

The temporary pavement shall consist of three inches of bituminous concrete, Mix 1-5 or approved equal, when the opening was made in an existing pavement, and six inches of quarry process stone in all other cases, except that, where topsoil, seeded areas or sod have been disturbed by the excavation, the permittee shall restore the ground surface to its original condition.

**E. Permanent pavement.**

**1.**

Permanent restoration of the pavement surface over the street opening shall be made within two months, weather permitting, or within the same construction season if so noted on the permit, from the date the temporary pavement was installed.

**2.**

Prior to the installation of the permanent pavement, the subgrade shall be properly prepared and the existing pavement neatly cut back a minimum of six inches from the edge of the trench or pavement damage in a straight line, with vertical faces free of foreign matter. A tack coat shall be applied to the vertical faces of the existing pavement prior to the placement of the patch material.

**3.**

The permanent pavement shall consist of a bottom course of bituminous stabilized base, Mix 1-2, placed at a compacted thickness of four inches, and a surface course of bituminous concrete, Mix 1-5, placed at a compacted thickness of two inches.

**4.**

All pavement restoration, both temporary and permanent, shall be constructed in accordance with the applicable specifications of the New Jersey State Highway Department.



5.

The top or surface course of the permanent patch shall be flush with the grade of the surrounding pavement when it is compacted. The joint between the patch and the existing pavement shall be sealed with an asphalt emulsion.

6.

For lateral trenches over 100 feet in length, the top or surface course of pavement shall extend from the curblines or edge of pavement to a point three feet beyond the edge of the bottom course; however, such width shall not be less than 10 feet. If cross trenches are located less than 250 feet apart, the entire roadway shall be resurfaced.

**§ 174-23 Cleanup; restoration; letter of release.**

**A.**

The permittee shall clean up and remove promptly from the site of the work, upon completion thereof, all surplus excavated material and debris and shall leave the site of the work in a neat and orderly condition on a daily basis.

**B.**

Where concrete curb, asphalt berm, sidewalk or landscaped areas are disturbed in the course of the work, the permittee shall restore such surface to its original condition. A letter of release shall be furnished to the Borough of Northvale from the affected property owner prior to the release of the deposit or bond.

**§ 174-24 Revocation of permit.**

Any permit issued under this article may be revoked by the Clerk, after notice, for:

**A.**

Violation of any condition of the permit.

**B.**

Violation of any provision of this article or any other applicable ordinance or law relating to the work.

**C.**

The existence of any condition or the doing of any work constituting or creating a nuisance or endangering the lives or property of others.

**§ 174-25 Petition for deviation from provisions.**

Deviations from the provisions of this article may be issued by the borough upon review and approval of a written petition by the permittee which shall include, in detail, the reason why such a deviation is being requested.

**§ 174-26 Violations and penalties.**

Any person or persons, firm, partnership, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 and, in default of the payment thereof, may be sentenced to the county jail for a term not exceeding 30 days. Every day during which such violation continues after notice in writing shall have been served by the borough shall constitute a separate offense.

Section 2. This ordinance will take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.

**ROLL CALL**

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## ORDINANCE #1084-2024

### AN ORDINANCE TO CREATE CHAPTER 185 OF THE BOROUGH CODE ENTITLED TREE REMOVAL

**WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interests of the Borough to adopt a tree removal ordinance.**

**NOW, THEREFORE BE IT ORDAINED, as follows:**  
**Section 1:**

#### **Chapter 185 Tree Removal**

##### **§ 185-1 Purpose:**

An ordinance to establish requirements for tree removal and replacement in the Borough of Northvale to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

##### **§ 185-2. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. [Municipalities may choose to require a Licensed Tree Expert to make all Hazard tree determination]

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).



E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

### § 185-3. Regulated Activities:

#### A. Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Borough Clerk . No tree shall be removed until municipal officials have reviewed and approved the removal.

#### B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;



2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table:**

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee /
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed	\$50.00
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	\$75.00
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$100.00
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$100.00

**C. Replacement Alternatives:**

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the municipality.
  - b. Pay a fee of \$500.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

**§ 185-4. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Proper justification shall be made by a NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.



- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

**§ 185-5. Enforcement:**

This ordinance shall be enforced by the Northvale Police Department or members of the Public Works Department during the course of ordinary enforcement duties.

**§ 185-6. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$1000.00.

**§ 185-7. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**§ 185-8. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Section 2. This ordinance will take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.

**Appendix A**

Approved list of Replacement tree Species and Planting Standards for **the Borough of Northvale**

Tree Species	Cultivars	Planting Season	Planting Optimal Conditions
<u>Acer Negubdo</u> Box Elder Maple		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Acer Rubrum</u> Red Maple		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Acer Saccharum</u> Sugar Maple		Fall / early winter	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Acaer x Freemanii</u> Freeman Maple	Armstrong, Fairfall, Marmo, scarlet Sentinel	Spring / Fall	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)



<u>Amelanchier laevis</u> Shadblow Serviceberry		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (prefers well-drained loams)
<u>Betula Nigra</u> River Birch		Spring / Fall	Full Sun, Soil Moisture - average to wet, Soil Type- Prefers moist, acidic, fertile soils
<u>Carpinus Caroliniana</u> American Hornbeam	Native Flame	Spring	Part Shade, Soil Moisture - average to wet, Soil Type - Prefers moist, organically rich soils.
<u>Celtis Occidentalis</u> Hackberry		Spring	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Cercis Canadensis</u> Eastern Red Bud		Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - Performs best in moderately fertile soils
<u>Cercis Chinensis</u> Chinese Redbud		Late Spring / Early Summer	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type - Performs best in moderately fertile soils
<u>Cladrastis Kentukea</u> Yellowwood	Sweetshade, Perkins Pink	Spring	Full Sun, Soil Moisture - average, Soil Type - Prefers moist well drained, organically rich soils.
<u>Crataegus Crus-galli</u> Cockspurn Hawthorn	Thornless varieties only	Spring / Fall	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Ginkgo Bilobra</u> Ginkgo, Maidenhair Tree		Spring / Fall	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Gladitsia Triacanthos</u> Honey Locust	Moraine, Shademaster, Sunburst, Imperial	Spring / Fall	Full Sun, Thornless, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Gymnocladus Dioicus</u> Kentucky Coffeetree		Early Winter / Early Spring	Full Sun, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils
<u>Halesia Carolina</u> <u>Carolina Silverbell</u>		Spring / Fall	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam)
<u>Liquidambar Styrciflua</u> American Sweetgum	Cherokee, Rotundiloba, Slender Silhouette, Worplesdon	Early Winter / Early Spring	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Liriodendron Tulipifera</u> Tulip Tree	Ardis, Arnold, Emerald City, Fastigiatum	Spring / Fall	Full Sun, Soil Moisture - average, Soil Type - organically rich, well-drained loams
<u>Magnolia Virginiana</u> Sweet Bay Magnolia		Spring / Fall	Full Sun to Part Shade, Soil Moisture – average to wet, Soil Type – clay to loam, prefers acidic soils



<u>Nyssa Sylvatica</u> Black Gum		Spring / Fall	Full Sun, Soil Moisture - average to wet, Soil Type sandy loam.
<u>Ostrya Virginiana</u> Eastern Hop Hornbeam		Spring / Fall	Full Sun to Part Shade, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils
<u>Platanus x Acerifolia</u> London Planetree		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam)
<u>Prunus Cistena</u> Purple-leaf Sand Cherry		Early Spring	Full Sun, Soil Moisture - average, Soil Type - organically rich, well-drained loams
<u>Prunus Sargentii</u> Sargent Cherry		Early Spring	Full Sun, Soil Moisture - Medium moisture, Soil Type organically rich, well-drained soils
<u>Prunus Virginiana</u> Chokecherry		Spring / Early Summer	Full Sun to Part Shade, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Quercus Bicolor</u> Swamp White Oak	Hightower	Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefers acidic soil
<u>Quercus Coccinea</u> Scarlet Oak	Kindred Spirit, Fastigiata, Skyrocket	Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam)
<u>Quercus Macrocarpa</u> Bur Oak		Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam) Prefers moist well-drained loams
<u>Quercus Muehlenbergii</u> Chinkapin Oak		Spring	Full Sun, Soil Moisture - average to dry, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Michauxii</u> Chestnut Oak		Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Palustris</u> Pin Oak		Spring	Full Sun, Soil Moisture - average to wet, Soil Type wide range (clay to sandy loam) Prefer moist fertile loams
<u>Quercus Phellos</u> Willow Oak		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefer moist well- drained loams
<u>Quercus Rubra</u> Northern Red Oak		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefer moist well- drained loams
<u>Quercus Velutina</u> Black Oak		Spring	Full Sun, Soil Moisture - average to medium moisture,



			Soil Type wide range (clay to sandy loam) Prefers acidic soil
<u>Tilia Americana</u> American Linden		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefers moist, fertile, well-drained loams
<u>Tilia cordata</u> Little Leaf Linden		Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type wide range (clay to sandy loam) Prefers moist, fertile, well-drained loams
<u>Ulmus Americana</u> American Elm	Accolade, Frontier	Spring / Fall	Full Sun to Part Shade, Soil Moisture - average to medium moisture, Soil Type - Prefers moist, fertile, well-drained loams
<u>Zelkova Serrata</u> Zelkova		Spring	Full Sun, Soil Moisture - average to medium moisture, Soil Type - Prefers rich, moist loams

**ROLL CALL**

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**ORDINANCE #1085-2024**

**AN ORDINANCE TO AMEND CHAPTER 84 OF THE BOROUGH CODE TO IMPLEMENT A SURCHARGE ON PERMIT FEES TO OFFSET THE COST**

WHEREAS, the New Jersey State Legislature has mandated that municipalities utilize an electronic permitting system to process building permits; and

WHEREAS, Municipalities are authorized to charge a 3% surcharge on permit fees for a three year period to defray the cost of the electronic system.

NOW, THEREFORE BE IT ORDAINED, that Chapter 84 of the Borough Code is hereby amended to add Section 84-3 as set forth herein.

**Section 1.**

§ 84-1 **Enforcement Agency; subcode officials.**

**A.**

There is hereby established in the Borough of Northvale a State Uniform Construction Code enforcing agency to be known as the "Borough of Northvale Code Enforcement Agency," consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.

**B.**

Each official position created in Subsection **A** hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, as amended,<sup>11</sup> and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant



to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.

[1]

*Editor's Note: See N.J.S.A. 52:27D-119 et seq.*

**C.**

The public shall have the right to do business with the enforcing agency at 116 Paris Avenue, Northvale, Bergen County, New Jersey, except for emergencies and unforeseen or unavoidable circumstances.

**§ 84-2 Fees.**

[Last amended 3-16-2022 by Ord. No. 1048-2022]

Fees shall be as follows:

**A.**

New construction (based on cubic footage): \$0.09 per cubic foot.

**B.**

State fees: \$0.00371 per cubic foot; \$1.90 per \$1,000 of value of construction.

**C.**

Renovations, alterations, repairs, and minor work:

**(1)**

Twenty-five dollars per \$1,000 of cost (or fraction thereof).

**D.**

Certificates of occupancy fees:

**(1)**

Residential: \$200.

**(2)**

Nonresidential: \$250.

**(3)**

Change of use: \$250.

**(4)**

Certificate of continued occupancy: \$200.

**(5)**

TCO: \$100 for the first 30 days; \$150 for each additional 30 days.

**(6)**

Admin Fee: \$25 each permit.

**E.**

Variations:

**(1)**

Residential: \$250.

**(2)**

Nonresidential: \$250.

**F.**

Swimming pools:

**(1)**

Aboveground: \$100.



**(2)**

In-ground: \$250.

**G.**

Demolition:

**(1)**

Residential: \$250.

**(2)**

Nonresidential: \$500.

**(3)**

Structural tower: \$200.

**(4)**

Accessory to R-3: \$40.

**H.**

Signs: \$100 each.

**I.**

Asbestos and/or lead abatement:

**(1)**

Asbestos abatement: \$150.

**(2)**

Lead abatement: \$250.

**(3)**

Asbestos certificate: \$100.

**(4)**

Lead ccl: \$75.

**J.**

Plan review: 20% of the permit fee, nonrefundable, included in the permit fee.

**K.**

Plumbing fees:

**(1)**

Fixtures and appliances connected to the plumbing system:

**(a)**

Water closet/bidet/urinals: \$25 each.

**(b)**

Bathtubs: \$25 each.

**(c)**

Lavatory/sink: \$25 each.

**(d)**

Shower/floor drain: \$25 each.

**(e)**

Washing machine: \$25 each.

**(f)**

Dishwashers:



**[1]**

Residential: \$100 each.

**[2]**

Commercial: \$100 each.

**(g)**

Hot-water heater: \$100 each.

**(h)**

Hose bibs: \$30 each.

**(i)**

Water cooler: \$30 each.

**(j)**

Garbage disposal: \$30 each.

**(k)**

Indirect connection: \$30 each.

**(l)**

Vent stack: \$40.

**(m)**

Drinking fountains: \$25 each.

**(2)**

Special devices:

**(a)**

Grease traps: \$150.

**(b)**

Oil separators: \$150.

**(c)**

Water-cooled air conditioners: \$100 each.

**(d)**

Refrigeration units: \$100 each.

**(e)**

Water utility connection: \$100 each.

**(f)**

Sewer utility connection: \$100 each.

**(g)**

Backflow preventors: \$75 each.

**(h)**

Backflow preventors (commercial): \$150, with ports.

**(i)**

Steam boilers: \$75 each.

**(j)**

Hot-water boilers: \$175.

**(k)**

Gas connection: \$100.



(l)  
(Repealed)

(m)  
Sewer pumps: \$75 each.

(n)  
Interceptors: \$75 each.

(o)  
Fuel oil piping: \$100.

(p)  
Medical gas piping: \$100 per station.

(q)  
Condensate lines: \$25 each.

(3)  
Minimum fee: \$80.

L.  
Electrical fees:

(1)  
Electrical fixtures and devices:

(a)  
Switching outlets, lighting outlets:

[1]  
Receptacles one to 25: \$65 each.

[2]  
Each additional 25 outlets: \$50 each.

(2)  
Electrical devices/generators/transformers:

(a)  
Two kilowatts to 10 kilowatts: \$30 each.

(b)  
Over 10 kilowatts and less than or equal to 45 kilowatts: \$90 each.

(c)  
Over 45 kilowatts and less than or equal to 112.5 kilowatts: \$250 each.

(d)  
Over 112.5 kilowatts: \$500 each.

(3)  
Motors:

(a)  
Two horsepower up to 10 horsepower: \$25 each.

(b)  
Over 10 horsepower and less than or equal to 50 horsepower: \$75 each.

(c)  
Over 50 horsepower and less than or equal to 100 horsepower: \$100 each.

(d)  
Over 100 horsepower: \$500 each.



**(4)**

Service panels/service entrance subpanels:

**(a)**

Less than or equal to 200 amps: \$150.

**(b)**

Greater than 200 amps and less than or equal to 1,000 amps: \$250.

**(c)**

Greater than 1,000 amps: \$750.

**(5)**

Swimming pool bonding: \$100.

**(6)**

Swimming pool lights: \$50.

**M.**

Fire protection fees:

**(1)**

Sprinklers:

<b>Number of Heads</b>	<b>Fee</b>
1 to 20	\$150
21 to 100	\$250
101 to 200	\$350
201 to 400	\$700
401 to 1,000	\$850
Over 1,000	\$950

**(2)**

Heat/smoke detectors:

<b>Number of Detectors</b>	<b>Fee</b>
1 to 12	\$12
Each additional 10	\$50
Panel	\$12

**(3)**

Each standpipe: \$300.

**(4)**

Each independent pre-engineered system: \$150.

**(5)**

Each kitchen exhaust system: \$100.

**(6)**

Each gas- or oil-fired appliance which is not connected to the plumbing system: \$75.

**(7)**

Hot tar kettle roof: \$75.

**(8)**

Gas connections: \$50.

**(9)**

Fire pumps \$250 each.



**(10)**

Single devices \$30 each.

**(11)**

Exit and emergency \$25 each.

**N.**

Elevator plan review fee for elevator devices shall be \$365 for each device.

**N1.**

An administrative surcharge of 20% shall be applied to all above-listed fees.

**O.**

Storage tanks/installation/removal:

**(1)**

Capacity up to 2,000 gallons: \$100.

**(2)**

Two thousand gallons and over: \$500.

**P.**

Items not covered. Any items not covered in the above fee schedule shall be charged as per N.J.A.C. 5:28-4.20 of the New Jersey Uniform Construction Code.

**Q.**

Non-UCC fees.

**(1)**

Residential Occupancy Approval fees for resale and rentals:

**(a)**

Single- and two-family residence: \$100.

**(b)**

Multiple-family residence (three families and above): \$50 for each apt.

**(c)**

Garage sales: \$10.

**R.**

Mechanical subcode fees.

**(1)**

R3/R4/R5 structures/Use Group.

**(a)**

Water heater: \$100 each.

**(b)**

Steam boiler: \$150 each.

**(c)**

Hot-water boiler: \$150 each.

**(d)**

Hot-air furnace: \$150 each.

**(e)**

Oil tank: \$100 each.

**(f)**

LPG: \$150.



(g)

Gas fireplace/log: \$100.

(h)

Hydronic piping: \$28 each.

(i)

Generator: \$125.

(j)

A/C unit: \$125.

(k)

HVAC: \$125.

(l)

Chimney liner, one- or two-family: \$100.

(m)

Pool heater: \$100.

(n)

Fuel-oil piping: \$75 each.

(o)

Gas piping connection: \$75 each.

(2)

Mechanical work on other than an R3/R5 structure/Use Group shall be calculated based upon \$25 per \$1,000 of estimated cost.

**§ 84-3 Permit Fee Surcharge. For a three year period beginning May 8, 2024, there shall be a 3 % surcharge on all permit fees required under this Chapter.**

Section 2. This ordinance will take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.

**OPEN MEETING TO THE PUBLIC**

**ROLL CALL**

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**ORDINANCES – 1<sup>ST</sup> READING**

**ORDINANCE #1086-2024**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF ROAD IMPROVEMENTS AND THE ACQUISITION OF A NEW FIRE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$543,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**



**ORDINANCE #1087-2024**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$783,800 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**ROLL CALL**

**OLD BUSINESS**

**NEW BUSINESS**

**MAYOR & COUNCIL REPORTS**

**BOROUGH ATTORNEY REPORT**

**BOROUGH ENGINEER REPORT**

**ADJOURNMENT**

**DRAFT-SUBJECT TO CHANGE**