



**MAYOR AND COUNCIL
REGULAR MEETING AGENDA
MARCH 28, 2024
6:30 PM**

1. CALL TO ORDER

Council Member	Present	Absent
Councilman Haynes		
Councilman Hurley		
Councilman McDonald		
Councilman Slockbower		
Councilman Smith		
Council President Burnside		
Mayor Thomas Mulligan		
Joseph J. Bell, Esq., Borough Attorney		
Joseph J. Bell IV, Esq., Borough Attorney		
Patricia Reiche, Borough Administrator		
Kimberly Cuspilich, Borough Clerk		

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTION OF MUNICIPAL BUDGET

54-24 MUNICIPAL BUDGET NOTICE

Moved:	Seconded:				
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

4. APPROVAL OF MINUTES

Budget Meeting February 17, 2024
Regular Meeting February 22, 2024
Budget Meeting February 24, 2024

Moved	Seconded	Voice Vote	
		In favor:	Against:

5. CORRESPONDENCE

6. COUNCIL REPORTS

7. REPORT OF ATTORNEY

8. REPORT OF MAYOR

9. REPORT OF ADMINISTRATOR

10. REPORT OF CLERK

11. RESOLUTIONS (CONSENT AGENDA)

- 55-24 Certify Compliance with the US EEOC’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”
- 56-24 Authorize Property Tax Exemption (Block 73 Lot 25.02)
- 57-24 Authorize Property Tax Exemption and Refund (Block 73 Lot 25.02)
- 58-24 Award Contract (Turf Management of Recreation Fields)
- 59-24 Authorize Change Order (Brook Street Water Main Replacement)
- 60-24 Award Contract (Generator Rental Extension)
- 61-24 Award Contract (Generator Repair)
- 62-24 Award Contract (Installation of 6” Gate Valve)
- 63-24 Certifying and Approving 2023 LOSAP Contributions
- 64-24 Appoint DPW Laborer

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

12. ORDINANCES, Introduction

- 24-02 Amend Chapter 170 Land Use Design and Performance Standards (Tree Conservation)

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

- 24-03 Amend Chapter 170 Land Use Design and Performance Standards (Stormwater Control)

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

- 24-05 Amend Chapter 241 Vehicles and Traffic (Glenview Place)

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

13. PUBLIC COMMENT

14. CLOSED SESSION

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

15. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

RESOLUTION 54-24: MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Rockaway, County of Morris for the Fiscal Year 2024.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024.

BE IT FURTHER RESOLVED, that said Budget be published in *The Citizen* in the issue of April 3, 2024.

The Governing Body of the Borough of Rockaway does hereby approve the following as the Budget for the year 2024:

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Haynes					
Councilman Hurley					
Councilman McDonald					
Councilman Slockbower					
Councilman Smith					
Council President Burnside					

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Rockaway, County of Morris, on March 28, 2024.

A hearing on the Budget and Tax Resolution will be held at the Community Center, 21-25 Union Street, Rockaway, New Jersey, on April 25, 2024 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 55-24: CERTIFY COMPLIANCE WITH U.S. EEOC'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 56-24: AUTHORIZE PROPERTY TAX EXEMPTION ON DWELLING DUE TO DISABLED VETERAN STATUS OF THE OWNER (BLOCK 73, LOT 25.02)

WHEREAS, Sanchez, Sergio A/Maria E are the owners of real estate property located at 9 Kelly Court, known as Block 73, Lot 25.02, within the Borough of Rockaway, County of Morris, State of New Jersey; and

WHEREAS, Sergio A Sanchez has been declared a 100% disabled American Veteran by the United States government as defined in NJSA 54:4-3.30 et seq.; and

WHEREAS, Sergio A Sanchez, as of January 25, 2024, applied to the Tax Assessor of the Borough of Rockaway, County of Morris, State of New Jersey, on the appropriate application and with the supporting documentation to support said application to the satisfaction of the Tax Assessor; and

WHEREAS, NJSA 54:4-3.30 et seq. requires a municipality to grant tax exemption to those qualifying in accordance with its terms; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to authorize the tax exemption on the dwelling of disabled veteran Sergio A Sanchez residing at 9 Kelly Court, Rockaway, NJ 07866.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 57-24: AUTHORIZE PROPERTY TAX EXEMPTION ON DWELLING AND THE REFUND OF PROPERTY TAXES DUE TO DISABLED VETERAN STATUS OF THE OWNER (BLOCK 73, LOT 25.02)

WHEREAS, Sergio A Sanchez and Maria E Sanchez are the owners of real estate property located at 9 Kelly Court, known as Block 73, Lot 25.02, within the Borough of Rockaway, County of Morris, State of New Jersey; and

WHEREAS, Sergio A Sanchez has been declared a 100% disabled American Veteran by the United States government as defined in NJSA 54:4-3.30 et seq.; and

WHEREAS, Sergio A Sanchez has, as of January 25, 2024, applied to the Tax Assessor of the Borough of Rockaway, County of Morris, State of New Jersey, on the appropriate application and with the supporting documentation to support said application to the satisfaction of the Tax Assessor; and

WHEREAS, NJSA 54:4-3.30 et seq. requires a municipality to grant tax exemption to those qualifying in accordance with its terms; and

WHEREAS, NJSA 54:4-3.32 authorizes the 2024 refund of taxes paid from the qualifying date of the exemption;

WHEREAS, the total tax refund due for Quarter 1, Year 2024, is \$2,992.75 for a total refund of \$2,992.75;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2024, tax overpayment in the amount of \$2,992.75 to CoreLogic, P.O. Box 9202, Coppell, TX 75019.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 58-24: AWARD CONTRACT (TURF MANAGEMENT OF RECREATION FIELDS)

WHEREAS, there exists a need for Turf Management of Recreation Fields; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Director of Public Works, with the lowest response being received from Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200); and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$17,935.00 with Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200) for Turf Management of Recreation Fields for a one-year period beginning January 1, 2024 and ending December 31, 2024.
2. A copy of this resolution and of the subject agreement shall be made available for inspection in the office of the Borough Clerk.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 59-24: AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH KULPEKSA LANDSCAPING CORP. FOR THE BROOK STREET WATERMAIN IMPROVEMENT PROJECT

WHEREAS, the Borough Council of the Borough of Rockaway awarded a contract to Kulpeksa Landscaping Corp. for the Brook Street Watermain Replacement Project in the amount of \$135,425.00 on August 10, 2023;

WHEREAS, the Brook Street Watermain Replacement Project was performed and completed by Kulpeksa Landscaping Corp. in Fall of 2024;

WHEREAS, the as-built amount completed and billed by Kulpeksa Landscaping Corp. is \$140,114.68, an increase of \$4,689.68 from the awarded contract of \$135,425.00;

WHEREAS, the increase is based on as-built field measurements and quantities for the project. This included additional work to make the necessary wet tap in Beach Street after it was discovered that an unknown electrical duct bank was in close proximity to the watermain and required realignment of the pipe, additional fittings and additional concrete restraint.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Rockaway, County of Morris, State of New Jersey that it hereby approves the Change Order amending the final Contract amount to \$140,114.68.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 60-24: AWARD CONTRACT (GENERATOR RENTAL)

WHEREAS, on January 25, 2024, the Mayor and Council of the Borough of Rockaway awarded an emergency contract to GenServ, 10 Maple Avenue, Pinebrook, NJ 07058 in an amount not to exceed \$17,657.24, for the rental of a backup generator for the Filter Plant to ensure no disruption of water service while the generator was repaired; and

WHEREAS, the repair of the generator at the Filter Plant exceeded the one-month period which was initially anticipated and, therefore, the backup generator is also needed for an additional month; and

WHEREAS, as the backup generator is already in place at the Filter Plant, the vendor able to fulfill the Borough's needs most efficiently and effectively is GenServ, 10 Maple Avenue, Pinebrook, NJ 07058; and

WHEREAS, a Certificate of Availability of funds has been filed by the Rockaway Borough Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the rental of the backup generator for the Filter Plant through GenServ, 10 Maple Avenue, Pinebrook, NJ 07058 in an amount not to exceed \$8,279.54.

This resolution shall take effect as provided by law.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 61-24: AWARD CONTRACT (GENERATOR REPAIR)

WHEREAS, on January 25, 2024, the Mayor and Council of the Borough of Rockaway awarded a contract to GenServ for the repair of the generator at the Filter Plant; and

WHEREAS, it was determined that additional repairs were needed to the generator; and

WHEREAS, as Genserv is already undertaking repairs on the generator, the vendor who is able to meet the Borough's needs for the additional generator repair in the most effective and efficient manner is GenServ, 10 Maple Avenue, Pinebrook, NJ 07058; and

WHEREAS, a Certificate of Availability of funds has been filed by the Rockaway Borough Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the repair of the generator at the Filter Plant by GenServ, 10 Maple Avenue, Pinebrook, NJ 07058 in an amount not to exceed \$2,204.33.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 62-24: AWARD CONTRACT (INSTALLATION OF 6" MUELLER GATE VALVE)

WHEREAS, there exists a need to excavate and locate an existing 6" ACP inter-connect pipe and replace with a 6" Mueller Gate Valve; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the excavate and locate an existing 6" ACP inter-connect pipe and replace with a 6" Mueller Gate Valve through Carner Bros., 10 Steel Court, Roseland, New Jersey 07068 in an amount not to exceed \$6,412.50.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 63-24: CERTIFYING AND APPROVING 2023 LOSAP CONTRIBUTIONS

WHEREAS, the Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (N.J.S.A 40A: 14-183 et seq.), to reward members of the Rockaway Fire Department their diligent and devoted services to the residents of the Borough of Rockaway; and

WHEREAS, LOSAP shall provide for annual contributions, by the Borough of Rockaway, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 11-99; and,

WHEREAS, members on the attached list have met all criteria required to receive a LOSAP contribution in the amount set opposite their name.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Rockaway, County of Morris, State of New Jersey, that the LOSAP annual contributions from the Borough of Rockaway to a deferred income account for each volunteer member included on the attached list, having met the criteria, be made in accordance with the plan established by the Borough of Rockaway pursuant to P.L. 1997, c. 388.

BE IT FURTHER RESOLVED that a certified copy of this resolution be returned to the Rockaway Fire Department, where it shall be posted for no less than thirty days, as well as in the office of the Municipal Clerk.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 64-24: APPOINT DPW LABORER

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that James Brennan is hereby appointed to the position of DPW Laborer and is hereby employed by the Borough of Rockaway at a salary within the salary ordinance, effective April 1, 2024.

DATE: March 28, 2024

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

ORDINANCE NO. 24-02

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 170, LAND USE DESIGN AND PERFORMANCE STANDARDS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, Chapter 170 Land Use Design and Performance Standards, Article V. of the Code of the Borough of Rockaway entitled Tree Conservation and Protection was adopted in 2007; and

WHEREAS, the New Jersey Department of Environmental Protection has recommended changes which will go into effect in May 2024; and

WHEREAS, the Borough Engineer has recommended substantial changes to the Ordinance so as to be compliant with the New Jersey Department of Environmental Protection.

IT IS HEREBY ORDAINED by the Mayor and Council of the Borough of Rockaway, Morris County, State of New Jersey, as follows:

SECTION I

Chapter 170, Land Use Design and Performance Standards, Article V Tree Conservation and Protection is hereby repealed in its entirety and replaced with the following:

Article V. Tree Conservation and Protection

§ 170-38. Findings and purpose.

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

§ 170-39. 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.

APPLICANT

Any "person," as defined below, who applies for approval to remove trees regulated under this ordinance.

BEAUTIFICATION PROJECT

Any project proposed by the Borough to enhance public property and to include tree planting, removal, replacement, maintenance, and inspection; landscaping; grading; planting of shrubbery, flowers and any associated amenities; or any other work necessary to enhance the public property.

CLEAR CUTTING

The removal of all standing trees on a lot or on any contiguous area of a lot that comprises 20% or more of the lot area of the lot.

CRITICAL ROOT RADIUS (CRR)

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 of 9' (6"x1.5' = 9').

DIAMETER AT BREAST HEIGHT (DBH)

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-and-a-half-foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE

A tree or limbs thereof that meet one or more of the following criteria:

1. Is diseased, terminally infected with fungus, virus or insects, as determined by a NJ licensed tree expert;
2. Is dead, has ceased to physiologically function, as determined by a licensed tree expert;
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.

Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

PERSON

Any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP

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.

REPLACEMENT TREE

Shall mean a balled 2.5-inch caliper deciduous shade tree or conifer, as measured at a point 4.5 feet above the base of the trunk, which species is native and long lasting. A list of recommended replacement trees is available from the Township Land Development Office and in Appendix A hereto.

RESIDENT

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.

STREET TREE

“Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to 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.

TREE

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.

TREE CALIPER

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.

TREE REMOVAL

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.

§ 170-40. Regulated Activities

A. Application Process:

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, accompanied by a tree replacement plan as required by Subsection C, and the non-refundable application fee, as specified in Chapter A263, to the Borough Clerk. For all non-residential projects, as well as residential projects on properties 1.5 acres or more, a specific tree location survey will also be required.

No tree shall be removed until municipal officials have reviewed and approved the removal. A tree removal permit shall be submitted prior to any Uniform Construction Code (UCC) demolition permit being issued for a property.

B. Tree Removal Regulations

In the event of an emergency, any person otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, or unhealthy conditions resulting from the emergency, may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a regulated activity. However, such person or the agent or designee of such person, shall apply for a Tree Removal Permit not later than the end of the second succeeding business day after any regulated activity takes place and may not proceed with non-emergency work including restoration, until a permit is obtained.

C. Tree Replacement Requirements

Any person who removes one or more street tree(s) with a DBH of 2.5” or more, or any non-street tree with DBH of 6” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below. The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

1. Except as provided below, the replacement trees shall be planted on the property on which the tree removal occurred;
2. Be of nursery grade quality, balled and burlapped and not less than 2.5 inches DBH;
3. Be consistent with the species removed from the site, or another species included on Appendix A, except as otherwise approved by the Borough Engineer;
4. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date approved by the municipality;
5. 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
6. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
7. In the event that replacement of trees is required in connection with a subdivision or site plan and the tree replacement is not included in a performance bond for a subdivision or site plan, the applicant shall be required to post a cash bond or letter of credit in a form approved by the Borough Attorney and in an amount which shall be 120% of the replacement cost of the trees (including installation), as determined by the Borough Engineer. The bond shall require the tree replacement to be accomplished within a fixed period of time established by the Borough Engineer and authorize the Borough to take any of the money and make the replacement should the applicant fail to make the replacement within the time specified. The bond shall continue in effect for at least two years after the replacement to assure that the replacement tree(s) shall survive the initial growing season.

In the case of clear cutting where 100 or more trees shall be removed, the replacement requirement shall be 70% of the trees removed.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5” (street trees) or 6” (non-street trees) to 24.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed
2	DBH of 25” to 31.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed
3	DBH of 32” to 47.99”	Replant 5 trees with minimum tree calipers of 1.5” for each tree removed
4	DBH of 48” or greater	Replant 7 trees with minimum tree calipers of 1.5” for each tree removed

D. Replacement Alternatives:

1. If the Borough Engineer, or other designated official, determines that sufficient space is not available on the subject property, the applicant shall be required to do one of the following:
 - a. Plant replacement trees on other lands within the Borough, as approved by the Borough Engineer.
2.
 - a. Pay a fee of \$500.00 per tree removed. This fee shall be used for the purpose of planting or other beautification projects on public property within the Borough at such locations as the Borough Engineer or Mayor and Council deem appropriate.
 - b. In the event of clear-cutting 75 trees or greater, the fee is reduced to \$250.00 per tree removed.

§ 170-41. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

- 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.
- 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 replacement requirement. Documentation from a licensed tree expert may be required.

§ 170-42. Notice of Violation

- A. Whenever an enforcement official determines that there is or has been a violation of any provision of this article, the enforcement official shall give notice of such violation to the person, persons or entities responsible thereof under this article. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance.
- B. Service of the notice may be made by personal service on the owner, occupant or operator; or by certified mail, return receipt requested, to the last known address of the person or entity upon which the same is served, as shown on by the most recent tax lists of the municipality; or a copy thereof left at the usual place of abode or office of such person or entity. Notice may be served either within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 30 days of the date of service of such notice, exclusive of the date of service, a summons shall be issued for the stated violation.
- C. The enforcement official may, at the time of issuance of the notice or thereafter, extend the time for compliance if, in the judgment of the enforcement official, the abatement, removal, prevention,

cessation or cure of the condition in violation cannot reasonably be affected within the thirty-day period, and in such cases, the enforcement official shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 30 days.

§ 170-43. Failure to comply; issuance of summons.

- A. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the thirty-day period or extended period as set forth in the notice, a summons shall then be issued against the person, persons, entity or entities charged with a violation.
- B. In addition to the issuance of summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the certification of the enforcement official and after the approval of the governing body, the enforcement official may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris in accordance with State law.

§ 170-44. Violations and Penalties.

- A. In addition to any civil and/or other penalties authorized by law, this article or the Borough Code and/or any costs associated with a lien or abatement, any person found to be in violation of any provision of this article shall, after issuance of a summons and upon conviction, for each such violation, be subject to a fine of not less than \$500, nor more than \$2,000. Each violation of any of the provisions of this article and each day that each such violation shall continue shall be deemed to be a separate and distinct offense.

§ 170-45. Enforcement.

- A. The provisions of this article shall be enforceable by the Construction Official, Zoning Officer, Health Officer, Property Maintenance Officer, Borough Engineer, officer or other authorized officer or employee of the municipality authorized to enforce the provisions of the Borough Code, all of whom, unless otherwise specified by Ordinance or state law, shall be considered the "enforcement official" for purposes of this article.
- B. Violations of the provisions, standards and requirements set forth or referenced herein may be enforced in any lawful manner the municipality may deem appropriate, including but not limited to in accordance with the provisions of this article. Notwithstanding and in addition to any other violations, fines, penalties, remedies or relief pursuant to this article, any violation of this article shall also be subject to enforcement under any other applicable provision of the Borough Code. In addition to the aforementioned, the Borough, if appropriate, may also institute proceedings for injunction, temporary or final restraints, mandamus, abatement or other appropriate civil, equitable or other remedies to prevent, enjoin, abate or remove any violations of this article. The imposition of a fine shall not exempt the violator from compliance with the provisions of this article.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance introduced by the Mayor and Council at a meeting held on March 28, 2024.

Kimberly Cuspilich, RMC
Borough Clerk

CHAPTER 170. LAND USE DESIGN AND PERFORMANCE STANDARDS

ARTICLE V. TREE CONSERVATION AND PROTECTION

APPENDIX A: LIST OF APPROVED REPLACEMENT TREES

Scientific Name	Common Name	Notes
Acer negundo	Box Elder	Found near streams, shade and drought tolerant
Acerrubrum	Red Maple	Fall color, tolerates wide variety of conditions
Acer Saccharum	Sugar Maple	Fall color; Maple Syrup
Carpinus Caroliniana	Hornbeam	Shade tolerant
Carya Ovata	Shagbark Hickory	Hickory nuts for wildlife
Celtis Occidentalis	Hackberry	Attracts butterflies; blue berries
Fagus Grandifolia	American Beech	Grows to be a massive tree
Fraxinus Americana	White Ash	Ash trees tolerate wet. Baseball bats are made from this wood
Fraxinus Pennsylvanica	Green Ash	
Juglans Nigra	Black Walnut	Provides food for wildlife
Liquidambar Styraciflua	Sweet Gum	Considered best foliage tree. Be sure to select a variety without seed balls
Liriodendron Tulipifera	Tulip Tree	A very large fast-growing tree, tolerates wet conditions
Ostrya Virginia	Ironwood	
Platanus Occidentalis	Sycamore	Interesting bark; can grow very large
Populus Grandidentata	Large-toothed Aspen	
Populus Tremuloides	Quaking Aspen	
Quercus Alba	White Oak	Acorns; Holds dry leaves in winter
Quercus Bicolor	White Swamp Oak	
Quercus Rebra	Red Oak	
Tilia Americana	American Linden	Popular tree in Chatham Township
Ulmus Americana	American Elm	Large stately tree nearly extinct in wild from Dutch Elm disease. Disease resistant varieties are now available

ORDINANCE NO. 24-03

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 170, LAND USE DESIGN AND PERFORMANCE STANDARDS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, Chapter 170-36 of the Code of the Borough of Rockaway entitled Stormwater Control was adopted in 2021; and

WHEREAS, the New Jersey Department of Environmental Protection has recommended changes which will go into effect in July 2024; and

WHEREAS, the Borough Engineer has recommended substantial changes to the Ordinance so as to be compliant with the New Jersey Department of Environmental Protection.

IT IS HEREBY ORDAINED by the Mayor and Council of the Borough of Rockaway, Morris County, State of New Jersey, as follows:

SECTION I

Chapter 170, Land Use Design and Performance Standards, Article IV Environmental Site Data and Information, Section 170-36, Stormwater Control is hereby repealed in its entirety and replaced with the following:

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Rockaway.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be

held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. 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 not inconsistent 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 word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Section III. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in IV.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

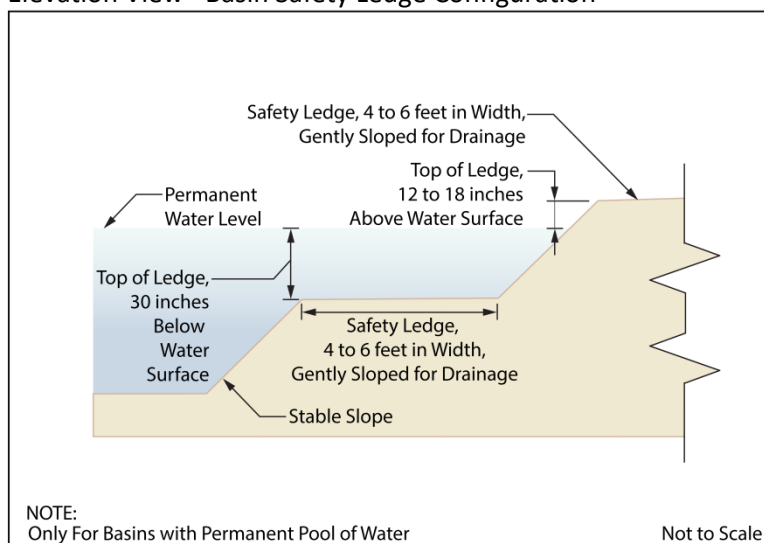
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section V. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section VI. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for

the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit six (6) hard copies, as well as one digital copy, of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. Maintenance responsibility and maintenance guarantee.
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks;

however, the individual cannot be legally responsible for all of the maintenance required.

- iii. The posting of a two-year maintenance guarantee is required in accordance with N.J.S.A. 40:55D-53. The guarantee shall be posted with the Town. Maintenance and inspection guidance can be found on the NJDEP website at: https://www.njstormwater.org/maintenance_guidance.htm
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Application and review fees.

There shall be no additional fees for stormwater review for applications to the Land Use Board. Minor development applications to the Borough of Rockaway for review by the Borough Engineer shall be accompanied by a review fee in the amount of \$250. Major development applications shall be accompanied by a review fee in the amount of \$1,000. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Borough Engineer.

Section IX. Conflict with other provisions.

- A. Nothing in this article shall be construed as repealing or amending any provision of any other municipal ordinance regulating or controlling residential property maintenance or any portion thereof which, by its terms, regulate, set standards for or control property maintenance or its incidental activities either directly or indirectly, or which further the general purposes of this article in any way.
- B. In any case where the provisions of this code impose a higher or stricter standard than set forth in any other ordinance or regulation of the Borough of Rockaway or under the laws or regulations of the State of New Jersey or any of its agencies, then the standards as set forth herein shall prevail; but if the provisions of this code impose a lower or lesser standard than any other regulation or ordinance of the Borough of Rockaway or the laws or regulations of the State of New Jersey or any of its agencies, then the higher or stricter standard contained in any other such other ordinance, regulation or law shall prevail.
- C. If any provision of this article is inconsistent with the statutes and/or regulations of the State of New Jersey or of the federal government, the state or federal statutes and regulations shall prevail. Nothing in this article shall be construed to supersede any applicable federal or state laws.

Section X. Compliance as a defense.

- A. Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this code, and no such owner, operator or occupant shall be relieved of any duty, obligation or responsibility hereunder, nor entitled to assert as a defense against any violation of this code the fact that another owner, operator or occupant or any other third person or entity is also responsible therefor and/or in violation hereof.
- B. Compliance with this article shall not constitute a defense against any violation of any other ordinance of the Borough applicable to any structure, premises or property, nor shall any one act of compliance constitute a defense against any subsequent or other violation of this article.

Section XI. Notice of Violation.

- A. Whenever an enforcement official determines that there is or has been a violation of any provision of this article, the enforcement official shall give notice of such violation to the person, persons or entities responsible thereof under this article. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance.
- B. Service of the notice may be made by personal service on the owner, occupant or operator; or by certified mail, return receipt requested, to the last known address of the person or entity upon which the same is served, as shown on by the most recent tax lists of the municipality; or a copy thereof left at the usual place of abode or office of such person or entity. Notice may be served either within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice, exclusive of the date of service, a summons shall be issued for the stated violation.
- C. The enforcement official may, at the time of issuance of the notice or thereafter, extend the time for compliance if, in the judgment of the enforcement official, the abatement, removal, prevention, cessation or cure of the condition in violation cannot reasonably be affected within the ten-day period, and in such cases, the enforcement official shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days.

Section XII. Failure to comply; issuance of summons.

- A. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the ten-day period or extended period as set forth in the notice, a summons shall then be issued against the person, persons, entity or entities charged with a violation.
- B. In addition to the issuance of summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the certification of the enforcement official and after the approval of the governing body, the enforcement official may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris in accordance with State law.

Section XIII. Violations and penalties.

- A. In addition to any civil and/or other penalties authorized by law, this article or the Borough Code and/or any costs associated with a lien or abatement, any person found to be in violation of any provision of this article shall, after issuance of a summons and upon conviction, for each such violation, be subject to a fine of not less than \$500 nor more than \$2,000. Each violation of any of the provisions of this article and each day that each such violation shall continue shall be deemed to be a separate and distinct offense.
- B. In addition to the foregoing and all other remedies available to the Borough, where the destruction or removal is performed by the municipality by or under the direction of the enforcement official, the enforcement official shall obtain and certify the proposed costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of resolution the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such a dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon

the owner and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

Section XIV. Enforcement.

- A. The provisions of this article shall be enforceable by the Construction Official, Zoning Officer, Health Officer, Fire Official, Property Maintenance Officer, Borough Engineer, officer or other authorized officer or employee of the municipality authorized to enforce the provisions of the Borough Code, all of whom, unless otherwise specified by Ordinance or state law, shall be considered the "enforcement official" for purposes of this article.
- B. Violations of the provisions, standards and requirements set forth or referenced herein may be enforced in any lawful manner the municipality may deem appropriate, including but not limited to in accordance with the provisions of this article. Notwithstanding and in addition to any other violations, fines, penalties, remedies or relief pursuant to this article, any violation of this article shall also be subject to enforcement under any other applicable provision of the Borough Code. In addition to the aforementioned, the Borough, if appropriate, may also institute proceedings for injunction, temporary or final restraints, mandamus, abatement or other appropriate civil, equitable or other remedies to prevent, enjoin, abate or remove any violations of this article. The imposition of a fine shall not exempt the violator from compliance with the provisions of this article.

Section XV. Effective Date:

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

SECTION II

- 1. This Ordinance may be renumbered for codification purposes.
- 2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.
- 3. Repealer. All ordinances or parts of ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 4. Prior Actions. All actions of the Borough of Rockaway taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.
- 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance introduced by the Mayor and Council at a meeting held on March 28, 2024.

Kimberly Cuspilich, RMC
Borough Clerk

ORDINANCE NO. 24-05

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 241, VEHICLES AND TRAFFIC,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway are empowered pursuant to the provisions of N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197, to regulate parking within the Borough; and

WHEREAS, the Borough of Rockaway Police Department recommended certain amendments to the ordinances regulating parking; and

BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter 241, Vehicles and Traffic, Part 2, Vehicle and Traffic Regulations, Article XV, Schedules of the Code of the Borough of Rockaway as follows:

Section I

- 1. Section 241-50, Schedule III: Parking Prohibited At All Times, is hereby amended to add the following item:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Glenview Place	East	From the intersection of Lindbergh Lane to a point 120 feet north thereof

Section II

- 1. Section 241-52, Schedule III: Parking Prohibited During Certain Hours, is hereby amended to add the following item:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Glenview Place	All	9:00 am to 3:30 pm/school days	Entire cul-de-sac at the northerly terminus

Section II

- 1. This Ordinance may be renumbered for codification purposes.
- 2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- 4. This Ordinance shall become effective upon final adoption, publication of the requisite public notice by the municipality and erection and placement of all signs, traffic control devices and traffic control signals in the locations where the regulation is effective as required by law.

DATE: March 28, 2024

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance introduced by the Mayor and Council at a meeting held on March 28, 2024.

Kimberly Cuspilich, RMC
Borough Clerk