

**AGENDA  
COUNCIL MEETING  
JUNE 1, 2022**

**140 NORTH BROADWAY  
SOUTH AMBOY, NJ 08879**

**6:00 P.M.**

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1. MEETING CALLED TO ORDER BY COUNCIL PRESIDENT
2. OPENING PRAYER AND SALUTE TO THE FLAG
3. ROLL CALL: DATO\_\_\_\_, McLAUGHLIN\_\_\_\_, NOBLE\_\_\_\_, REILLY\_\_\_\_, GROSS\_\_\_\_
4. CERTIFICATION OF MEETING BY COUNCIL PRESIDENT

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**CONSENT AGENDA:**

The following items are considered to be routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items unless a Council member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

**MOVED by:** \_\_\_\_\_ of the Council of the City of South Amboy, that Resolution NO. 22-127 through NO. 22-133 are hereby approved. **SECONDED by:** \_\_\_\_\_. **ROLL CALL VOTE:**

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- |            |   |
|------------|---|
| NO. 22-127 | RESOLUTION AUTHORIZING SEWER REFUND PAYMENT – VURCHIO   |
| NO. 22-128 | RESOLUTION AUTHORIZING SENIOR CITIZEN CLUB REFUND – MCCULLUM  |
| NO. 22-129 | RESOLUTION CERTIFYING ACTIVE MEMBERSHIP WITH SOUTH AMBOY FIRE DEPARTMENT FOR NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY - COMAN   |
| NO. 22-130 | LICQUOR LICENSE 2022-2023 RENEWAL PERIOD  |
| NO. 22-131 | RESOLUTION APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF THE CITY OF SOUTH AMBOY FIRST AID ORGANIZATION QUALIFYING FOR CREDIT UNDER THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR 2021  |
| NO. 22-132 | RESOLUTION APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF THE CITY OF SOUTH AMBOY VOLUNTEER FIRE FIGHTERS QUALIFYING FOR CREDIT UNDER THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR 2021 |
| NO. 22-133 | RESOLUTION AWARDING STATE CONTRACT #19-FOOD-01102 Dyed Diesel Fuel (T1845) and # 19-FLEET-00975 for Automotive Gasoline (T00083)  |
| NO. 22-134 | RESOLUTION AUTHORIZING AUDITING AND NON-AUDIT ADVISORY SERVICES - PKF   |

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**RESOLUTIONS:**

**RESOLUTION NO. 22-135**  
**APPROVAL AND RELEASE OF MINUTES**

**BE IT RESOLVED**, that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the May 18, 2022 Council Meeting.

**MOVED by:** \_\_\_\_\_ of the Council of the City of South Amboy, that Resolution No. 22-135 is hereby approved. **SECONDED by:** \_\_\_\_\_ **ROLL CALL VOTE:**

**RESOLUTION NO. 22-136**  
**APPROVAL OF BILL LIST**

**BE IT RESOLVED**, that the City Council of the City of South Amboy does hereby receive and approve the payment of the bill list dated May 26, 2022, as presented by the Chief Financial Officer.

**BE IT FURTHER RESOLVED**, that the bill list be appended to the official minutes.

**MOVED by:** \_\_\_\_\_ of the Council of the City of South Amboy, that Resolution No. 22-136 is hereby approved. **SECONDED by:** \_\_\_\_\_. **ROLL CALL VOTE:**  
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**ORDINANCES**

**FIRST READING/INTRODUCTION**

**ORDINANCE NO. 2022-06**

**AN ORDINANCE AMENDING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFIC REGULATIONS" FOR THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY- REMOVE RESIDENTIAL HANDICAP SPOTS, JOB-422 JOHN ST., LAMBERTSON-226 FIRST ST., CABANSKI-323 FOURTH ST., MOTYLEWSKI-135 HENRY ST., 325 JOHN ST., -ADD RESIDENTIAL HANDICAP SPOT, 313 HENRY ST. – JUGAN**

**MOVED by:** \_\_\_\_\_, that Ordinance #2022-06 be introduced on first reading and advertised for second reading which is scheduled for the June 15th, 2022 meeting.  
**SECONDED by:** \_\_\_\_\_, **ROLL CALL VOTE**

**ORDINANCE NO. 2022-07**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEC, NEW JERSEY, APPROPRIATING \$3,247,600 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,460,706 BONDS OR NOTES OF THE CITY TO FINANCE PART FO THE COST THEREOF**

**MOVED by:** \_\_\_\_\_, that Ordinance #2022-07 be introduced on first reading and advertised for second reading which is scheduled for the June 15th, 2022 meeting.  
**SECONDED by:** \_\_\_\_\_, **ROLL CALL VOTE**

**ORDINANCE NO. 2022-08**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$3,247,600 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,460,706 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

**MOVED by:** \_\_\_\_\_, that Ordinance #2022-08 be introduced on first reading and advertised for second reading which is scheduled for the June 15th, 2022 meeting.

**SECONDED by:** \_\_\_\_\_, **ROLL CALL VOTE**

**ORDINANCE NO. 2022-09**

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS OF THE CITY OF SOUTH AMBOY**

**MOVED by:** \_\_\_\_\_, that Ordinance #2022-09 be introduced on first reading and advertised for second reading which is scheduled for the June 15th, 2022 meeting.

**SECONDED by:** \_\_\_\_\_, **ROLL CALL VOTE**

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**COMMENTS:**

**PUBLIC COMMENTS:**

**ADJOURNMENT**

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX:**

**RESOLUTION NO.22-127**  
REFUND SEWER OVERPAYMENT - VURCHIO

**WHEREAS**, an overpayment of \$76.74 was made by Michel Vurchio for sewer user fees on account 99953617-0, 409 John St, City of South Amboy, County of Middlesex, Block 80, Lot 13 due to sale of property; and

**WHEREAS**, the tax collector has certified the above payment was made and on file in the tax collector's office; and

**WHEREAS**, Michael Vurchio has requested a refund; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of South Amboy, Middlesex County, New Jersey, that the Chief Financial Officer be and the same is hereby authorized to issue a check to Michael Vurchio in the amount of \$76.74 and the tax collector authorized to adjust sewer account 99953617-0.

Michael Vurchio  
907 Veteran Memorial Dr  
Raritan, NJ 08869-2311

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX:**

**RESOLUTION NO.22-128**  
REFUND SENIOR CLUB FEE - MCCULLUM

**WHEREAS**, a payment of \$20.00 was made by Raymond McCullum, 3 Grossweiler Lane, Parlin, NJ 08859 to join the Senior Citizens Club, City of South Amboy, County of Middlesex; and

**WHEREAS**, the Senior Center should not have accepted payment as Mr. McCullum is not a South Amboy resident; and

**WHEREAS**, Mr. McCullum has requested a refund; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of South Amboy, Middlesex County, New Jersey, that the Chief Financial Officer be and the same is hereby authorized to issue a check to Raymond McCullum in the amount of \$20.00.

Raymond McCullum  
3 Grossweiler Lane  
Parlin, NJ 08859

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION NO. 22-129**

**RESOLUTION CERTIFYING ACTIVE MEMBERSHIP WITH SOUTH AMBOY  
FIRE DEPARTMENT FOR NEW JERSEY STATE FIREMEN'S ASSOCIATION  
ELIGIBILITY - COMAN**

**BE IT RESOLVED**, that the Council of the City of South Amboy does hereby certify that **Thomas P. Coman** is an active member of the South Amboy Fire Department and is eligible to be a member of the New Jersey State Firemen's Association upon completion of all requirements of the Fire Chief.

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION #22-130  
LIQUOR LICENSE RENEWAL 2022-2023**

**WHEREAS**, the applications for the license holders set forth on Schedule A, attached, have been received for renewal of Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the period July 1, 2022 to June 30, 2023; and

**WHEREAS**, no written objections have been received by the City of South Amboy for the renewal of these licenses; and

**WHEREAS**, the submitted renewal application forms are complete in all respects, renewal fees have been paid and tax clearance has been received pursuant to P.L. 1995, Chapter 161;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the City Council of the City of South Amboy, New Jersey, that the Class C. Licenses referred to in the attached Schedule A, which is hereby incorporated into this Resolution, be renewed and the City Clerk is hereby directed to issue license certifications to these Licenses for the period July 1, 2022 to June 30, 2023, provided the renewal is in accordance with the Alcoholic Beverage Law, N.J.S.A. 33:1-3.1, et seq., and the rules and regulations issued pursuant to the Act.

**SCHEDULE "A"  
2022-2023**

**PLENARY RETAIL CONSUMPTION LICENSES:**

**License Number**

**Issued To:**

- |                    |  |
|--------------------|--|
| 1. 1220-33-031-004 | 114 Broadway Corporation<br>t/a Blue Moon<br>114 So. Broadway                              |
| 2. 1220-33-024-005 | South Amboy Elks Lodge #784<br>t/a South Amboy Elks Lodge 784<br>601 Washington Ave.       |
| 3. 1220-33-015-008 | Anvita, LLC<br>t/a South Stevens Pub<br>200 South Stevens Ave.                             |
| 4. 1220-33-037-006 | Double Nickel LLC<br>415 Main St.  |
| 5. 1220-33-020-006 | J., Inc.<br>t/a The Munckee-Bar<br>113 So. Feltus Street                                   |
| 6. 1220-33-033-008 | Sciortinos At Harbor Lights, Inc.<br>t/a Sciortinos At Harbor Lights<br>132 South Broadway |
| 7. 1220-33-025-005 | Marullo Inc.<br>t/a Don Giovanni<br>276 Main Street  |

8. 1220-33-016-003

Rayanne, LLC  
t/a Lagoda's Saloon  
109 South Broadway

9. 1220-33-035-011

JRK Ventures, LLC  
t/a Raise the Bar  
117-119 North Broadway

10. 1220-33-013-004

SA Cedar St. Corp.  
d/b/a Danny Boys Tavern  
244 Cedar St.

11. 1220-33-042-005

Rick-Ginny, Inc.  
t/a The Monaghan House  
400 South Pine Avenue

**PLENARY RETAIL DISTRIBUTION LICENSES:**  
**License Number**

**Issued To:**

1. 1220-44-030-004

Stevens Avenue Deli & Liquor LLC  
250 North Stevens Avenue

2. 1220-44-019-004

Krauszers Food and Liquor, Inc.  
t/a Krauszers Food and Liquor  
717-717A Bordentown Avenue

3. 1220-44-036-006

Arjun, Inc.  
t/a Main Liquors  
533 Main Street

**CLUB LICENSES:**  
**License Number**

**Issued To:**

1 1220-31-049-001

Col DB Kelly Div 1  
Middlesex County  
271 Second St.

2. 1220-31-043-001

Columbian Club of South Amboy  
308 Fourth Street

\* **Pocket License**

CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX

**RESOLUTION 22-131**

**RESOLUTION APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF  
THE CITY OF SOUTH AMBOY FIRST AID ORGANIZATION QUALIFYING FOR CREDIT UNDER THE  
LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR 2021**

**WHEREAS**, The City of South Amboy adopted Ordinance No. 20-99 which created the Length of Service Awards Program (LOSAP); and,

**WHEREAS**, N.J.S.A. 40A:14-191 requires that the City of South Amboy First Aid Organization furnish the City Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of South Amboy, County of Middlesex, New Jersey that the City Council hereby approves the list of the volunteer members of the City of South Amboy certified by the Organization LOSAP Coordinator for the year 2021, a copy of which list is attached here as Exhibit A; and,

**BE IT FURTHER RESOLVED** that a copy of this list has been posted for at least thirty (30) days in the First Aid Squad.

**BE IT FURTHER RESOLVED** that after thirty (30) day posting period the Township treasurer will issue a check to cover volunteers on the attached list to Lincoln Financial.

CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX

**RESOLUTION 22-132**

**RESOLUTION APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF  
THE CITY OF SOUTH AMBOY VOLUNTEER FIRE FIGHTERS QUALIFYING FOR CREDIT UNDER THE  
LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR 2021**

**WHEREAS**, The City of South Amboy adopted Ordinance No. 20-99 which created the Length of Service Awards Program (LOSAP); and,

**WHEREAS**, N.J.S.A. 40A:14-191 requires that the City of South Amboy Volunteer Fire Fighters furnish the City Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of South Amboy, County of Middlesex, New Jersey that the City Council hereby approves the list of the volunteer members of the City of South Amboy Volunteer Fire Fighters certified by the Department LOSAP Coordinator for the year 2021, a copy of which list is attached here as Exhibit A; and,

**BE IT FURTHER RESOLVED** that a copy of this list has been posted for at least thirty (30) days in each firehouse building.

**BE IT FURTHER RESOLVED** that after thirty (30) day posting period the Township treasurer will issue a check to cover volunteers on the attached list to Lincoln Financial.



# South Amboy Fire Department

Office of the Fire Chief

140 NORTH BROADWAY • SOUTH AMBOY, N.J. 08879

(732) 727-7434

Fax (732) 727-6139



March 7, 2022

Mr. Mayor and Council;

The following are members of the Fire Dept. who have qualified for the L.O.S.A.P. program for the calendar year 2021:

Charles Pickard	Mark Herdman	Michael Toth	Brian Kuhn
Brian McQuade	David Gumprecht	Thomas Hetzel	V. Gene Cox
John Dragotta	Kevin Wiater	Steven Herdman	Patrick Hetzel
Victoria LaVigne	Samantha Brandt	Michael J. Coman	Andrew Bielak
Pat Rourke	Ed Szatkowski	Tom Szatkowski Sr.	Larry Parsons
Steven Szatkowski	Dean Kenny	Kevin Riley	Jamie Norek
David Barlies	Charles Honimar	Thomas Parsons	Tom Szatkowski Jr.
Frank Greco	David Szatkowski	Mackenzie Russell	John Fedorka
Andrew Fedorka	Christian Petras	Keith Scheetz	Drew Newcomb Sr.
Mike Geraltowski	Robert O'Connor	Drew Newcomb Jr.	John Wilusz
Richard Johnson	Andy Pipala	Timothy Gay	Robert Sekerak
Jason Galiato	Matt Rosenstreich	Kevin Gay	Cody Ilardi
Joshua Trapp	Connor Drevelus		

The following names are members of the First Aid Squad who have also qualified for the L.O.S.A.P. program as reported to me by their officers for the calendar year 2021:

Dillon Saintalbord	D.J. Salmon	Taylor Salmon	Kim Seber
James Ryan	Robert Sekerak	Karen Walczak	Tim W. Walczak
Daryl Woolley			

Respectfully,

Brian F. Kuhn  
L.O.S.A.P. Coordinator

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION #22-133**

**RESOLUTION AWARDING STATE CONTRACT #19-FOOD-01102 Dyed Diesel Fuel (T1845) and # 19-FLEET-00975 for Automotive Gasoline (T00083)**

**WHEREAS**, the City of South Amboy has installed new Fuel tanks for Dyed Diesel Fuel and Automotive Gasoline Octane 87 purposes; and

**WHEREAS** there is a need in the City of South Amboy for supplying Dyed Diesel Fuel and Automotive Fuel Octane 87 for use by various City of South Amboy vehicles; and

**WHEREAS**, J Swanton Fuel Oil Co Inc 37 Center Avenue, Atlantic Highlands, NJ 07716, is a qualified company; and

**WHEREAS**, the Finance Director has determined that sufficient funds are available for this contract, in the amount not to exceed \$20,000.00 for Dyed Diesel and \$70,000.00 for Automotive Gasoline for a total contract amount not to exceed \$90,000.00; and

**WHEREAS**, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12, of the Local Public Contracts Law;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of South Amboy, County of Middlesex, State of New Jersey, that State Contract #19-FOOD-01102 Dyed Diesel Fuel (T1845) and # 19-FLEET-00975 for Automotive Gasoline (T00083), be and the same are hereby approved.

**RESOLUTION 22-134**

Resolution authorizing Auditing and Non-Audit Advisory Services

Whereas, the firm of Lerch, Vinci & Higgins LLP (LVH), was previously appointed by the City Council of the City of South Amboy to provide auditing services for the years ended December 31, 2021 and 2022 and certain non-audit advisory services for the calendar years 2021 and 2022 as detailed in the respective engagement letters, and

Whereas, Gary W. Higgins was the LVH partner responsible to provide services to the City of South Amboy and the appointed Registered Municipal Accountant ( License No. CR 00405) pursuant to N.J.S.A. 40A:5-9, and

Whereas, Gary W. Higgins has resigned as a partner from LVH and has moved his practice to PKF O'Connor Davies LLP (PKF), a full-service public accounting and advisory firm with offices in Cranford and Woodcliff Lake, New Jersey, and

Whereas, Gary W. Higgins will continue to provide auditing and non-audit advisory services as a partner with PKF and will honor all contract fees and billing rates previously approved by the City Council of the City of South Amboy.

Now, Therefore Be It Resolved, that the City Council of the City of South Amboy does hereby appoint Gary W. Higgins, Certified Public Accountant and Registered Municipal Accountant of PKF O'Connor Davies LLP as the auditor for the years ended December 31, 2021 and 2022 and accountant for non-audit advisory services at the contract fees and billable rates previously approved by the City Council.

Furthermore, the Mayor of the City of South Amboy is hereby authorized to enter into new contracts and engagement letters for the provision of such auditing services and non-audit advisory services.

**MINUTES FOR COUNCIL MEETING MAY 18, 2022**

The Meeting held at South Amboy City Hall, 140 North Broadway, South Amboy, New Jersey, was called to order by Council President Gross at 7:00 P.M. The Council President read the Opening Prayer and all recited the Pledge of Allegiance.

PRESENT: Councilwoman Dato, Councilwoman Noble, Councilman Reilly and Councilman Gross

ALSO PRESENT: Mayor Fred Henry, Glenn Skarzynski, Business Administrator, Deborah Brooks, City Clerk, and Francis Womack, City Attorney.

Council President Gross read the Notice of Publication Certification.

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**PROCLAMATION:**

**WeLoveU Foundation** – The Mayor presented representatives of the WeLoveU Foundation with a Proclamation of thanks for the cleaning up of the beach.

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**CONSENT AGENDA:**

The following items are considered to be routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items unless a Council member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

**MOVED by:** Ms. Dato of the Council of the City of South Amboy, that Resolution NO. 22-120 through NO. 22-123 are hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** All in favor.

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NO. 22-120 RESOLUTION AUTHORIZING CANCELLATION OF SEWER BALANCE FOR BLOCK 38, LOT 24, 127 DAVID STREET

NO. 22-121 RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION POCKET LICENSE NO. 1220-33-011-005 – CHAMOIS LLC TO DANIEL LYNCH

NO. 22-122 RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SOUTH AMBOY AND THE BOROUGH OF SAYREVILLE FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL

NO. 22-123 RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR EMERGENCY GENERATOR – SA-18-007-01 – TSUJ CORPORATION

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**RESOLUTIONS:**

**RESOLUTION NO. 22-124**

**SARA APPOINTMENTS - MESZAROS AND COUNCIL REPRESENTATIVE DATO**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of South Amboy, County of Middlesex, State of New Jersey, that Kevin Meszaros is, hereby, reappointed to the City of South Amboy Redevelopment Agency, for the term of July 1, 2022 through June

30, 2027 and Zusette Dato is appointed as Council Representative for the term of July 1, 2022 through June 30, 2023.

**MOVED by:** Ms. Noble of the Council of the City of South Amboy, that Resolution No. 22-124 is hereby approved. **SECONDED by:** Mr. Reilly **ROLL CALL VOTE:** All in favor.

**RESOLUTION NO. 22-125**  
**APPROVAL AND RELEASE OF MINUTES**

**BE IT RESOLVED,** that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the May 4, 2022 Council Meeting.

**MOVED by:** Mr. Reilly of the Council of the City of South Amboy, that Resolution No. 22-125 is hereby approved. **SECONDED by:** Ms. Noble **ROLL CALL VOTE: Ayes:** Dato, Reilly, Gross **Abstain:** Ms. Noble

**RESOLUTION NO. 22-126**  
**APPROVAL OF BILL LIST**

**BE IT RESOLVED,** that the City Council of the City of South Amboy does hereby receive and approve the payment of the bill list dated May 12, 2022, as presented by the Chief Financial Officer.

**BE IT FURTHER RESOLVED,** that the bill list be appended to the official minutes.

**MOVED by:** Ms. Dato of the Council of the City of South Amboy, that Resolution No. 22-126 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** All in favor.

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**COMMENTS:**

Mr. Reilly:

- Thanked the WeLoveU Foundation for their volunteer work.
- Thanked the First Responders and Food Pantry volunteers and recommended recognizing them with a proclamation at an upcoming meeting.
- Asked for support of the Luke Lovely Fundraiser by purchasing a brick.
- Is still working with the Clerk to have a Small Business Breakfast with a speaker from the County.
- Received confirmation from the Business Administrator that while there would not be an Arts & Crafts Summer Program they are going to have the athletic camps.
- Confirmed we are not hiring High School students as interns this summer.
- Received confirmation from the Business Administrator that the Rosewell property had been issued another summons for unkempt grounds and that there has been no change in the illegal pallet property or the Broadway property.
- Confirmed that the City was continuing with the expanded outdoor dining program and that Mr. Womack would produce an Ordinance codifying the changes.
- Received confirmation that the City had not yet received first quarter PILOT revenue information.
- Was happy to see new businesses opening on Broadway.
- Wished everyone a Happy Memorial Day.

Ms. Noble:

- Confirmed that there would be no fees charged for outdoor dining permits.
- Thanked the WeLoveU volunteers.

- Wished everyone a Happy Memorial Day.

Ms. Dato:

- Reported she had attended the warehouse ground breaking ceremony and the noted the project looked great, had cleaned up a blighted area and used union workers.
- Was very impressed by the turn out and accomplishments of the beach cleanup day.
- Reported there had been a Police Memorial on Monday and appreciated the efforts of the City's Police Department.
- Urged everyone to drive by the newly redone ball fields, they look spectacular.
- Reminded everyone to come out and vote at the June 7<sup>th</sup> Primary election.

Mr. Gross:

- Acknowledged the officers honored at the 200 Club event.
- Stated that the Fireworks would be July 2<sup>nd</sup>.
- Reminded everyone about the Fireworks Committee luncheon this Friday at noon.
- Thanked Jay Elliot and the WeLoveU Organization for all their hard work.
- Mentioned the YMCA and Board of Education were kicking off the Swim Program and would like to grow the program in the upcoming years.
- Noted it was Water Safety Month.
- Reported the Fire Department Memorial Ceremony would be Sunday at 11am.

Mayor Henry:

- Thanked the WeLoveU Organization.
- Agreed with Ms. Dato's comments on the ball fields.
- Wished the PD Memorial service had been better attended.
- Noted he had attended the Woodmont Warehouse ground breaking and noted it would be a good addition to the City.
- Reminded the residents that any unused or expired medication can be dropped at the Police Station, just be sure to mark over any personal information on the bottle.
- Thanked the honorees of the 200 Club and noted that one officer, James Doc Ryan had 63 years of service.

Mr. Skarzynski:

- Reported the Sun Oil building would be demolished by end of day tomorrow.

Mr. Womack:

- Reported the Venetian hearing has been moved to August.

### **PUBLIC COMMENTS:**

Edward Grimes (El Rampidor), requested ADA access to the Police Department and live online access to the meetings.

Mike Vinteiloes, 264 Main St. echoed Mr. Grimes' sentiment and they played and sang a song about ADA access.

Greg Babilak, 125 Henry St., questioned the Clerk about the audio of the April 20<sup>th</sup> meeting and when we would be getting the new system.

### **ADJOURNMENT**

On motion of Mr. Reilly, seconded by Ms. Dato and carried unanimously, the meeting was adjourned at 7:44 pm.

Respectfully submitted,

Deborah Brooks  
Municipal Clerk



May 26, 2022  
01:13 PM

CITY OF SOUTH AMBOY  
Bill List By Vendor Id

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc	Rcvd Date
<b>AMBIE011 Ambient Conditioning Inc.</b>												
22-01258	05/24/22	'22 HVAC Agreement payment#2	22-00028	C								
1	'22 HVAC Agreement payment#2	2,037.27	2-01-26-310-170	B B&G: Parts & Supplies-Plumbing	HVA	R	05/24/22	05/24/22				
Vendor Total:		2,037.27										
<b>AMPAR005 Amparo Kelly</b>												
22-01210	05/20/22	April Chair Yoga										
1	April Chair Yoga	300.00	2-01-28-371-299	B Senior Citizens: Misc Other Expenses		R	05/20/22	05/20/22				
Vendor Total:		300.00										
<b>C0000002 Cablevision of Raritan valley</b>												
22-01192	05/16/22	5/8/22-6/7/22-DPW	22-00025	C								
1	5/8/22-6/7/22-DPW	223.39	2-01-31-430-245	B Utilities - Internet		R	05/16/22	05/16/22				
22-01217	05/23/22	5/15/22-5/14/22 - SAFA										
1	5/15/22-5/14/22 - SAFA	83.43	2-01-31-430-245	B Utilities - Internet		R	05/23/22	05/23/22				
Vendor Total:		306.82										
<b>C0000018 Custom Bandag, Inc.</b>												
22-01237	05/23/22	SHOP SUPPLY	22-00006	C								
1	SHOP SUPPLY	744.80	2-01-26-315-235	B Vehicle Maint: Tires & Tubes		R	01/06/22	05/23/22				
22-01238	05/23/22	POLICE TIRES - SHOP SUPPLY	22-00006	C								
1		499.60	2-01-26-315-235	B Vehicle Maint: Tires & Tubes		R	01/06/22	05/23/22				
Vendor Total:		1,244.40										
<b>D0000045 Direct Energy Marketing, Inc.</b>												
22-01160	05/10/22	April '22 Billing										
1	April '22 Billing	65.16	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				
2	S Broadway	3.40	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				
3	427 Bordentown Ave	1.62	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				
4	400 Raritan St	43.48	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				
5	101 George St	73.34	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				
6	108 S Stevens Ave	78.77	2-01-31-430-230	B Utilities - Natural Gas		R	05/10/22	05/10/22				

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<b>D0000045 Direct Energy Marketing, Inc. Continued</b>							
22-01160 05/10/22 April '22 Billing Continued							
	7 127 N Broadway		53.23	2-01-31-430-230	B Utilities - Natural Gas	R	05/10/22 05/21
	8 140 N Broadway		122.81	2-01-31-430-230	B Utilities - Natural Gas	R	05/10/22 05/21
			<u>441.81</u>				
	Vendor Total:		441.81				
<b>E0000007 Electronic MeasurementLabs,Inc</b>							
22-01165 05/11/22 MultiGas Calibration & Labor							
	1 MultiGas Calibration & Labor		119.00	2-01-25-265-105	B Fire Dept: Maint of Other Equipment	R	05/11/22 05/21
	Vendor Total:		119.00				
<b>E0000019 ESI Equipment, Inc.</b>							
22-01161 05/11/22 Svc Agreement Holmatro Equip							
	1 Svc Agreement Holmatro Equip		299.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	2 Duo Pump Core		351.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	3 Combi Tool Care		126.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	4 7" Cutter Core		126.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	5 27" Spreader		126.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	6 Long Tele Ram Core		84.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	7 6' Core Hose		21.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	8 32' Hose Core - Orange		21.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
	9 32' Hose Core - Blue		21.00	2-01-25-265-095	B Fire Dept: Maintenance Agreement	R	05/11/22 05/21
			<u>1,175.00</u>				
	Vendor Total:		1,175.00				
<b>FRANC005 Francis M. Womack III, Esq.</b>							
22-01271 05/26/22 April'22-May'22 Law Director 22-00019 C							
	1 April'22-May'22 Law Director		7,391.00	2-01-20-155-195	B Legal: Professional Consultant & Spec	R	05/26/22 05/21
	Vendor Total:		7,391.00				
<b>G0000002 Gannett, NJ Partners LP</b>							
22-01189 05/16/22 April 2022 Ads-Inv.0004605794							
	1 April 2022 Ads-Inv.0004605794		258.00	2-01-20-100-299	B Admin: Miscellaneous Other Expenses	R	05/16/22 05/21

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Item Description	Amount	Charge Account							
<b>G0000002 Gannett, NJ Partners LP</b>									
Continued									
22-01189 05/16/22 April 2022 Ads-Inv.0004605794		Continued							
	46.44	2-01-20-110-025			B Mayor/Council: Advertising				
	9.03	2-01-20-120-025			B Clerk: Advertising				
	<u>180.60</u>	2-01-20-130-299			B Finance: Miscellaneous Other Expenses				
	494.07								
Vendor Total:	494.07								
<b>GABRI005 Gabrielli Kenworth of New</b>									
22-01119 05/05/22 BRAKE VALUE - TRUCK#: 12									
1 BRAKE VALUE - TRUCK#: 12	263.51	2-01-26-315-299			B Vehicle Maint: Misc Other Expenses		R	05/05/22	05/21/22
Vendor Total:	263.51								
<b>GOVCO006 GovConnection, Inc.</b>									
22-01034 04/25/22 Adobe VIP Renewal 2022 (x5)									
1 Adobe VIP Renewal 2022 (x5)	169.17	2-01-20-100-095			B Admin: Maintenance Agreement		R	04/25/22	05/21/22
2	<u>766.96</u>	2-01-20-100-095			B Admin: Maintenance Agreement		R	04/25/22	05/21/22
	936.13								
Vendor Total:	936.13								
<b>HBKIT005 HBK IT, LLC</b>									
22-01186 05/13/22 May'22 Monthly Billing		22-00016 C							
1 May'22 Monthly Billing	2,630.75	2-01-20-100-195			B Admin: Professional Consultant & Spec		R	05/13/22	05/21/22
2	<u>2,630.75</u>	2-01-25-240-195			B Police: Professional Consultant & Spec		R	05/13/22	05/21/22
	5,261.50								
22-01187 05/13/22 May'22 Software Subscription									
1 May'22 Software Subscription	48.00	2-01-20-100-095			B Admin: Maintenance Agreement		R	05/13/22	05/21/22
2 Microsoft Exchange Online	130.54	2-01-20-100-095			B Admin: Maintenance Agreement		R	05/13/22	05/21/22
	130.93	2-01-26-290-299			B Streets/Roads: Misc Other Expenses				
	130.53	2-01-25-240-095			B Police: Maintenance Agreement				

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<b>HBKIT005 HBK IT, LLC</b>							
Continued							
22-01187 05/13/22 May'22 Software Subscription Continued							
	3 Microsoft Office 365 Business		150.00	2-01-20-100-095	B Admin: Maintenance Agreement	R	05/13/22 05/21
			590.00				
	Vendor Total:		5,851.50				
<b>INSTI005 Institute For Professional</b>							
22-00842 03/31/22 6/8/22 Webinar - Bid Specs							
	1 6/8/22 Webinar - Bid Specs		50.00	2-01-20-100-135	B Admin: Meeting Convention Conference	R	03/31/22 05/21
	Vendor Total:		50.00				
<b>IPVID005 IPVideo Corporation</b>							
22-01196 05/17/22 PD TRAINING							
	1 PD TRAINING		189.00	2-01-25-240-215	B Police: School Training Prog	R	05/17/22 05/21
	Vendor Total:		189.00				
<b>J0000004 Jersey Central Power &amp;Light Co</b>							
22-01162 05/11/22 April'22 Billing							
	1 April'22 Billing		254.04	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	2 200 001 069 018		2,766.95	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	3 200 000 010 948		581.33	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	4 200 001 069 000		445.86	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	5 200 000 010 930		361.05	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	6 200 001 069 026		1,499.78	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
	7 200 001 069 034		10,593.00	2-01-31-430-200	B Utilities - Electric	R	05/11/22 05/21
			16,502.01				
22-01205 05/20/22 Camera accounts 4/22-5/22							
	1 Camera accounts 4/22-5/22		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	2 100 144 970 363		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	3 100 144 274 204		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	4 100 144 970 249		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	5 100 144 970 173		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	6 100 144 970 348		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21
	7 100 144 970 355		15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22 05/21

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00000004	Jersey Central Power & Light Co			Continued							
22-01205	05/20/22	Camera accounts 4/22-5/22		Continued							
8	100 144 998 315	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
9	100 144 970 488	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
10	100 144 274 279	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
11	100 144 165 709	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
12	100 144 998 349	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
13	100 144 998 612	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
14	100 144 998 786	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
15	100 144 988 802	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
16	100 145 033 669	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
17	100 145 003 727	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
18	100 145 003 800	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
19	100 145 009 021	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
20	100 145 009 054	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
21	100 145 009 112	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
22	100 145 009 153	15.25	2-01-31-430-200	B Utilities - Electric	R	05/20/22	05/21/22				
		335.50									
22-01245	05/23/22	SAFA 100 010 672 648 4/20-5/19									
1	SAFA 100 010 672 648 4/20-5/19	332.45	2-01-31-430-230	B Utilities - Natural Gas	R	05/23/22	05/24/22				
22-01246	05/23/22	New Account-100 139 729 600									
1	New Account-100 139 729 600	40.42	2-01-31-430-200	B Utilities - Electric	R	05/23/22	05/24/22				
22-01247	05/23/22	SAFA 100 010 672 671 4/20-5/19									
1	SAFA 100 010 672 671 4/20-5/19	15.38	2-01-31-430-230	B Utilities - Natural Gas	R	05/23/22	05/24/22				
	Vendor Total:	17,225.76									
KOBRA005	Kobra Electric, LLC										
22-01229	05/23/22	DPW - GARGAE DOOR									
1	DPW - GARGAE DOOR	150.00	2-01-26-310-035	B B&G: Building & Facility Repair	R	05/23/22	05/24/22				
22-01230	05/23/22	REPAIR WATERWORK LIGHTS									
1	REPAIR WATERWORK LIGHTS	800.00	2-01-26-310-035	B B&G: Building & Facility Repair	R	05/23/22	05/24/22				
	Vendor Total:	950.00									

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<b>M0000003 MGL Forms - Systems, LLC</b>											
22-00675	03/11/22	2500	TAX BILLS-ORIGINAL-GREEN								
1	2500	TAX BILLS-ORIGINAL-GREEN	470.00	2-01-20-150-145		B Assessor: Office Supplies	R	03/11/22	05/22		
2	1500	TAX BILLS-ADVICE-GREEN	282.00	2-01-20-150-145		B Assessor: Office Supplies	R	03/11/22	05/22		
3		SHIPPING	98.00	2-01-20-150-145		B Assessor: Office Supplies	R	03/11/22	05/22		
			<u>850.00</u>								
Vendor Total:				850.00							
<b>M0000004 Malouf Ford, Inc.</b>											
22-01180	05/13/22	rear brake & rotors-oem veh.	22-00004 C								
1	rear brake & rotors-oem veh.	276.99	2-01-26-315-100		B Vehicle Mainten	Maintenance of Motor Veh	R	01/06/22	05/22		
Vendor Total:				276.99							
<b>M0000015 Middlesex County Improvement</b>											
22-01244	05/23/22	MCIA-APRIL 2022 - BRUSH									
1	MCIA-APRIL 2022 - BRUSH	604.08	G-02-41-775-301		B Recycling Tonnage Grant		R	05/23/22	05/22		
Vendor Total:				604.08							
<b>M0000157 Modern Group Ltd.</b>											
22-00121	01/12/22	'22 PM Agreement & OMNI (4)									
1	'22 PM Agreement & OMNI (4)	1,200.00	2-01-26-310-095		B B&G: Maintenance Agreement		R	01/12/22	05/22		
2		1,330.00	2-01-26-310-095		B B&G: Maintenance Agreement		R	01/12/22	05/22		
3		1,160.00	2-01-26-310-095		B B&G: Maintenance Agreement		R	01/12/22	05/22		
4		1,250.00	2-01-26-310-095		B B&G: Maintenance Agreement		R	01/12/22	05/22		
5	OMNI Monitoring - 5 Location	2,150.00	2-01-26-310-095		B B&G: Maintenance Agreement		R	01/18/22	05/22		
		<u>7,090.00</u>									
22-01259	05/24/22	Install of splitter @ DPW									
1	Install of splitter @ DPW	1,341.25	C-04-18-001-008		B Dept Public Works Generator		R	05/24/22	05/22		
22-01260	05/24/22	Louisa St Pump Station 1/10/22									
1	Louisa St Pump Station 1/10/22	1,006.39	2-01-26-310-150		B B&G: Other Contractual Services		R	05/24/22	05/22		
Vendor Total:				9,437.64							

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<b>NJCPA005 NJCPA</b>							
	22-01264 05/25/22 D Baika #315266 Renewal						
	1 D Baika #315266 Renewal		370.00	2-01-20-130-140		B Finance: Memberships	R 05/25/22 05/25/22
	Vendor Total:		370.00				
<b>P0000003 Pitney Bowes</b>							
	22-01191 05/16/22 Postage Meter Rental #2	22-00033 C					
	1 Postage Meter Rental #2		1,468.29	2-01-20-100-205		B Admin: Rental-Machinery & Equipment	R 05/16/22 05/16/22
	Vendor Total:		1,468.29				
<b>P0000007 Pride Landscape Supply</b>							
	22-01168 05/12/22 Mower Parts - dpw						
	1 Mower Parts - dpw		390.42	2-01-26-310-115		B B&G: Material & Supplies	R 05/12/22 05/12/22
	22-01169 05/12/22 mower blades - dpw						
	1 mower blades - dpw		59.97	2-01-26-310-115		B B&G: Material & Supplies	R 05/12/22 05/12/22
	Vendor Total:		450.39				
<b>P0000009 Public Service Electric &amp; Gas</b>							
	22-01190 05/16/22 April'22 Billing						
	1 April'22 Billing		496.12	2-01-31-430-230		B Utilities - Natural Gas	R 05/16/22 05/16/22
	Vendor Total:		496.12				
<b>P0000010 Pumping Services, Inc.</b>							
	22-01179 05/13/22 VETS FIELD - POWER OUTAGE						
	1 VETS FIELD - POWER OUTAGE		401.40	2-01-26-307-150		B Sewer: Other Contractual Services	R 05/13/22 05/13/22
	Vendor Total:		401.40				
<b>PARTS005 Parts Authority, LLC</b>							
	22-01170 05/12/22 battery asm.	22-00003 C					
	1 battery asm.		48.96	2-01-26-315-100		B Vehicle Mainten Maintenance of Motor Veh	R 01/06/22 05/25/22

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<b>PARTS005 Parts Authority, LLC</b>						
Continued						
22-01171	05/12/22 CREDIT	22-00003 C	48.96-	2-01-26-315-100	B Vehicle Mainten Maintenance of Motor Veh R	01/06/22 05/2!
	1 CREDIT					
22-01174	05/12/22 BRAKE KIT- POLICE#402	22-00003 C	97.99	2-01-26-315-100	B Vehicle Mainten Maintenance of Motor Veh R	01/06/22 05/2!
	1 BRAKE KIT-POLICE# 402					
22-01175	05/12/22 KIT-MASTER	22-00003 C	128.73	2-01-26-315-100	B Vehicle Mainten Maintenance of Motor Veh R	01/06/22 05/2!
	1 KIT-MASTER					
22-01233	05/23/22 AIR FILTER - TRUCK#12	22-00003 C	27.06	2-01-26-315-100	B Vehicle Mainten Maintenance of Motor Veh R	01/06/22 05/2!
	1 AIR FILTER - TRUCK#12					
22-01234	05/23/22 AIR FILTER - TRUCK#12	22-00003 C	27.06	2-01-26-315-100	B Vehicle Mainten Maintenance of Motor Veh R	01/06/22 05/2!
	1 AIR FILTER - TRUCK#12					
	Vendor Total:		280.84			
<b>QUENC005 Quench USA, Inc.</b>						
22-01183	05/13/22 filtered water for DPW		135.96	2-01-26-310-150	B B&G: Other Contractual Services R	05/13/22 05/2!
	1 filtered water for DPW					
	Vendor Total:		135.96			
<b>REISI005 Reisinger Oxygen Service, Inc.</b>						
22-01164	05/11/22 SAFA - April'22 invoice		36.75	2-01-25-261-065	B E.M.S.- Food and First Aid Supplies R	05/11/22 05/2!
	1 SAFA - April'22 invoice					
	Vendor Total:		36.75			
<b>RENTA005 Rent A Fence, Inc.</b>						
22-00874	04/05/22 123 SOUTH BROADWAY - FENCING		2,368.00	2-01-26-310-299	B B&G: Miscellaneous Other Expenses R	04/05/22 05/2!
	1 123 SOUTH BROADWAY- FENCING					
	2 Panel Stands		0.00	2-01-26-310-299	B B&G: Miscellaneous Other Expenses R	04/05/22 05/2!

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<b>RENTA005 Rent A Fence, Inc. Continued</b>							
	22-00874 04/05/22 123 SOUTH BROADWAY - FENCING	Continued					
	3 Sandbags		0.00	2-01-26-310-299	B B&G: Miscellaneous Other Expenses	R	04/05/22 05/21
			<u>2,368.00</u>				
	Vendor Total:		2,368.00				
<b>S0000003 Sadie Pope Dowdell Library</b>							
	22-01206 05/20/22 2022 2nd Qtr. Contribution	22-00034 C					
	1 2022 2nd Qtr. Contribution		89,355.64	2-01-29-390-299	B Library: Miscellaneous Other Expenses	R	05/18/22 05/21
	2 1st Qtr.balance owed		<u>2,355.64</u>	2-01-29-390-299	B Library: Miscellaneous Other Expenses	R	05/18/22 05/21
			91,711.28				
	Vendor Total:		91,711.28				
<b>S0000010 South Amboy Plumb. Supply Corp</b>							
	22-01241 05/23/22 FLUSH VALVE-MECHANICSVILLEFIRE						
	1 FLUSH VALVE-MECHANICSVILLEFIRE		172.87	2-01-26-310-170	B B&G: Parts & Supplies-Plumbing HVA	R	05/23/22 05/21
	Vendor Total:		172.87				
<b>S0000098 Skyland Area Fire Equipment &amp;</b>							
	21-02116 09/28/21 Fire Dept Gear						
	1 Fire Dept Gear		37,950.75	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	2		33,927.99	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	3 ITEM# 5007		12,384.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	4		2,370.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	5		2,520.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	7		550.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	8		2,610.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	9		855.00	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
	10		<u>1,950.00</u>	C-04-21-001-008	B Acquisition of Turn Out Gear & Air Packs	R	09/28/21 05/21
			95,117.74				
	Vendor Total:		95,117.74				

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		Item		Description	Amount	Charge Account				Date	Date
<b>SHRM0005 SHRM</b>											
22-01051	04/26/22	2022	SHRM Membership-K.Kudelka								
1	2022	SHRM Membership-K.Kudelka	229.00	2-01-20-100-135		B Admin: Meeting Convention Conference	R	04/26/22	05/21/22		
Vendor Total:					229.00						
<b>STAHL005 James E. Stahl Esq.</b>											
22-01198	05/17/22	May 2022	Retainer		22-00021	C					
1	May 2022	Retainer	1,000.00	2-01-21-180-195		B Planning Board: Prof Consultant & Spec	R	04/20/22	05/21/22		
Vendor Total:					1,000.00						
<b>T0000003 The Hose Shop, Inc.</b>											
22-01181	05/13/22	maintainer parts - shop supply	22-00009	C							
1	maintainer parts - shop supply	171.33	2-01-26-315-100		B Vehicle Mainten	Maintenance of Motor Veh	R	01/06/22	05/21/22		
22-01242	05/23/22	HYDRAULIC HOSE ASSEMBLY	22-00009	C							
1	HYDRAULIC HOSE ASSEMBLY	32.47	2-01-26-315-100		B Vehicle Mainten	Maintenance of Motor Veh	R	01/06/22	05/21/22		
Vendor Total:					203.80						
<b>T0000039 Trius, Inc.</b>											
22-01236	05/23/22	TRUCK#15 - SPRING									
1	TRUCK#15 - SPRING	36.17	2-01-26-315-100		B Vehicle Mainten	Maintenance of Motor Veh	R	05/23/22	05/21/22		
Vendor Total:					36.17						
<b>T0000059 Treasurer-State of New Jersey</b>											
22-01251	05/24/22	Tidelands License & Lease Fee									
1	Tidelands License & Lease Fee	1,890.00	C-04-17-003-004		B Ferry Terminal	designs and permits etc.	R	05/24/22	05/21/22		
22-01252	05/24/22	Tidelands Processing Fee									
1	Tidelands Processing Fee	250.00	C-04-17-003-004		B Ferry Terminal	designs and permits etc.	R	05/24/22	05/21/22		
Vendor Total:					2,140.00						

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CITY OF SOUTH AMBOY  
Bill List By Vendor Id

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc	Rcvd Date
TACTI005 Tactical Public Safety, LLC.												
22-01166	05/12/22	MAY '22	MAINTENANCE CONTRACT	22-00030	C							
1	MAY '22	MAINTENANCE CONTRACT	1,472.19	2-01-25-240-150	B Police: Other Contractual Services	R	05/12/22	05/21				
2			157.90	2-01-25-252-095	B OEM: Maintenance Agreement	R	05/12/22	05/21				
3			258.76	2-01-25-261-095	B E.M.S.- Maintenance Agreement	R	05/12/22	05/21				
4			991.00	2-01-25-265-105	B Fire Dept: Maint of Other Equipment	R	05/12/22	05/21				
5			<u>284.09</u>	2-01-26-290-105	B Streets/Roads: Maint of Other Equip	R	05/12/22	05/21				
			3,163.94									
22-01167	05/12/22	JUNE '22	MAINTENANCE CONTRACT	22-00030	C							
1	JUNE '22	MAINTENANCE CONTRACT	1,472.19	2-01-25-240-150	B Police: Other Contractual Services	R	05/12/22	05/21				
2			157.90	2-01-25-252-095	B OEM: Maintenance Agreement	R	05/12/22	05/21				
3			258.76	2-01-25-261-095	B E.M.S.- Maintenance Agreement	R	05/12/22	05/21				
4			991.00	2-01-25-265-105	B Fire Dept: Maint of Other Equipment	R	05/12/22	05/21				
5			<u>284.09</u>	2-01-26-290-105	B Streets/Roads: Maint of Other Equip	R	05/12/22	05/21				
			3,163.94									
Vendor Total:			6,327.88									
TEAM005 Team One Network, LLC												
22-01208	05/20/22	PD TRAINING										
1	PD TRAINING		700.00	2-01-25-240-215	B Police: School Training Prog	R	05/20/22	05/21				
Vendor Total:			700.00									
THELA005 The LandTek Group, Inc												
22-00275	Allie Clark	Baseball Field										
4	Allie Clark	Baseball Field	593,521.39	G-02-41-800-065	B Mddlxs Cnty O/S Recreation Grant	R	01/27/22	05/11				
			395,680.92	C-04-19-001-007	B Various Ball Field Imprvmnts							
			197,840.47	C-04-21-001-014	B Improvements to Various Ball Fields							
			<u>76,219.12</u>	C-04-20-001-007	B Ball Field Improvements							
			1,263,261.90									
Vendor Total:			1,263,261.90									

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CITY OF SOUTH AMBOY  
Bill List By Vendor Id

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date
<b>THERO005 The Rodgers Group, LLC</b>							
	22-01105 05/05/22 PST TRAINING						
	1 PST TRAINING		318.00 2-01-25-240-215	B Police: School Training Prog	R	05/05/22	05/21
	Vendor Total:		318.00				
<b>UNIFI005 UniFirst Corporation</b>							
	22-01178 05/13/22 UNIFORM RENTAL-1260196975-DPW	22-00008 C					
	1 UNIFORM RENTAL-1260196975-DPW		130.77 2-01-26-290-045	B Streets/Roads: Clothing & Uniforms	R	01/06/22	05/21
	22-01182 05/13/22 uniform rental-1260200304-dpw	22-00008 C					
	1 uniform rental-1260200304-dpw		138.58 2-01-26-290-045	B Streets/Roads: Clothing & Uniforms	R	01/06/22	05/21
	22-01232 05/23/22 UNIFORM RENTAL-1260202809-DPW	22-00008 C					
	1 UNIFORM RENTAL-1260202809-DPW		129.23 2-01-26-290-045	B Streets/Roads: Clothing & Uniforms	R	01/06/22	05/21
	Vendor Total:		398.58				
<b>V0000001 Verizon</b>							
	22-01188 05/16/22 5/6/2022 732-525-0192						
	1 5/6/2022 732-525-0192		206.58 2-01-31-430-240	B Utilities - Telephone	R	05/16/22	05/21
	22-01212 05/23/22 5/15/22 450-717-047-0001-08						
	1 5/15/22 450-717-047-0001-08		6.55 2-01-31-430-240	B Utilities - Telephone	R	05/23/22	05/21
	22-01213 05/23/22 5/15/22 250-717-101-0001-94						
	1 5/15/22 250-717-101-0001-94		1,676.26 2-01-31-430-240	B Utilities - Telephone	R	05/23/22	05/21
	Vendor Total:		1,889.39				
<b>V0000002 Verizon wireless</b>							
	22-01254 05/24/22 April'22 inv. 99906502486	22-00024 C					
	1 April'22 inv. 99906502486		1,921.60 2-01-31-430-240	B Utilities - Telephone	R	01/11/22	05/21
	Vendor Total:		1,921.60				

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CITY OF SOUTH AMBOY  
Bill List By Vendor Id

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Charge Account	Acct Type Description	Stat/chk	First Enc	Rcvd Date
V0000011	V.E. Ralph & Son, Inc.										
22-01123	05/05/22	SAFA first aid supplies									
1	SAFA first aid supplies	1,002.33	2-01-25-261-065	B E.M.S.- Food and First Aid Supplies	R	05/05/22	05/24				
2	SAFA first aid supplies	36.62	2-01-25-261-065	B E.M.S.- Food and First Aid Supplies	R	05/05/22	05/24				
		<u>1,038.95</u>									
	Vendor Total:	1,038.95									
VERIZ020	Verizon - broadband										
22-01214	05/23/22	5/14/22 756-745-729-0001-96									
1	5/14/22 756-745-729-0001-96	69.00	2-01-31-430-245	B Utilities - Internet	R	05/23/22	05/24				
	Vendor Total:	69.00									
W0000017	W.B. Mason										
22-00615	03/03/22	office supplies - Inspectors									
3	return wrong black ink ordered	20.14	2-01-22-195-145	B Code: Office Supplies	R	05/10/22	05/24				
4	coprrct black ink	32.49	2-01-22-195-145	B Code: Office Supplies	R	05/10/22	05/24				
		<u>12.35</u>									
22-01163	05/11/22	Avery Tab- AVE01700									
1	Avery Tab- AVE01700	2.98	2-01-20-130-145	B Finance: Office Supplies	R	05/11/22	05/24				
2	Uni-Ball Pens- UBC1734903	17.04	2-01-20-100-145	B Admin: Office Supplies	R	05/11/22	05/24				
3	CD Sleeves-QUA62903	20.48	2-01-20-100-145	B Admin: Office Supplies	R	05/11/22	05/24				
4	Wetcott Scissors ACM41218	3.22	2-01-20-100-145	B Admin: Office Supplies	R	05/11/22	05/24				
		<u>43.72</u>									
	Vendor Total:	56.07									
<hr/>											
Total Purchase Orders: 77 Total P.O. Line Items: 155 Total List Amount: 1,528,487.42 Total Void Amount: 0.00											

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CITY OF SOUTH AMBOY  
Bill List By Vendor Id

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	
CURRENT FUND	2-01	164,827.30	0.00	164,827.30	0.00	0.00	164,827.30
CAPITAL FUND	C-04	768,339.50	0.00	768,339.50	0.00	0.00	768,339.50
GRANT FUND	G-02	595,320.62	0.00	595,320.62	0.00	0.00	595,320.62
Total Of All Funds:		<u>1,528,487.42</u>	<u>0.00</u>	<u>1,528,487.42</u>	<u>0.00</u>	<u>0.00</u>	<u>1,528,487.42</u>

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**ORDINANCE #22-06**

**AN ORDINANCE AMENDING ORDINANCE NO. 1036  
ENTITLED "PARKING AND TRAFFIC REGULATIONS"  
FOR THE CITY OF SOUTH AMBOY, IN THE COUNTY  
OF MIDDLESEX AND STATE OF NEW JERSEY- REMOVE RESIDENTIAL HANDICAP  
SPOTS, JOB-422 JOHN ST., LAMBERTSON-226 FIRST ST., CABANSKI-323 FOURTH  
ST., MOTYLEWSKI-135 HENRY ST., 325 JOHN ST., -ADD RESIDENTIAL HANDICAP  
SPOT, 313 HENRY ST. - JUGAN**

**BE AND IT IS HEREBY ORDAINED** that Ordinance No. 1036, entitled "Parking and Traffic Regulations" is hereby amended as follows:

**ARTICLE V**                      Handicapped Parking

Section 5-1      Special Parking for Handicapped

Section X        Handicapped Parking

**Remove the Following:**

NAME OF STREET

422 JOHN ST.  
226 FIRST ST.  
323 FOURTH ST.  
135 HENRY ST.  
325 JOHN ST.

**Add the Following:**

NAME OF STREET

LOCATION

313 HENRY ST.

SIGN TO BE PLACED 151 FEET FROM THE CURB  
LINE OF SOUTH STEVENS AVENUE IN FRONT OF  
THE RESIDENCE AT 313 HENRY ST.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This ordinance shall take effect after final passage and publication as provided by law.

The Municipal Clerk shall serve a certified true copy of this Ordinance upon the South Amboy Police Department.

The foregoing ordinance having been introduced and passed on first reading

by the Council of the City of South Amboy, in the County of Middlesex on Wednesday, June 1, 2022, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, June 15, 2022 at City Hall, 140 North Broadway, South Amboy, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Deborah Brooks, Municipal Clerk

*First Reading and Introduction:* June 1, 2022

*1<sup>st</sup> Publication:*

*Second Reading and Adoption:* June 15, 2022

*2<sup>nd</sup> Publication:*

**ORDINANCE 22-07**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$3,247,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,460,706 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of South Amboy, in the County of Middlesex, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,247,600, including a \$667,014 grant from the New Jersey Department of Transportation (the "State Grant") for the purposes set forth in Section 3(k) hereof, and further including the aggregate sum of \$119,880 as the several down payments for the improvements or purposes required by the Local Bond Law. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the improvement or purpose referred to in Section 3(k) since the improvement or purpose is being partially funded by the State Grant. The down payments

have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,460,706 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Improvements to buildings and grounds and acquisition of equipment, including but not limited to, a forklift cage and Christmas tree, including all work and materials necessary therefor and incidental thereto.	\$57,300	\$54,435	15 years
b) The construction of a second-floor storage area in the Department of Public Works building, including all work and materials necessary	\$10,000	\$9,500	20 years

therefore and incidental thereto.			
c) Various improvements to the Department of Public Works facility, including all related costs and expenditures incidental thereto.	\$200,000	\$190,000	10 years
d) The acquisition of equipment for the Police Department, including, but not limited to, body cameras, AED units and vehicle Toughbooks, including all related costs and expenditures incidental thereto.	\$175,000	\$166,250	5 years
e) Technology improvements at City Hall, including all related costs and expenditures incidental thereto.	\$10,000	\$9,500	5 years
f) Improvements to audio equipment in Council Chambers/Court, including all related costs and expenditures incidental thereto.	\$28,000	\$26,600	10 years
g) Ferry terminal designs and permits, including all related costs and expenditures incidental thereto.	\$500,000	\$475,000	30 years
h) The acquisition of equipment for the Fire Department, First Aid Squad and the Office of Emergency Management, including but not limited to, vehicles, hose replacement, high rise kits, and iPads and mounts, including all related costs and	\$120,000	\$114,000	5 years

expenditures incidental thereto.			
i) The acquisition of radios for the Office of Emergency Management, including all related costs and expenditures incidental thereto.	\$7,300	\$6,935	10 years
j) 2022 Road Improvement Program, all as set forth on a list on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto	\$500,000	\$475,000	10 years
k) Phase II of the Feltus Street improvement project, including all work and materials necessary therefor and incidental thereto	\$850,000 (including \$667,014 New Jersey Department of Transportation grant)	\$182,986	10 years
l) The acquisition of trucks for the Road Department, including all related costs and expenditures incidental thereto.	\$120,000	\$114,000	5 years
m) The acquisition of a brine tank including all related costs and expenditures incidental thereto.	\$15,000	\$14,250	15 years
n) The acquisition of automated refuse containers, including all related costs and expenditures incidental thereto.	\$50,000	\$47,500	15 years
o) Improvements to ball fields throughout the City, including all work and materials necessary	\$500,000	\$475,000	15 years

therefor and incidental thereto.			
p) Improvements to pump stations and sewers, including improvements to the sewerage grinder pump at the South Broadway Pump Station and sewer line upgrades, including all work and materials necessary therefor and incidental thereto.	\$105,000	\$99,750	40 years
<b>Total</b>	<b><u>\$3,247,600</u></b>	<b><u>\$2,460,706</u></b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the

purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.49 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate

thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,460,706, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$649,520 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized

to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Deborah Brooks  
Municipal Clerk

Introduced on First Reading: June 1, 2022  
First Publication:  
Approved on Final Reading: June 15, 2022  
Final Publication:

**ORDINANCE 22-08**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES  
AND EQUIPMENT FOR THE SANITATION DEPARTMENT IN AND BY  
THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW  
JERSEY, APPROPRIATING \$640,000 THEREFOR AND AUTHORIZING  
THE ISSUANCE OF \$608,000 BONDS OR NOTES OF THE CITY TO  
FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH AMBOY, IN THE COUNTY  
OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively  
concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of South Amboy, in the County of Middlesex, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$640,000, including the sum of \$32,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$608,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of vehicles and equipment for the Sanitation Department, including but not limited to, automated trucks and a hook lift truck with accessories, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next

succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department

of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$608,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$96,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and

beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Deborah Brooks  
Municipal Clerk

Introduced on First Reading: June 1, 2022  
First Publication:  
Approved on Final Reading: June 15, 2022  
Final Publication:

**ORDINANCE NO. 22-09**  
**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS**  
**OF THE CITY OF SOUTH AMBOY**

**AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF SOUTH AMBOY CODE OF ORDINANCES TO REPEAL CHAPTER 71; TO ADOPT A NEW CHAPTER 71; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of South Amboy and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of South Amboy was accepted for participation in the National Flood Insurance Program on December 4, 1979 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

**WHEREAS**, the City of South Amboy is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the City of South Amboy is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the City of South Amboy is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of South Amboy that the following floodplain management regulations are hereby adopted.

**SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 71.

## **SECTION 101 SCOPE AND ADMINISTRATION**

**101.1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the City of South Amboy (hereinafter "these regulations").

**101.2 Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

**101.3 Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

**101.4 Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City of South Amboy administer and enforce the State building codes, the City Council of the City of South Amboy does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the

design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

**101.5 Ordinary Building Maintenance and Minor Work.** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

**101.6 Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**101.7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**101.8 Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance but shall be calculated separately from the fine imposed for the violation of the ordinance.

**101.8.1 Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**101.9 Abrogation and greater restrictions.** These regulations supersede any ordinance in

effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

## SECTION 102 APPLICABILITY

**102.1 General.** These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

**102.2 Establishment of Flood Hazard Areas.** The **City of South Amboy** was accepted for participation in the National Flood Insurance Program on December 4, 1979.

### 102.3

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Office of the Floodplain Administrator, 140N Broadway, South Amboy, NJ 08879.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions) dated July 6, 2010 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is Revised July 6, 2010 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34023C0156	Revised July 6, 2010	F			
34023C0157	Revised July 6, 2010	F			

- 2) **Federal Best Available Information.** The City of South Amboy shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34023C0156G	Revised January 31, 2014		
34023C0157G	Revised January 30, 2015		

- 3) **Other Best Available Data.** The City of South Amboy shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of South Amboy. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2 (3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Raritan River	D0000023	R-1
Crossway Creek	D0000044	CR-1
Cheesequake Creek Coastal Area	D0000045	COS-1

### **102.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Floodplain Administrator Designation.** The City Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

**103.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**103.4 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.

- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of South Amboy have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

**103.5 Use of changed technical data.** The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

**103.6 Other permits.** It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

**103.7 Determination of Local Design Flood Elevations.** If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

**103.8 Requirement to submit new technical data.** Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

**103.9 Activities in riverine flood hazard areas.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

**103.10 Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

**103.10.1 Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

**103.11 Watercourse alteration.** Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

**103.11.1 Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

**103.12 Alterations in coastal areas.** The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

**103.13 Development in riparian zones** All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land

Resource Protection.

**103.14 Substantial improvement and substantial damage determinations.** When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**103.15 Department records.** In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

**103.16 Liability.** The Floodplain Administrator and any employee charged with the enforcement

of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

## SECTION 104 PERMITS

**104.1 Permits Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**104.2 Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

**104.3 Validity of permit.** The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

**104.4 Expiration.** A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**104.5 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code

of this jurisdiction.

## SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

**105.1 Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to

reasonably reflect flooding conditions.

- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

**105.3 Analyses and certifications by a Licensed Professional Engineer.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base

flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 106 INSPECTIONS

**106.1 General.** Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

**106.2 Inspections of development.** The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

**106.3 Buildings and structures.** The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

**106.4 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

## SECTION 107 VARIANCES

**107.1 General.** The Planning/Zoning Board shall hear and decide requests for variances. The Planning/Zoning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning/Zoning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these

regulations.

**107.2 Historic structures.** A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**107.3 Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

**107.4 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

**107.5 Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**107.6 Conditions for issuance.** Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **SECTION 108 VIOLATIONS**

**108.1 Violations.** Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

**108.2 Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

**108.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall

also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

## SECTION 201 DEFINITIONS

**201.1 General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

### 201.2 Definitions

**30 DAY PERIOD** – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

**100 YEAR FLOOD ELEVATION** – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

**500 YEAR FLOOD ELEVATION** – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

**A ZONES** – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

**AH ZONES**– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**AO ZONES** – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**ACCESSORY STRUCTURE** – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

**AGRICULTURAL STRUCTURE** - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures

when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

**AREA OF SHALLOW FLOODING** – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

**ALTERATION OF A WATERCOURSE** – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ASCE 7** – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

**ASCE 24** – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

**BASE FLOOD ELEVATION (BFE)** – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**BEST AVAILABLE FLOOD HAZARD DATA** - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA AREA**- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA ELEVATION** - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be

depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BREAKAWAY WALLS** – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

**BUILDING** – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

**COASTAL A ZONE** – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

**COASTAL HIGH HAZARD AREA** – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR)** is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F)** is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CRITICAL BUILDING** – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

**DEEP FOUNDATIONS** – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

**DEVELOPMENT** – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

**DRY FLOODPROOFING** – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

**ELEVATED BUILDING** – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

**ELEVATION CERTIFICATE** – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**ENCROACHMENT** – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**FEMA PUBLICATIONS** – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

## FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**FLOOD HAZARD AREA DESIGN FLOOD ELEVATION** – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**FLOODPLAIN OR FLOOD PRONE AREA** – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**FLOODPLAIN MANAGEMENT REGULATIONS** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODPROOFING CERTIFICATE** – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water

surface elevation more than 0.2 foot.

**FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE** – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

**HABITABLE BUILDING**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

**HARDSHIP** – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

**LICENSED PROFESSIONAL ENGINEER** - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

**LIMIT OF MODERATE WAVE ACTION (LiMWA)** – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

**LOWEST ADJACENT GRADE** – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

**LOWEST FLOOR** – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

**LOWEST HORIZONTAL STRUCTURAL MEMBER** - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a

qualified independent appraiser.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

**NON-RESIDENTIAL** – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

**ORDINARY MAINTENANCE AND MINOR WORK** – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

**RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**RESIDENTIAL** – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

**SOLID WASTE DISPOSAL** – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**SPECIAL FLOOD HAZARD AREA** – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on

the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

**START OF CONSTRUCTION – The Start of Construction is as follows:**

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA),** this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

**STRUCTURE** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the

market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES** – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

**V ZONE CERTIFICATE** - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

**V ZONES** – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

**VARIANCE** – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION** – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**WATERCOURSE**. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

**WET FLOODPROOFING** – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and

agricultural structures that have been issued variances by the community.

## SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

**301.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

**301.2 Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

## SECTION 401 SITE IMPROVEMENT

**401.1 Encroachment in floodways.** Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

**401.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones.** In Coastal High Hazard Areas and Coastal A Zones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.
- (3) Basements or enclosures that are below grade on all sides are prohibited.

(4) The use of fill for structural support of buildings is prohibited.

**401.3 Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**401.4 Water facilities.** All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

**401.5 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**401.6 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**401.7 Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

**401.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones.** In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 105.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 801.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

**401.9 Hazardous Materials.** The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

## SECTION 501 MANUFACTURED HOMES

**501.1 General.** All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

**501.2 Elevation.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

**501.3 Foundations.** All new, relocated, and replacement manufactured homes, including

substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

**501.4 Anchoring.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**501.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

**501.6 Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

**Exception.** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

## SECTION 601 RECREATIONAL VEHICLES

**601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

**601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

**601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings.

## SECTION 701 TANKS

**701.1 Tanks.** Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

## SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

**801.1 General requirements for other development and building work.** All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated

floodway;

- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

#### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
    - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
  - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
  - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
  - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - vi. Have openings documented on an Elevation Certificate; and
  - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

2) Construction and Elevation in V Zones and Coastal A Zones.

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in

- conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
- ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
    2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
    - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
    - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
    - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
    - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
    - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
      1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
      2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
      3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

**801.3 Garages and accessory storage structures.** Garages and accessory storage structures

shall be designed and constructed in accordance with the Uniform Construction Code.

**801.4 Fences.** Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

**801.5 Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

**801.6 Swimming pools.** Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**801.7 Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

**801.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones.** In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and
- (3) On-site filled or mound sewage systems.

**801.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be

permitted for landscaping and for drainage purposes under and around buildings.

- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**901.1 Temporary structures.** Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

**901.2 Temporary storage.** Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

**901.3 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

**1001.1 Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

**1001.2 Flood loads.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

**1001.3 Elevation.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**1001.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be

abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

**1001.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

**1001.6 Protection of mechanical, plumbing, and electrical systems.** Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

**Exception:** Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

**SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect on \_\_\_\_\_

\_\_\_\_\_  
Deborah Brooks, Municipal Clerk

*First Reading and Introduction:* June 1, 2022

*1<sup>st</sup> Publication:* \_\_\_\_\_

*Second Reading and Adoption:* June 15, 2022

*Final Publication:* \_\_\_\_\_