

**TOWNSHIP OF MANSFIELD
TOWNSHIP COMMITTEE MEETING
June 28, 2023
OFFICIAL MINUTES
Adopted July 12, 2023**

The Regular Meeting was called to order at 7:30 pm by Mayor Watters who read the "Sunshine Statement" indicating the meeting was being held in accordance with the Open Public Meetings Act. He then led the Flag Salute.

ROLL CALL

Present: Mr. Farino, Mr. Hayes, Mr. McGuinness & Mayor Watters

Absent: Mrs. Mora Dillon

Also present were Township Attorney Michael Lavery, Police Chief MacDonough, CFO/Tax Collector Judith Curran, Deputy Treasurer JoAnn Fascenelli, and Township Deputy Clerk Illena Raffaele. Absent: Acting Township Clerk, Jo-Ann Ricks.

Approximately 11 people from the public were in attendance.

APPROVAL OF MINUTES

June 14, 2023 – REGULAR SESSION

The minutes of the meeting noted above were approved on a motion by Mr. Hayes, seconded by Mr. McGuinness.

Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: Mrs. Mora Dillon
Abstain: XXXXXX

CLERK'S REPORT

None at this time.

FINANCE REPORT

Mrs. Curran reported:

- The 2023 Stabilization Restoration Grant for Mt. Bethel Community Center was filed with the County.
- Award the contract to E&LP for Mt. Bethel Community Center.
- Award NJ DOT for roadway improvement.
- New DPW employee.
- 2022 Audit is underway. Will be a few more weeks.

- DPW Employee, John Tate is retiring.
- Municipal Alliance resolution on tonight's agenda.

EMPLOYEES' REPORT

OEM, Brian Kostenbader reported:

EOPs – Have been updated, the State switched to a 2-year deal that's good until 2025. Updated shelter agreement with the school to be the head shelter. We have a written agreement for June 30th. Emergency \$10K and another \$10K.

RAVE – Blast notifications to Mansfield residents now available which is used by the County.

Active Threat Drill – Occurred on June 16th with the school. Wants to get all teachers trained in *Stop The Bleed*.

ENGINEER'S REPORT

Mr. Quamme reported:

Stormwater Permit – DEP adopted the new Tier A Municipal Stormwater permit on January 1st. Major requirements include stormwater infatuation, stormwater maintenance, street sweep, pollution, municipal stormwater web page, roadside erosion control, mapping changes, three (3) phase water shed improvement plan and others. Submitted proposal to CFO to review costs. Because this is mandatory, there is availability of assistance from the DEP for \$25K, the first \$15K can come up front and the last \$10K when it's done. Highlands also provides grants. Highlands will fund this work to assist townships for the grant. Highlands won't fund street sweeping or erosion repairs.

Janes Chapel Road – Still waiting for contractor. DOT requires Township to close out in six (6) months of inspection. Contractor, South State, is not cooperating. Last punch list item is driveway apron. DOT stated they understand.

Community Center – Mr. Quamme met with contractor, inside of building is being done. Plastering front wall, install building septic line. Design engineer with septic outside was there to inspect. Framed A/C pad and southerly stairway. Will get done as soon as possible due to rain. Bats – Ferriero Engineering suggested an exterminator to remediate the bat issue.

Elizabethtown Gas – Re-pavement of the road; need 2nd meeting before July paving date.

Snyder Road – Ad will be published on Sunday, July 2, 2023, we were going to advertise tomorrow, but it shifted to 7/2. Bid opening for July 27th.

Cherry Tree & Valley Roads – Resurfacing will be done by Morris County Co-Op Contractor South State. Mr. Quamme is working with coring professionals. He stated there are other towns that have problems with South State. If no response from South State, we may have to put it out to bid.

County Bridge 16,044, Valley Road – County Engineer asked about the delay. The assistant said it shouldn't be a problem to pave Valley Rd at the same time their work is going on.

PUBLIC PORTION

Mayor Watters opened the Public Portion of the meeting for public comments.

Scott Reyes, 3 Country Meadow Road, thanked the Committee for listening to the previous comments on Ordinance 2023-19 (tree trimming) and for taking out the harsh items. Asked to revise "property located between their property and a public roadway." He suggested replacing it with property is adjoined. Also suggested the 10 days to make payment was tight especially for seniors and the disabled and is it possible to change it to 30 days. The violation and penalty is for each day; could it be changed to each week? Mr. Lavery said we can make the changes now. Violations is always each day. Change can be made for the 30 days and adjacent to the property. Can be approved with these amendments tonight.

Mayor Watters asked for more comments from the public; seeing none, the Public Portion was closed.

ORDINANCES

Second Reading

2023-16 AN ORDINANCE BY THE TOWNSHIP COMMITTEE AMENDING THE TOWNSHIP OF MANSFIELD CODE OF ORDINANCES TO REPEAL CHAPTER 199; TO ADOPT A NEW CHAPTER 199; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mr. Hayes made a motion to approve Ordinance 2023-16, which was seconded by Mr. McGuinness.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: Mrs. Mora Dillon
Abstain: XXXXXX

** ** ** ** **

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF Township of Mansfield**

ORDINANCE NO. 2023-16

AN ORDINANCE BY THE Township Committee AMENDING THE Township of Mansfield CODE OF ORDINANCES TO REPEAL CHAPTER 199; TO ADOPT A NEW CHAPTER 199; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 **Township of Mansfield** 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 **Township of Mansfield** was accepted for participation in the National Flood Insurance Program on **September 15, 1983** and the **Township Committee** 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 **Township of Mansfield** 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 **Township of Mansfield** 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 **Township of Mansfield** 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 **Township Committee** of **Township of Mansfield** 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):
Repeal **Chapter 199, Flood Damage Protection** and replace with **Chapter 199 Flood Damage Protection**.

SECTION 199.101 SCOPE AND ADMINISTRATION

199.101.1 **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 Township of Mansfield* (hereinafter "these regulations").

199.101.2 **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 199.102 of these regulations.

199.101.3 **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.

199.101.4 **Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Township of Mansfield** administer and enforce the State building codes, the **Township Committee of Township of Mansfield** 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.

199.101.5 **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 199.103.14 of this ordinance.

199.101.6 **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.

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

199.101.8 **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.

199.101.8.1 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.

199.101.9 **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 199.102 APPLICABILITY

199.102.1 **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.

199.102.2 **Establishment of Flood Hazard Areas.** The Township of Mansfield was accepted for participation in the National Flood Insurance Program on **September 15, 1983.**

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 **Mansfield Township Municipal Building, 100 Port Murray Road, Port Murray, NJ.**

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 Warren County, New Jersey (All Jurisdictions) dated September 29, 2011 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is September 29, 2011 are hereby adopted by reference.

Table 199.102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34041C0228	9/29/2011	E	34041C0229	9/29/2011	E
34041C0233	9/29/2011	E	34041C0234	9/29/2011	E
34041C0235	9/29/2011	E	34041C0236	9/29/2011	E
34041C0237	9/29/2011	E	34041C0239	9/29/2011	E
34041C0241	9/29/2011	E	34041C0242	9/29/2011	E

34041C0243	9/29/2011	E	34041C0244	9/29/2011	E
34041C0253	9/29/2011	E	34041C0254	9/29/2011	E
34041C0261	9/29/2011	E	34041C0262	9/29/2011	E

- 2) **Federal Best Available Information.** Township of Mansfield 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 199.102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this Ordinance			

- 3) **Other Best Available Data.** Mansfield Township shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Mansfield. 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 199.102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 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 199.201, 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 199.102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Trout Bk	FFMR0032	T-1
Trout Bk	FFMR0033	T-2

Trib "b"	FFMR0035	TR-"B"
Musconetcong Rv	FFMR0045	MU-10
Musconetcong Rv	FFMR0046	MU-11
Musconetcong Rv	FFMR0047	MU-12
Musconetcong Rv, Stephensburg Bk	FFMR0048	MU-13
Musconetcong Rv, Hances Bk	FFMR0049	MU-14
Musconetcong Rv	FFMR0050	MU-15
Musconetcong Rv	FFMR0051	MU-15
Musconetcong Rv	FFMR0052	MU-16
Musconetcong Rv	FFMR0053	MU-16
Musconetcong Rv	FFMR0054	MU-17
Pohatcong Ck	FFMR0076	PH-11
Pohatcong Ck	FFMR0077	PH-12
Pohatcong Ck	FFMR0078	PH-13
Pohatcong Ck	FFMR0079	PH-14
Pohatcong Ck	FFMR0080	PH-15
Pequest Rv	PRS00015	LP-5

199.102.3 **Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 199.102.2, 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 199.102.2, 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 199.102.2 (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 199.105.2-3.
- 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 199.103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

199.103.2 **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 199.107 of these regulations.

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

199.103.4 **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 199.102 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 199.103.14 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 199.107 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 199.106 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 199.107 of these regulations.
- (13) Cite violations in accordance with Section 199.108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of **Township of Mansfield** have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 199.102.2.

199.103.5 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.

199.103.6 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.

199.103.7 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 199.102.2 and 199.102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 199.103.15.

199.103.8 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.

199.103.9 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.

199.103.10 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.

199.103.10.1 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.

199.103.11 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.

199.103.11.1 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.

199.103.12 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.

199.103.13 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.

199.103.14 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 199.102.2, 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.

199.103.15 **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.

199.103.16 **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 199.104 PERMITS

199.104.1 **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.

199.104.2 **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 199.105 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.

199.104.3 **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.

199.104.4 **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.

199.104.5 **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 199.105 SITE PLANS AND CONSTRUCTION DOCUMENTS

199.105.1 **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 199.105.2.
- (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 199.105.2(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.

199.105.2 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.

199.105.3 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 199.105.4 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 199.105.4 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).

199.105.4 **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 199.106 INSPECTIONS

199.106.1 **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.

199.106.2 **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.

199.106.3 **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 199.801.2 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 199.801.2 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 199.801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 199.801.2 shall be submitted to the Construction Official on an Elevation Certificate.

199.106.4 **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 199.107 VARIANCES

199.107.1 **General.** The **Land Use Board** shall hear and decide requests for variances. The **Land Use Board** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in **Section** 199.107.5, the conditions of issuance set forth in Section 199.107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The **Land Use Board** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

199.107.2 **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.

199.107.3 **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.

199.107.4 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 199.105.3(1) of these regulations.

199.107.5 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.

199.107.6 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 199.108 VIOLATIONS

199.108.1 **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.

199.108.2 **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.

199.108.3 **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.

199.108.4 **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 199.201 DEFINITIONS

199.201.1 **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.

199.201.2 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.

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.

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 199.107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Land Use Board 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 a 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.

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.

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 officer 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.

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 199.301 SUBDIVISIONS AND OTHER DEVELOPMENTS

199.301.1 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.

199.301.2 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 199.401 SITE IMPROVEMENT

199.401.1 **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 199.105.3(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 199.105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 199.801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

199.401.1.1 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.

199.401.2 **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.

199.401.3 **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.

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

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

199.401.6 **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.

199.401.7 **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 199.501 MANUFACTURED HOMES

199.501.1 **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).

199.501.2 **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 199.801.2.

199.501.3 **Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

199.501.4 **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.

199.501.5 **Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 199.801.2.

199.501.6 **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 199.801.2 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 199.801.2, 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 199.601 RECREATIONAL VEHICLES

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

199.601.2 **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.

199.601.3 **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 199.801.2 for habitable buildings and Section 199.501.3.

SECTION 199.701 TANKS

199.701.1 **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 199.801 OTHER DEVELOPMENT AND BUILDING WORK

199.801.1 **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 199.105.3(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 199.102.3;
- (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 199.102.3 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.

199.801.2 **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 199.201) 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 199.102.3, 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 199.102.3, 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 199.801.2.1(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;

199.801.3 **Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

199.801.4 **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 199.105.3(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 199.107 of this ordinance.

199.801.5 **Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve **placement** of fill in floodways shall meet the requirements of Section 199.105.3(1) of these regulations and N.J.A.C. 7:13.

199.801.6 **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 199.105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

199.801.7 **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 199.105.3(1) of these regulations.

SECTION 199.901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

199.901.1 **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.

199.901.2 **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.

199.901.3 **Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of Section 199.105.3(1) of these regulations.

SECTION 199.1001 UTILITY AND MISCELLANEOUS GROUP U

199.1001.1 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.

199.1001.2 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 199.102.3.

199.1001.3 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 199.102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

199.1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 199.801.2 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.

199.1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 199.102.3.

199.1001.6 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 199.102.3.

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 upon final passage and publication as provided by law.

Second Reading

Ordinance Held For Correction

2023-18 AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY PERMITTED THE LICENSING OF FOOD TRUCKS WITHIN THE TOWNSHIP.

Mr. McGuinness questioned the word *permitted* vs. *prohibited* in Section 11.

TOWNSHIP OF MANSFIELD WARREN COUNTY

ORDINANCE 2023-18

**ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY PERMITTED
THE LICENSING OF FOOD TRUCKS WITHIN THE TOWNSHIP**

WHEREAS, The Township of Mansfield wishes to permit and regulate food trucks within the bounds of the Township in order to ensure they are safe and organized.

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that the Township Ordinance shall include:

SECTION 1

Purpose:

The Township Committee do hereby deem it necessary for the full protection of the health and safety of the Township that the licensing of mobile food vendor and/or vehicles be restricted in the Township of Mansfield.

SECTION 2

Definitions

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

Mobile Food Vendor

Any automobile, truck or motor-powered vehicle engaged in the business of selling cooked or prepared food to persons.

Mobile Food Vendor Licensee

Any license issued under this chapter for either a mobile food truck or a vehicular vehicle.

Vehicular Vehicles

Any and all other types of vehicles engaged in the selling of cooked or prepared foods.

SECTION 3

License Required

No mobile food vendor or other vehicle engaged in the business of selling cooked or prepared foods in the Township shall operate within the Township without first having obtained a license to do so. Such license shall be issued by the Township Clerk as of January 1 of each year and to expire December 31 of the year in which it was issued unless sooner revoked by the Township Committee and shall be good as to only one vehicle. The license fee shall be set at twenty-five dollars (\$25.00).

SECTION 4

Form of Application

All applications for the issuance or renewal of a license shall be made to the Township Clerk on the official forms designed to elicit information respecting the vehicle to be so used and the identification, responsibility, and law-abiding habits of the owner of the vehicle.

SECTION 5

Application Verified; Insurance

Each applicant for a license shall supply the information requested on the application in full and verify its correctness and file the completed application with the Office of the Township Clerk together with the full amount of the fees as hereinafter set forth. In addition, the applicant shall submit a drawing of the proposed location(s) of the food truck; a Zoning Application if the mobile food vendor operates in one location for more than 48 hours; a signed letter of approval by the current property owner; the applicant shall be fingerprinted by a Township approved facility; the applicant shall exhibit public liability insurance to the Township Clerk covering the vehicle to be licensed and for the term of the license applied for; the applicant shall submit proof of approvals and/or inspections from the Warren County Board of Health and the Township Fire Official.

SECTION 6

License Fee

The annual fee for a mobile vendor license issued or renewed shall be yearly for each year or portion thereof, and such licenses shall be under the charge and control of the applicant applying therefor, and the applicant shall be responsible for the operation of the vehicle so licensed for the term of the license applied for. The annual fee shall be set at twenty-five dollars (\$25.00).

SECTION 7

Regulations Covering Parking

- A. No person shall stop, stand or park for the purpose of selling cooked or prepared foods in a public place or prohibited area within the Township unless authorized by the Township for a special or seasonal event. Mobile food restaurants shall provide written consent of the property owner/s submitted at the time of the application.
- B. The licensee shall see to it that all premises used by the vehicle shall be left in a clean and orderly state and that no waste or garbage from its operation be deposited or left remaining on any property or street located within the Township.

SECTION 8

Revocation of License

The Township Committee, or its designee, may in its discretion refuse to issue or renew or may after notice and hearing revoke or suspend any license if the applicant has been convicted of a crime in this or any other jurisdiction, or convicted of being a disorderly person or of a violation of Title 39, Motor Vehicles and Traffic Regulations of the Revised Statutes of New Jersey, or who has been dishonorably discharged from the Armed Forces of the United States of America, or who violates provision of this Chapter, or who has any judgement unsatisfied against him arising out of an automobile accident, or who is an alien citizen of any nation between whom and the United States of America a state of war exists or who has made false answers in the application for such license, or renewal thereof, or who has not fully complied with all the requirements of this chapter, or if the vehicle licensed or to be licensed by any reason of unsafe or unsanitary conditions is dangerous to the health and safety of the people, or if the policy of insurance required to be exhibited under the terms of this chapter is not in full effect and force during the licensed period or the applicant has failed to comply with any and all other laws of this Municipality, County or State.

SECTION 9

Display of License

Each vehicle licensed under the terms of this chapter shall have displayed in a conspicuous place fully visible to the public the license issued.

SECTION 10

Approval by Township Committee

Upon approval by the Township Committee by resolution, the Township Clerk shall issue and sign the license in the official form.

SECTION 11

Prohibited Areas:

Mobile food vendors are permitted in all commercial and retail zones.

First Reading

2023-19 AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 264 ENTITLED "PROPERTY MAINTENANCE" TO CREATE ARTICLE II ENTITLED "TREE MAINTENANCE" TO IMPOSE CERTAIN MAINTENANCE OBLIGATIONS ONTO ABUTTING PROPERTY OWNERS

Mr. Hayes made a motion to approve with amendments the introduction of Ordinance 2023-19, which was seconded by Mr. Farino. 264-4 "located between their property and a public roadway" changed to "adjacent to their property"; 264-6 B ten (10) days changed to thirty (30) days.

Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: XXXXXX
Abstain: Mrs. Mora Dillon

ORDINANCE NO. 2023-19

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 264 ENTITLED "PROPERTY MAINTENANCE" TO CREATE ARTICLE II ENTITLED "TREE MAINTENANCE" TO IMPOSE CERTAIN MAINTENANCE OBLIGATIONS ONTO ABUTTING PROPERTY OWNERS

WHEREAS, dead and dying trees pose a hazard to the Township and its residents; and
WHEREAS, dead and dying trees must be maintained in order to prevent the risk of injury, bodily harm, and/or death as a result of failure to maintain such trees; and

WHEREAS, Township Committee of the Township of Mansfield believes that the Township Code should be amended to establish a procedure by which dead and dying trees may be maintained and the risk of injury, bodily harm, and/or death can be prevented and/or avoided; and

WHEREAS, the Township Committee of the Township of Mansfield believes that such amendment is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 264 entitled "Property Maintenance" be amended to create Article II entitled "Tree Maintenance" as follows:

SECTION I:

Chapter 264. Property Maintenance.

Article II. Tree Maintenance.

§ 264-4. Duties of Owner.

It shall be the duty of the owner of any lands in the Township of Mansfield to maintain, trim, upkeep, and, if necessary, remove, and/or cause to be removed any and all trees located on their property or on any property located between their property and a public roadway. The maintenance shall be performed in a manner so as to prevent the risk of any potential injury, bodily harm, and/or death, and preserve the public health, safety and general welfare of the public at large.

§ 264-5. Notice of Violating Conditions.

If any condition exists in violation of this Article, the Township Zoning Officer, the Supervisor of the Department of Public Works, or the Township Committee or its authorized agent shall notify the owner of the property of such condition(s) in writing, by regular mail, or via personal delivery. The owner of the property shall have forty-five (45) days from the date of such notice to cure the condition(s) so noticed. The Zoning Officer or the Supervisor of the Department of

Public Works shall reinspect the land in question after the forty-five (45) day period had expired to determine if the condition has been remediated. The property owner may, within fifteen (15) days of receiving the notice from the Township, make a written application for an extension of time to remediate the condition, which may be granted for a good cause shown.

§ 264-6. Failure to Abate or Remediate Conditions.

If the Zoning Officer, Supervisor of the Department of Public Works, the Township and/or its authorized agent determine(s) that the owner of a property has failed to remediate the condition described in this Article within forty-five (45) days if the notice, the following shall occur:

- A. A complaint shall be issued by the Zoning Officer, the Supervisor of the Department of Public Works, or the Township's authorized agent for the violation(s) of this Article, which complaint shall be brought before the Municipal Court of the Township of Mansfield;
- B. If it is necessary to preserve the public health, safety, and/or general welfare of the Township and its residents, the Zoning Officer, the Supervisor of the Department of Public Works, or the Township's authorized agent shall cause the condition(s) to be abated and/or remedied and shall certify the cost of such abatement and/or remediation shall be paid by the owner within ten (10) days of the date of the mailing by which the invoice is sent to the owner.

§ 264-7. Costs Assessable as Taxes

The amount of cost of tree maintenance incurred by the Township shall be a municipal lien against the real property upon which such cost was incurred. The public officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 264-8. Violations and Penalties.

Any person who violates any provision of this Article may be subject to a civil penalty for each offense of not more than \$200. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

SECTION II.

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION III.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION IV.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

CONSENT AGENDA – PUBLIC PORTION

Mayor Watters opened the Public Portion of the meeting for comments on the Consent Agenda.

Seeing none, the Public Portion for Consent Agenda was closed.

CONSENT AGENDA/RESOLUTIONS

The following Resolutions 2023-201 through 2023-213, as filed in the Township Clerk's Office, were unanimously adopted on motion by Mr. Hayes and seconded by Mr. McGuinness.

Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: Mrs. Mora Dillon
Abstain: XXXXXX

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
A RESOLUTION FOR THE 2023 STABILIZATION/RESTORATION PROJECT GRANT**

NO.2023-201

ADOPTED: JUNE 28, 2023

WHEREAS, the Mayor and Township Committee are desirous of securing a grant from the Warren County Municipal & Charitable Conservancy Trust Fund – 2023 Stabilization/Restoration Project Grant; and **WHEREAS**, the Township will be requesting a grant in the amount \$ \$95,100.00 (75% of the overall project); and

WHEREAS, funds would be utilized for the Mount Bethel Community Center Phase III (septic & generator).

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, in the County of Warren and State of New Jersey hereby authorizes Judith F. Curran, CFO to apply for the 2023 Stabilization/Restoration Project Grant with the Warren County Municipal & Charitable Conservancy Trust Fund in the amount of \$ 95,100.00.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

**Authorizing the Insertion into the FY2023 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey
Solid Waste Administration FY2023 Clean Communities Grant**

NO.2023-202

ADOPTED: JUNE 28, 2023

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Mansfield Township Committee of the Township of Mansfield further finds and declares that it is in the best interest of the citizens of the Township to request approval of the insertion into the Township's FY2023 Municipal Budget of an item of revenue based upon a grant secured by the Township from the State of New Jersey;

NOW, THERE, BE IT RESOLVED, that the Township of Mansfield in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$ 25,025.76.

BE IT FURTHER RESOLVED, that the above is the result of funds from Solid Waste Administration FY2023 Clean Communities Grant in the amount of \$ 25,025.76.

Public and Private Revenues Offset with Appropriations

FY2023 Clean Communities Grant

AND BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
WATER/SEWER LIEN REDEMPTION BLOCK 1102.08 LOT 4 QUALIFER C015D**

NO. 2023-203

ADOPTED: JUNE 28, 2023

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following water/sewer lien has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 28th day of June, 2023, that payment in the amount of \$ 1,730.77 is to be made to the certificate holder as noted:

CERTIFICATE HOLDER	BLOCK/LOT	CERTIFICATE #
FIG 20, LLC FBO Sec Pty PO Box 12225 Newark, NJ 07101-3411	1102.08 Lot 4 Qualifer C015D	22-00004

Water/Sewer Lien Redemption Proceeds \$ 1,730.77

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

**RESOLUTION TO REPLENISH THE ESCROW ACCOUNT FOR THE
MUNICIPAL SPECIAL MASTER**

NO. 2023-204

ADOPTED: JUNE 28, 2023

WHEREAS, the Court ordered that the municipality hold and administer an Escrow Account for the payment of the Municipal Special Master appointed by the Court; and

WHEREAS, the Court ordered that an initial deposit of \$ 5,000.00 be placed in this Escrow Account by the municipality which was paid from the municipality's affordable housing trust fund; and

WHEREAS, the Court ordered that, where applicable, any intervenors shall be required to submit to the municipality an initial deposit of \$ 2,000.00 to also be placed in the Escrow Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, and State of New Jersey, as follows:

1. The Chief Financial Officer has created an account entitled, "affordable Housing Municipal Special Master Escrow Account".
2. The Chief Financial Officer made an initial deposit of \$ 5,000.00 into the Escrow Account no later than March 11, 2016.
3. The \$ 5,000.00 was paid from the municipality's affordable housing trust fund.
4. The Township of Mansfield has appointed Kyle McManus Associates, LLC, PO Box 236, Hopewell, New Jersey 08523, as the Municipal Special Master.
5. An additional \$3,000.00 will be added to the Municipal Special Master Escrow Account.
6. This resolution shall take effect immediately.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judith F. Curran, Chief Financial Officer of the Township of Mansfield, hereby certify that funds are available for the above referenced escrow in the amount not to exceed \$ 3,000.00. The appropriation will be made available through the following account:

T-20-55-289-0027-0000 Mandatory Development Fees Trust \$ 3,000.00

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

Authorizing the Insertion into the FY2023 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey Water Resources Planning Management FY2023 Stormwater Assistance Grant

NO. 2023-205

ADOPTED: JUNE 28, 2023

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Mansfield Township Committee of the Township of Mansfield further finds and

declares that it is in the best interest of the citizens of the Township to request approval of the insertion into the Township's FY2023 Municipal Budget of an item of revenue based upon a grant secured by the Township from the State of New Jersey;

NOW, THERE, BE IT RESOLVED, that the Township of Mansfield in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$ 15,000.00.

BE IT FURTHER RESOLVED, that the above is the result of funds from Water Resources Planning Management FY2023 Stormwater Assistance Grant in the amount of \$ 15,000.00.

Public and Private Revenues Offset with Appropriations
FY2023 Stormwater Assistance Grant

AND BE IT FURTHER RESOLVED, that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MITCHELL
ROAD IMPROVEMENTS PROJECT**

NO.2023-206

ADOPTED: June 28, 2023

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, desires that a grant application be submitted with the New Jersey Department of Transportation for the Mitchell Road Improvements Project;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield formally approves the grant application for the above stated program.

BE IT FURTHER RESOLVED that the Mayor/ Township Committee and Clerk are hereby authorized to submit an electronic grant application identified as Application ID 00446 to the New Jersey Department of Transportation on behalf of the Township of Mansfield.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Mansfield and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Committee
On this 28th day of June, 2023.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
LIQUOR LICENSE RENEWALS**

NO. 2023-207

ADOPTED: JUNE 28, 2023

WHEREAS, the following establishments have made application for renewal of Liquor Licenses for the license term 2023-2024:

1. NJ Cinema Investments LLC

#2116-33-002-005

WHEREAS, the appropriate fees have been paid to the Municipality and the State of New Jersey Division of Alcoholic Beverage Control; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, the aforementioned liquor license applications be approved for the licensing year 2023-2024.

**TOWNSHIP OF MANSFIELD
 WARREN COUNTY, NEW JERSEY
 AUTHORIZING PAYMENT OF BILL LIST**

NO.2023-208

ADOPTED: June 28, 2023

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, finds and declares that certain municipal obligations have come due and are now payable; and
WHEREAS, the Township Committee further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution;
NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Deputy Treasurer, from the following accounts and in the following amounts:

PREPAID LIST	
CURRENT	\$
CAPITAL	
TRUST	\$
DOG	\$
RECREATION	
OPEN SPACE	\$
DEV ESCROW	
UNEMPLOYMENT	\$
TAX PREMIUM	
MANDATORY DEV	
OUTSIDE EMPLOY	
TOTAL	\$

BILLS LIST	
CURRENT	\$620,680.33
CAPITAL	\$1,440.00
TRUST	\$
DOG	\$
RECREATION	\$
OPEN SPACE	\$
DEV ESCROW	\$3,550.00
UNEMPLOYMENT	\$
TAX PREMIUM	\$
MANDATORY DEV	\$
GRANT	\$73,378.45
GREEN TEAM	\$
TOTAL	\$699,048.78

**TOWNSHIP OF MANSFIELD
 WARREN COUNTY, NEW JERSEY
 AUTHORIZING RAFFLE LICESNE FOR ST. THEODORE ROMAN CATHOLIC
 CHURCH (2023-09)**

NO. 2023-209

ADOPTED: JUNE 28, 2023

WHEREAS, St. Theodore has submitted a Raffle License Application for a drawing to be held on October 7, 2023; and

WHEREAS, all paperwork and payment are in order, and the identification number from the Legalized Games of Chance Control Commission is currently valid, and will be valid at the date and time of the raffle;

NOW THEREFORE BE IT RESOLVED, the Mansfield Township Committee, County of Warren, State of New Jersey, that Raffle License RA2023-09, and Acting Township Clerk is authorized to sign off on the license and submit copies to the appropriate authorities.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
SEPTIC DESIGN PLANS TO E&LP FOR MT. BETHEL COMMUNITY CENTER**

NO. 2023-210

ADOPTED: June 28, 2023

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, finds it necessary to hire a firm to update the septic design plans for the Mt. Bethel Community Center; and

WHEREAS, the Township Committee further finds that upon the recommendation of E&LP from Mr. Michael Marguiles, the architect overseeing the renovation of the Mt Bethel Community Center that E&LP is well qualified to perform the services required for the update of the septic design plans for the Mt. Bethel Community Center;

WHEREAS, E&LP has submitted the following documentation in compliance with the awarding of a contract under the New Jersey Pay to Play Law within 10 days of the awarding of the contract;

- a. Business Entity Disclosure Certification for Non-Fair and Open Contracts which certifies that E&LP has not made any reportable contributions to a political or candidate committee in the Township of Mansfield in the previous one year,
- b. Stockholder Disclosure Certification
- c. 271 Political Contribution Disclosure Form (required per N.J.S.A. 19:44A-20.26)

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract in the Open Space Trust Fund, account number T-12-56-289-0375-4200 or the current budget fund under Engineering, account number 3-01-20-105-0000-4360;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield does hereby award a contract to E&LP in the amount of \$3,400.00 to update the septic design plans for the Mt. Bethel Community Center and is in compliance with the New Jersey Pay to Play Law per the above.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

**A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN AND
STATE OF NEW JERSEY, REFUNDING A CASH PERFORMANCE BOND FOR
43 BRANTWOOD TERRACE**

NO.2023-211

ADOPTED: JUNE 28, 2023

WHEREAS, S. Houran USA Contractors, LLC issued check number 10392 dated 5/10/23 (cash performance bond) for 43 Brantwood Terrace due to a damaged concrete driveway apron and concrete curbing; and

WHEREAS, there remains a balance of \$ 3,550.00 in the escrow account for the performance bond; and

WHEREAS, the Township Engineer has determined that the escrow balance can be refunded.

NOW, THEREFORE, BE IT RESOLVED, that the Township Finance Office be authorized to refund the amount of \$ 3,550.00 to S. Houran USA Contractors, LLC.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
AUTHORIZING THE HIRING OF A SUPERVISOR OF THE DEPARTMENT
OF PUBLIC WORKS**

NO.2023-212

ADOPTED: June 28, 2023

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, finds it necessary to hire a Supervisor of the Department of Public Works;

WHEREAS, the Township Committee interviewed several candidates for the position of Supervisor of the Department of Public Works;

WHEREAS, the Township Committee has concluded that Mr. Thomas Skillman is the best qualified candidate for the position of Supervisor of the Department of Public Works;

WHEREAS, the Township Committee has extended an offer to Mr. Skillman for \$80,000 for a one -year term for the position as Supervisor of the Department of Public Works;

WHEREAS, Mr. Skillman's hiring date is July 3 ,2023; and

WHEREAS, an Employment Agreement has been drafted which will be signed by both Mayor Joseph Watters and Thomas Skillman with Jo-Ann Ricks, Acting Township Clerk as the Witness;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield does hereby adopt this Resolution extending an employment offer to Mr. Thomas Skillman per the above.

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

**GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025
FORM 1B**

NO.2023-213

ADOPTED: JUNE 28, 2023

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth, and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, The Township Committee further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, The Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED, The Township of Mansfield, County of Warren, State of New Jersey, hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Franklin/Mansfield/Washington Borough Municipal Alliance Grant for fiscal year 2023 in the amount of:

DEDR	\$ 2,246.00
Cash Match	\$ 561.50
In-Kind	\$ 1,684.50

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

COMMITTEE COMMENTS

Mr. Hayes and Mr. McGuinness attended the Active Shooter Drill. The County put on a good presentation that shocked the school administration, BA, nurse, and some teachers. Our OEM, Brian Kostenbader would like to plan with the County Task Force a full-scale drill for an in-service in August for all the teachers. There are grants for *Stop The Bleed Kits* with first aid, tourniquets, etc. to train all teachers on some level to help the students.

EXECUTIVE SESSION

On a motion by Mr. McGuinness, seconded by Mr. Hayes, the Township Committee unanimously voted to enter into executive session at 7:57 PM.

Mr. Lavery announced the following to be discussed in Executive Session:

- Personnel matter dealing with DPW
- Advertising for Part-Time or Shared Service Clerk
- Attorney/Client privilege matter dealing with non-conforming property
- Attorney/Client privilege matter dealing with Land Use

Township of Mansfield Committee Meeting
Executive Session
June 28, 2023
Resolution No. 2023-214

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain;

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel: DPW-CPWM Position

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

RETURN TO REGULAR SESSION

Roll Call: Mr. Farino, Mr. McGuinness, Mr. Hayes, Mayor Watters

Mr. Lavery announced the return from Executive Session at 8:37 pm where the following was discussed in Executive Session:

- Personnel matter dealing with DPW
- Advertising for Part-Time or Shared Service Clerk
- Attorney/Client privilege matter dealing with non-conforming property
- Attorney/Client privilege matter dealing with Land Use

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mr. Lavery suggested a motion to authorize the Mayor to sign the agreement hiring the DPW Supervisor as discussed in Executive Session.

Mr. Hayes made a motion to authorize the Mayor to sign the agreement hiring the DPW Supervisor as discussed in Executive Session, which was seconded by Mr. McGuinness.

Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: Mrs. Mora Dillon
Abstain: XXXXXX

Mr. Lavery suggested a motion to authorize the CFO to advertise for a Part-Time or Shared Services Clerk; position starting January 1, 2024, as discussed in Executive Session.

Mr. McGuinness made a motion to authorize the CFO to advertise for a Part-Time or Shared Services Clerk; position starting January 1, 2024, as discussed in Executive Session, which was seconded by Mr. Farino.

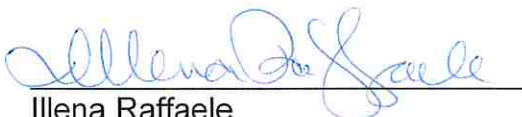
Recorded Vote

Aye: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mayor Watters
Nay: XXXXXX
Absent: Mrs. Mora Dillon
Abstain: XXXXXX

Mr. Hayes announced he will not be at the next meeting due to vacation plans.

There being no further business, Mr. Hayes made a motion and the Regular Meeting was unanimously adjourned at 8:39 pm.

Respectfully submitted,



Illena Raffaele
Township Deputy Clerk