

**ELK TOWNSHIP
COMMITTEE WORK SESSION MINUTES
October 15, 2024**

The Work Session Meeting of the Elk Township Committee was held on the above date in the Municipal Building. The meeting was called to order by Mayor Sammons at 7:00PM.

The Open Public Meeting Notice was read. The Salute to the Flag was recited in unison.

Present were: Mrs. Cowan, Mrs. Nicholson, Mayor Sammons, Mr. Considine, CFO, Mrs. Pine, Township Clerk, and Mr. Bach, Engineer. Mr. Lucas and Mr. Rambo were absent.

Approval of minutes of October 3, 2024 Regular Meeting

Motion by Mrs. Nicholson, seconded by Mrs. Cowan to approve the minutes of the October 3, 2024 Regular Meeting, all were in favor, motion carried.

PUBLIC PORTION on Agenda Items only.

Motion by Mrs. Nicholson to open the meeting to the public, seconded by Mrs. Cowan, all were in favor, motion carried.

Mayor Sammons asked if anyone had any questions on agenda items to come forward at this time.

Cheryl Potter, 200 Shoultz Ave., asked what the Endorsing Best Practices resolution is about.

Mr. Considine stated that the State of NJ requires all municipalities to complete a standard list of questions, some are scored, some are not. They ask about how you run your operations. Towns have to score 35 or better or they will start to lose their state aid. Elk Township scored well above 35.

Motion by Mrs. Nicholson to close the public portion, seconded by Mrs. Cowan, all were in favor, motion carried

ORDINANCES:

O-6-2024 – Ordinance Amending Chapter 86 Entitled “Stormwater Management” of the Code of the Township of Elk – Title Only

Motion by Mrs. Cowan to approve Ordinance O-6-2024, seconded by Mrs. Nicholson, upon roll call motion carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

O-7-2024 – Ordinance Establishing a New Chapter Entitled “Tree Removal” of the Code of the Township of Elk – Title Only

Motion by Mrs. Nicholson to approve Ordinance O-7-2024, seconded by Mrs. Cowan, upon roll call motion carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

O-8-2024 – Ordinance Amending Chapter 65; to Adopt Flood Hazard Maps and to Designate a Floodplain Administrator of the Code of the Township of Elk – Title Only

Motion by Mrs. Cowan to approve Ordinance O-8-2024, seconded by Mrs. Nicholson, upon roll call motion carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

RESOLUTIONS:

R-133-2024 – Endorsing Best Practices Inventory

Motion by Mrs. Nicholson, seconded by Mrs. Cowan to adopt and approve said Resolution, upon roll call motion carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

R-134-2024 – Approving Payment No. 1 to Arawak Paving Co., Inc. for the Reconstruction of Moods Road Phase 3

Motion by Mrs. Cowan, seconded by Mrs. Nicholson to adopt and approve said Resolution, upon roll call motion carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

GLOUCESTER COUNTY REPRESENTATIVE, Dennis McNulty was present to assist with any concerns or questions for the county.

There were no concerns or questions at this time.

PURSUANT TO RESOLUTION R-26-2024

THERE IS A TIME LIMIT OF 3 MINUTES PER PERSON DURING THE PUBLIC PORTION

PUBLIC PORTION:

Motion by Mrs. Cowan to open the meeting to the public, seconded by Mrs. Nicholson, all were in favor, motion carried.

Mayor Sammons asked if anyone had any questions to come forward at this time.

There were no questions, comments or concerns from the public.

Motion by Mrs. Nicholson to close the public portion, seconded by Mrs. Cowan, all were in favor, motion carried.

PAY BILLS:

Motion by Mrs. Cowan to Pay the Bills, seconded by Mrs. Nicholson, upon roll call, motion was carried.

Roll Call:	Mrs. Cowan	Yes
	Mrs. Nicholson	Yes
	Mayor Sammons	Yes

The November 19, 2024 Work Session Meeting falls during the NJ League of Municipalities Conference. It was decided that the November 19, 2024 Meeting will be cancelled.

Environmental Commission will be moving their meeting to the 2nd Tuesday of each month, starting in November.

ADJOURNMENT:

Motion by Mrs. Cowan to adjourn, seconded by Mrs. Nicholson, all were in favor, the meeting was adjourned at 7:10PM.

Respectfully Submitted,
Debora R. Pine, RMC, CMC
Township Clerk

ORDINANCE O – 6 – 2024

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 86 ENTITLED “STORMWATER
MANAGEMENT” OF THE CODE OF THE TOWNSHIP OF ELK

WHEREAS, the Mayor and Committee, Township of Elk, have determined that amendments to Chapter 86 entitled “Stormwater Management” are necessary; and

WHEREAS, in all other respects Chapter 86 entitled “Stormwater Management” shall remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 86 entitled “Stormwater Management” shall be amended to include a new Article V entitled “Privately-Owned Salt Storage” as follows:

Article V. Privately-Owned Salt Storage.

§ 86-27. Purpose.

The purpose of this Article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This Article establishes requirements for the storage of salt and other de-icing materials on properties not owned or operated by the Township (privately-owned), including residences, in the Township of Elk to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 86-28. Definitions.

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

- a. De-icing materials – any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- b. Impervious surface – a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- c. Storm drain inlet – the point of entry into the storm sewer system.
- d. Permanent structure – a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- i. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- ii. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

- iii. The structure shall be erected on an impermeable slab;
 - iv. The structure cannot be open sided; and
 - v. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- e. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to Township jurisdiction.
 - f. Resident – a person who resides on a residential property where de-icing material is stored.

§ 86-29. Deicing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th.
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shaped during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into cone after use;
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flow down to the base of the pile.
 - i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - 5. Containers must be sealed when not in use; and
 - 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 – April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this Article are met. Inspection records shall be kept on site and made available to the Township upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 86-30. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in § 86-29 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This Article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 86-31. Enforcement.

This Article shall be enforced by the Elk Township Engineer, Elk Township Public Works Department and/or Elk Township Code Enforcement Official.

§ 86-32. Violations and Penalties.

Any person who shall violate any of the terms or provisions of this Chapter or shall commit or do any act or thing prohibited by the terms of this article shall, upon conviction thereof, be subjected to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days. Offenses on separate days shall be deemed to be separate offenses, so that a continued violation from day to day shall be construed to be a new violation for each day such violation occurs.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan	✓		✓			
Lucas						✓
Nicholson		✓	✓			
Rambo						✓
Sammons			✓			

TOWNSHIP OF ELK

ATTEST:

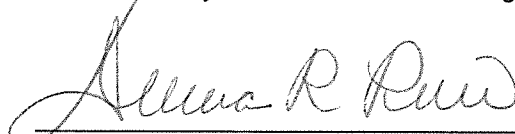
Carolyn D. K. Sammons, Mayor

DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan						
Lucas						
Nicholson						
Rambo						
Sammons						

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on October 15, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on November 7, 2024, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.



DEBORA R. PINE, CLERK

ORDINANCE O – 7 – 2024

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY ESTABLISHING A NEW CHAPTER ENTITLED “TREE
REMOVAL” OF THE CODE OF THE TOWNSHIP OF ELK

WHEREAS, the Mayor and Committee, Township of Elk, have determined that the establishment of a new Chapter of the Code entitled “Tree Removal” is necessary; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter XX entitled “Tree Removal” shall be established as follows:

§ XX-1. Purpose.

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

§ XX-2. Definitions.

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

- a. Applicant – any “person”, as defined below, who applies for approval to remove trees regulated under this Article.
- b. Critical Root Radius (CRR) – the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.
- c. Diameter at Breast Height (DBH) – the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- d. Hazard Tree – a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. The Township may choose to require a Licensed Tree Expert to make a Hazard tree determination.
 - i. Has an infectious disease or insect infestation;
 - ii. Is dead or dying;
 - iii. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - iv. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 - v. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- e. Person – any individual, resident, corporation, utility, company, partnership, firm, or association.
- f. Planting strip – the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

- g. Resident – an individual who owns the residential property or Chapter hired by the individual who owns the residential property where a tree(s) regulated by this Article is removed or proposed to be removed.
- h. Street Tree – a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- i. Tree – a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- j. Tree Caliper – the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- k. Tree removal – to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§ XX-3. Regulated activities.

A. Application Process:

- 1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 4" or more or any non-street tree with DBH of 6" (that exceeds the amount exempted in § 86-XX.A. of this Ordinance) shall submit a Tree Removal Applications. Application shall be submitted to the zoning official.
- 2. All developments applications, including grading plans, filed with the Township shall comply with the requirements of this Ordinance as part of its application.

B. Tree Replacement Requirements

- 1. Any person who removes street tree(s) with a DBH of 4" or more, unless exempt under § 90-4, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- 2. Any person, who removes tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under §XX-4, shall be subject to the requirements of the Tree Replacement Requirements Table.
- 3. The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

- 1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
- 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Township;
- 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.
- 5. Application fee for tree removal application is \$35.

Tree Replacement Requirements Table:

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

C. Replacement Alternatives:

1. If it is determined by the Township that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following upon written approval by the Township:
 - a. Plant replacement trees in a separate area(s) approved by the Township.
 - b. Pay a fee \$350 per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees within the Township of Elk.

§ XX-4. Exemptions.

All persons shall comply with the replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Township by all persons claiming an exemption:

- A. Owners of properties up to 1 acre may remove up to 6 trees with a Diameter at Breast Height ("DBH") of 6" or greater within 12-month period. For each tree over 6 trees removed, the property owner must plant 1 tree with a minimum tree caliper of 1.5".
- B. Owners of properties between 1 and 5 acres in size may remove up to 15 trees with 6" DBH or greater within a 12-month period. For each tree over 15 trees removed, the property owner must plant 1 tree with a minimum tree caliper of 1.5".
- C. Owners of properties over 5 acres may remove up to 75 trees with 6" DBH or greater within a 12-month period. For each tree over the allowable number of trees removed, the property owner must plant 1 tree with a minimum tree caliper of 1.5".
- D. Farms in active operation, tree farms in active operation, nurseries, fruit orchards, and garden centers;
- E. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Township;
- F. Any trees removed as part of a Township or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
 - i. Any trees removed to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

- ii. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- iii. Hazard trees may be removed with no fee or replacement requirements.

§ XX-5. Enforcement.

This Chapter shall be enforced by the Elk Township Police Department, Elk Township Public Works Department and/or Elk Township Code Enforcement Official.

§ XX-6. Violations and Penalties.

Any person who shall violate any of the terms or provisions of this Chapter or shall commit or do any act or thing prohibited by the terms of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days. Offenses on separate days shall be deemed to be separate offenses, so that a continued violation from day to day shall be construed to be a view violation for each day such violation occurs.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan		✓	✓			
Lucas						✓
Nicholson	✓		✓			
Rambo						✓
Sammons			✓			

TOWNSHIP OF ELK

ATTEST:

Carolyn D. K. Sammons, Mayor

DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan						
Lucas						
Nicholson						
Rambo						
Sammons						

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on October 15, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on November 7, 2024, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.



DEBORA R. PINE, CLERK

Appendix A

Following is a list of approved replacement trees in the Township of Elk for trees being removed per Chapter XX of the Code of the Township of Elk. The mix, number and location of trees or substitutions shall be reviewed and approved by the Zoning Official. Not all tree species may be appropriate for certain uses, locations, site conditions, and soil types.

Tree Species	Common Name
Acer Rubrum	Red Maple
Acer Negundo	Boxelder
Betula Nigra	River Birch
Carpinus Caroliniana	American Hornbeam
Carya Ovalis	Red Hickory
Cornus Florida	Flowering Dogwood or other dogwoods
Fraxinus Americana	White Ash
Ginkgo Biloba (male)	Ginkgo
Gleditsia Triacanthos Var Inermis	Honey Locust (Thornless)
Liriodendron Styraciflua	Tuliptree
Nyssa Sylvatica	Blackgum
Populus Grandidentata	Bigtooth Aspen
Quercus Alba	White Oak
Quercus Paulustris	Pine Oak
Quercus Rubra	Northern Red Oak
Tilia Cordata	Littleleaf Linden
Ulmus Americana	American Elm Princeton

The planting procedure and season for planting shall follow recommendations from the NJ Shade Tree Federation, "Trees for NJ Streets".

Following is a list of trees that shall **not** be planted as replacement:

Trees: Sweet Gum
 Bradford Pear

ORDINANCE O – 8 – 2024

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 65; TO
ADOPT FLOOD HAZARD MAPS AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR**

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of Elk 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 Elk was accepted for participation in the National Flood Insurance Program on October 21, 1983, and the Township of Elk 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 Elk 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 Elk 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 Elk 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 Elk 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 65, **Ordinance No. O-2009-17** and replace with a **new Chapter 65**.

Article I Scope and Administration

§ **65-1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Township of Elk (hereinafter “these regulations”).

§ **65-2 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 Article I.A of these regulations.

§ **65-3 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:

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

§ **65-4 Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Elk administer and enforce the State building codes, the Township Committee of the Township of Elk 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.

§ **65-5 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 § 65-26 of this ordinance.

§ **65-6 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.

§ **65-7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§ **65-8 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 re-inspection 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.

§ **65-8.1 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.

§ **65-9 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.

Article I.A Applicability

§ **65-10 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.

§ **65-11 Establishment of Flood Hazard Areas.** The Township of Elk was accepted for participation in the National Flood Insurance Program on October 21, 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 667 Whig Lane Road, Monroeville, New Jersey 08343.

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

- A. **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,” dated August 17, 2016, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 1 whose effective date is January 20, 2020, are hereby adopted by reference.

Table 1

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34015C0179	January 20, 2020	E			
34015C0183	January 20, 2010	E			
34015C0184	January 20, 2010	E			
34015C0187	January 20, 2020	E			
34015C0191	January 20, 2020	E			
34015C0192	January 20, 2020	E			
34015C0193	January 20, 2020	E			
34015C0194	January 20, 2020	E			
34015C0203	January 20, 2020	E			
34015C0211	January 20, 2020	E			
34015C0213	January 20, 2020	E			

- B. **Other Best Available Data.** Township of Elk 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 Elk. 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 Table 1 above. This information shall be used for floodplain regulation purposes only.
- C. **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 Article II, 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.

§ 65-12 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in § 65-11, 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:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in § 65-11, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in Table 1 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:
 - 1. 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
 - 2. 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 § 65-35C.
- C. 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.
- D. 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.
- E. 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.

Article 1.B Duties and Powers of the Floodplain Administrator

§ 65-13 Floodplain Administrator Designation. The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 65-14 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 Article I.F of these regulations.

§ 65-15 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§ 65-16 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article I.A of these regulations.
- B. 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.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § 65.26 of these regulations.
- G. 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.
- H. 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 Article I.F of these regulations.
- I. 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.
- J. 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).
- K. Inspect development in accordance with Article I.E of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Article I.F of these regulations.
- M. Cite violations in accordance with Section Article I.G of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of Elk have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in § 65-11.

§ 65-17 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.

§ 65-18 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.

§ 65-19 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

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

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to § 65-27.

§ 65-20 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.

§ 65-21 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.

§ 65-22 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.

§ 65-22.1 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.

§ 65-23 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.

§ 65-24 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.

§ 65-25 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.

§ 65-26 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:

- A. 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.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in § 65-5, 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.
- C. 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.
- D. 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 in writing 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.

§ 65-27 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.

§ 65-28 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.

Article I.C Permits

§ 65-29 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.

§ 65-30 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. 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.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in Article I.D of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

§ 65-31 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.

§ 65-32 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.

§ 65-33 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.

Article I.D Site Plans and Construction Documents

§ 65-34 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:

- A. 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.
- B. 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 § 65-35.
- C. 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 § 65-35C of these regulations.
- D. 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.
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. 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.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. 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.

§ 65-35 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:

- A. 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.
- B. 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.
- C. 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.

§ 65-36 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:

- A. 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 § 65-37 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. 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.
- C. 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 § 65-37 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.
- D. 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.
- E. 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).

§ 65-37 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.

Article I.E Inspections

§ 65-38 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.

§ 65-39 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.

§ 65-40 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.

- A. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in § 65-74 shall be submitted to the Construction Official on an Elevation Certificate.
- B. **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 § 65-74 shall be submitted to the Construction Official on an Elevation Certificate.
- C. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in § 65.74.
- D. **Final inspection.** Prior to the final inspection, certification of the elevation required in § 65.74 shall be submitted to the Construction Official on an Elevation Certificate.

§ 65-41 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.

Article I.F Variances

§ 65-42 General. The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in § 65-46, the conditions of issuance set forth in § 65-47, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning/Zoning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

65-43 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.

§ 65-44 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.

§ 65-45 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 § 65-36A of these regulations.

§ 65-46 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the

effect of such damage on current and future owners.

- D. The importance of the services provided by the proposed development to the community.
- E. 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.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. 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.
- J. 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.

§ 65-47 Conditions for issuance. Variances shall only be issued upon:

- A. 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.
- B. 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.
- C. 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.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. 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.

Article I.G Violations

§ 65-48 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.

§ 65-49 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.

§ 65-50 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.

§ 65-51 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 re-inspection of the property, it is determined that the abatement has not been substantially completed.

Article II DEFINITIONS

§ 65-52 **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.

§ 65-53 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 Article I.F of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Township Planning 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 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 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 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 tax assessor's office, 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.

Article III SUBDIVISIONS AND OTHER DEVELOPMENTS

§ **65-54 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:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- C. 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.

§ **65-55 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:

- A. 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.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

Article IV SITE IMPROVEMENT

§ 65-56 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 § 65-36A 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 § 65-36A is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with § 65-74 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

§ 65-56.1 Prohibited in floodways. The following are prohibited activities:

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

§ 65-57 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.

§ 65-58 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.

§ 65-59 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

§ 65-60 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§ 65-61 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.

§ 65-62 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.

Article V MANUFACTURED HOMES

§ 65-63 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).

§ **65-64 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 § 65-74.

§ **65-65 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.

§ **65-66 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.

§ **65-67 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of § 65-74.

§ **65-68 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 § 65-74 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 § 65-74, 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).

Article VI RECREATIONAL VEHICLES

§ **65-69 Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

§ **65-70 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.

§ **65-71 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 § 65-74 for habitable buildings and § 65-65.

Article VII TANKS

§ **65-72 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.

Article VIII OTHER DEVELOPMENT AND BUILDING WORK

§ 65-73 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:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of § 65-36A of this ordinance when located in a regulated floodway;
- C. 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 § 65-12;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to § 65-12 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:
 1. Specifically allowed below the Local Design Flood Elevation; and
 2. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

§ 65-74 Requirements for Habitable Buildings and Structures.

- A. Construction and Elevation in A Zones not including Coastal A Zones.
 1. No portion of a building is located within a V Zone.
 2. 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.
 3. All new construction and substantial improvement of any habitable building (as defined in Article II) 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 § 65-12, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 4. All new construction and substantial improvements of non-residential structures shall:
 - a. 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 § 65-12, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - b. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - i. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - ii. 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.

5. 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:
 - a. 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;
 - b. 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 § 65-74A(4)(b) are met;
 - c. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - d. Have openings documented on an Elevation Certificate; and
 - e. 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:
 - i. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - ii. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - iii. 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;

§ 65-75 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§ 65-76 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 § 65-36A 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 Article I.F of this ordinance.

§ 65-77 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of § 65-36A of these regulations and N.J.A.C. 7:13.

§ 65-78 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 § 65-36A of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 65-79 Roads and watercourse crossings.

- A. 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.

- B. 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 § 65-36A of these regulations.

Article IX TEMPORARY STRUCTURES AND TEMPORARY STORAGE

§ 65-80 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.

§ 65-81 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.

§ 65-82 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of § 65-36A of these regulations.

Article X UTILITY AND MISCELLANEOUS GROUP U

§ 65-83 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.

§ 65-84 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 § 65-12.

§ 65-85 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 § 65-12 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 65-86 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with § 65-74 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.

§ 65-87 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in § 65-12.

§ 65-88 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 § 65-12.

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.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan	✓		✓			
Lucas						✓
Nicholson		✓	✓			
Rambo						✓
Sammons			✓			

TOWNSHIP OF ELK

ATTEST:


Carolyn D. K. Sammons, Mayor

DEBORA R. PINE, Township Clerk

FINAL ADOPTION ROLL CALL VOTE						
COMMITTEE MEMBER	Motion to Adopt	Second	AYE	NAY	ABSTAIN	ABSENT
Cowan						
Lucas						
Nicholson						
Rambo						
Sammons						

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Elk, in the County of Gloucester and State of New Jersey, held on October 15, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township Municipal Building on November 7, 2024, at 7:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the said Municipal Building, 680 Whig Lane, Monroeville, New Jersey, to the members of the general public who shall request the same.



 DEBORA R. PINE, CLERK

R-133-2024

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF ELK**

RE: RESOLUTION ENDORSING BEST PRACTICES INVENTORY

WHEREAS the State of New Jersey Fiscal Year 2020 Appropriations Act requires the Division of Local Government Services to determine how much of each municipality's final 5% allocation of CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory completed by each municipality; and

WHEREAS the Township of Elk Municipal Chief Financial Officer, Stephen Considine has completed the CY 2024 Best Practice Inventory; and

WHEREAS the Township Committee of the Township of Elk has considered and reviewed the Inventory at their regular meeting of October 15, 2024 and has approved the submission of the Inventory.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Elk endorses the filing of the CY2020 Best Practice Inventory.

DATE: October 15th, 2024

TOWNSHIP OF ELK



Carolyn D. K. Sammons, Mayor

ATTEST:



DEBORA R. PINE, TOWNSHIP CLERK

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Cowan	✓			
Lucas				✓
Nicholson	✓			
Rambo				✓
Sammons	✓			

CERTIFICATION

I, Debora R. Pine, Township Clerk of the Township of Elk, County of Gloucester, do hereby certify that the foregoing is a true and complete copy or a resolution adopted by the Township Committee of the Township of Elk in the County of Gloucester, at a meeting held on October 15th, 2024.

DEBORA R. PINE, TOWNSHIP CLERK

RESOLUTION R-134-2024

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK
APPROVING PAYMENT NO. 1 TO ARAWAK PAVING CO., INC. FOR THE
RECONSTRUCTION OF MOODS ROAD (PHASE 3)**

WHEREAS, pursuant to Resolution No. R-87-2024, the Mayor and Committee of the Township of Elk approved and awarded the low bid (Base Bid) in the sum of \$177,800.00 submitted by Arawak Paving Co., Inc. regarding the reconstruction of Moods Road (Phase 3); and

WHEREAS, Arawak Paving Co., Inc. has submitted its Payment Application No. 1 in the amount of \$22,345.76; and

WHEREAS, the Township's Engineer via correspondence dated October 8, 2024, attached hereto, has recommended payment in the amount of \$22,345.76; and

WHEREAS, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Township of Elk that said payment be approved by Mayor and Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Elk, County of Gloucester, State of New Jersey, that Payment Application No. 1 in the amount of \$22,345.76 to Arawak Paving Co., Inc. as approved by the Township Engineer via correspondence dated October 8, 2024 (attached hereto) is hereby approved and authorized.

ADOPTED at a Regular Meeting of the Elk Township Committee held October 15, 2024.

TOWNSHIP OF ELK

BY: _____

CAROLYN D. K. SAMMONS, Mayor

ATTEST:


DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
Cowan	✓			
Lucas				✓
Nicholson	✓			
Rambo				✓
Sammons	✓			

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on October 15, 2024, in the Elk Township Municipal Building, 680 Whig Lane, Monroeville, New Jersey.

DEBORA R. PINE
Clerk

BILL APPROVAL
October 15, 2024
Bank Wires, Manual and Interim Checks

GENERAL ACCOUNT:

1) Elk Township	24-00965	\$82,154.34
-----------------	----------	-------------

ESCROW ACCOUNT:

1) Bach Associates	24-00993	\$26,729.25
--------------------	----------	-------------

Batch Id: SC Batch Type: C Batch Date: 10/15/24 Checking Account: CURRENT G/L Credit: Budget G/L Credit
Generate Direct Deposit: N

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
24-00692	10/15/24 07/06/24	A0201 ARAWAK PAVING CO., INC. 1 MOODS ROAD 3	22,345.76	7503 WEYMOUTH ROAD G-01- -105-120 MOODS ROAD PHASE III	Budget	Aprv	1	1
			<u>22,345.76</u>					
24-00944	10/15/24 10/05/24	A0204 ARCTIC WOLF SPRINGWATER 1 WATER	110.75	745 CATTELL ROAD 4-01- -020-225 MISCELLANEOUS	Budget	Aprv	17	1
			<u>110.75</u>					
24-00984	10/15/24 10/11/24	A0260 ATLANTIC CITY ELECTRIC 1 MONTHLY ELECTRIC/STREET LIGHTS	1,371.16	5 COLLINS DRIVE 4-01- -037-223 ELECTRICITY	Budget	Aprv	45	1
24-00984	10/15/24 10/11/24	A0260 ATLANTIC CITY ELECTRIC 2 MONTHLY ELECTRIC/STREET LIGHTS	2,655.91	5 COLLINS DRIVE 4-01- -037-223 ELECTRICITY	Budget	Aprv	46	1
			<u>4,027.07</u>					
24-00882	10/15/24 09/14/24	A0304 AT&T MOBILITY 1 ACCT 287309487008 X 09132024	715.83	PO BOX 6463 4-01- -037-224 TELEPHONE	Budget	Aprv	5	1
			<u>715.83</u>					
24-00952	10/15/24 10/05/24	A0350 AURA FIRE COMPANY 1 HALL RENTAL SEPTEMBER	300.00	909 AURA ROAD 4-01- -011-225 MISCELLANEOUS	Budget	Aprv	25	1
			<u>300.00</u>					
24-00992	10/15/24 10/14/24	B0095 BACH ASSOCIATES, PC 1 ROAD OPENING	125.00	304 WHITE HORSE PIKE 4-01- -905-010 ROAD OPENING "ESCROW" TYPE	Budget	Aprv	51	1
24-00992	10/15/24 10/14/24	B0095 BACH ASSOCIATES, PC 2 ROAD OPENING	125.00	304 WHITE HORSE PIKE 4-01- -905-010 ROAD OPENING "ESCROW" TYPE	Budget	Aprv	52	1
24-00992	10/15/24 10/14/24	B0095 BACH ASSOCIATES, PC 3 ROAD OPENING	125.00	304 WHITE HORSE PIKE 4-01- -905-010 ROAD OPENING "ESCROW" TYPE	Budget	Aprv	53	1
24-00992	10/15/24 10/14/24	B0095 BACH ASSOCIATES, PC 4 CHRISTIAN STREET	5,370.00	304 WHITE HORSE PIKE G-01- -105-116 ROAD OPENING "ESCROW" TYPE	Budget	Aprv	54	1
24-00992	10/15/24 10/14/24	B0095 BACH ASSOCIATES, PC 5 MOODS ROAD PHASE 3	2,250.00	304 WHITE HORSE PIKE G-01- -105-120 NJDOT-CHRISTIAN STREET 2023 MOODS ROAD PHASE III	Budget	Aprv	55	1
			<u>7,995.00</u>					
24-00966	10/15/24 10/09/24	B0240 BIRCH'S COMMUNICATIONS LLC 1 DETAIL K-9 VEHICLE	265.00	88 TUCKAHOE ROAD 4-01- -029-243 K-9 EXPENSES	Budget	Aprv	32	1
			<u>265.00</u>					
24-00949	10/15/24 10/05/24	B0310 BOSTWICK, EW INC. 1 QUIKKRETE	134.80	155 CENTER STREET 4-01- -020-243 REPAIRS & SUPPLIES FOR BLDG	Budget	Aprv	20	1
			<u>134.80</u>					

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
24-00929	10/01/24	10/15/24 B0347 BROWN & CONNERY 1 LEGAL THRU 9/30/24	21.50	360 HADDON AVENUE 4-01- -017-222 LEGAL OPERATING EXPENSES	Budget	Aprv	12	1
			<u>21.50</u>					
24-00980	10/11/24	10/15/24 C0071 CALVELLO LANDSCAPING INC. 1 COVEY RETENION POND	18,400.00	605 BARNSBORO ROAD 4-01- -020-225 MISCELLANEOUS	Budget	Aprv	43	1
			<u>18,400.00</u>					
24-00947	10/05/24	10/15/24 C0166 COMCAST 1 MONTHLY SERVICE	495.92	ACCT 8499-05-064-0022477 4-01- -037-224 TELEPHONE	Budget	Aprv	19	1
			<u>495.92</u>					
24-00970	10/09/24	10/15/24 D0124 LINDA A. DEDRICK 1 2024-10-08 INTERPRETER	300.00	PO BOX 192 4-01- -050-225 MISCELLANEOUS	Budget	Aprv	35	1
			<u>300.00</u>					
24-00887	09/14/24	10/15/24 D0155 DELTA DENTAL PLAN OF NJ 1 OCTOBER DENTAL	1,791.54	PO BOX 36483 4-01- -026-222 GROUP INSURANCE PLAN	Budget	Aprv	6	1
24-00986	10/13/24	1 NOVEMBER DENTAL	1,791.54	4-01- -026-222 GROUP INSURANCE PLAN	Budget	Aprv	47	1
			<u>3,583.08</u>					
24-00942	10/02/24	10/15/24 D0160 H.A. DEHART & SON 1 DUMP TRUCK HYDRAULICS	800.00	311 CROWN POINT ROAD 4-01- -061-238 PUB WORKS VEHICLE MAINT-MAJOR	Budget	Aprv	15	1
			<u>800.00</u>					
24-00943	10/05/24	10/15/24 D0365 VAULT SOLUTIONS LLC 1 MONTHLY STORAGE	581.14	PO BOX 71586 4-01- -043-224 RECORDS STORAGE	Budget	Aprv	16	1
			<u>581.14</u>					
24-00971	10/09/24	10/15/24 D0494 MARLO DYE 1 COURT RECORDER 2024-10-08	100.00	205 MATISSE WAY 4-01- -050-225 MISCELLANEOUS	Budget	Aprv	36	1
			<u>100.00</u>					
24-00955	10/05/24	10/15/24 F0420 JEFFREY FRANKLIN 1 REIMBURSE SHIPPING	23.42	4-01- -029-225 MISCELLANEOUS	Budget	Aprv	27	1
			<u>23.42</u>					
24-00726	07/20/24	10/15/24 F0508 FP MAILING SOLUTIONS 1 POSTAGE METER - 600091874	150.00	PO BOX 157 4-01- -011-333 GENERAL ADMIN - EQUIP. MAINT.	Budget	Aprv	2	1
			<u>150.00</u>					

Check No. PO #	Check Date Enc Date	Vendor # Item Description	Name	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
24-00936	10/01/24	1	10/15/24 G0020 GCIA TIPPING-SEPTEMBER	3,716.48	FINANCE DEPARTMENT 4-01- -038-221	Budget	Aprv	13	1
24-00936	10/01/24	2	TIPPING-SEPTEMBER TAX	134.04	TRASH TIPPING FEES 4-01- -038-225	Budget	Aprv	14	1
				<u>3,850.52</u>	TIPPING-RECYCLING TAX				
24-00915	09/25/24	1	10/15/24 G0150 GALL'S INC. POL-NOVA 3 MID WP	173.98	PO BOX 505614 4-01- -029-233	Budget	Aprv	10	1
24-00916	09/25/24	1	PENDZIK-BELT KEEPERS	23.63	UNIFORM ALLOWANCE 4-01- -029-233	Budget	Aprv	11	1
				<u>197.61</u>	UNIFORM ALLOWANCE				
24-00972	10/09/24	1	10/15/24 G0201 GLOUCESTER COUNTY AWARDS COMM. 2024 GC POLICE AWARDS	300.00	c/o MIKE GABBIANELLI 4-01- -029-225	Budget	Aprv	37	1
24-00972	10/09/24	2	2024 GC POLICE AWARDS	360.00	MISCELLANEOUS 4-01- -025-225	Budget	Aprv	38	1
				<u>660.00</u>	MISCELLANEOUS				
24-00987	10/13/24	1	10/15/24 H0916 DAVID HENDERSON CLEAN UP DAY	200.00	G-01- -120-102	Budget	Aprv	48	1
				<u>200.00</u>	CLEAN COMM USE THIS ACCOUNT				
24-00967	10/09/24	1	10/15/24 L0475 TOWNSHIP OF LOGAN AUGUST TRASH/RECYCLING	19,750.00	125 MAIN STREET 4-01- -038-222	Budget	Aprv	33	1
24-00968	10/09/24	1	SEPTEMBER TRASH/RECYCLING	19,750.00	SOLID WASTE CONTRACTUAL 4-01- -038-222	Budget	Aprv	34	1
				<u>39,500.00</u>	SOLID WASTE CONTRACTUAL				
24-00954	10/05/24	1	10/15/24 M0013 MAGLOCLEN ANNUAL MEMBERSHIP	400.00	ATTN: FISCAL DEPARTMENT 4-01- -029-229	Budget	Aprv	26	1
				<u>400.00</u>	ASSOCIATION DUES & FEES				
24-00977	10/09/24	1	10/15/24 M0018 MAJESTIC OIL COMPANY, INC. 9/30 UNLEADED	549.62	2104 FAIRFAX AVENUE 4-01- -037-226	Budget	Aprv	42	1
				<u>549.62</u>	GASOLINE/DIESEL				
24-00983	10/11/24	1	10/15/24 N0029 NJAWC PUBLIC HYDRANTS	569.88	4-01- -037-228	Budget	Aprv	44	1
				<u>569.88</u>	PUBLIC FIRE HYDRANT				
24-00988	10/13/24	1	10/15/24 N0207 CLINT NICHOLSON CLEAN UP DAY	200.00	G-01- -120-102	Budget	Aprv	49	1
					CLEAN COMM USE THIS ACCOUNT				

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account Description	Account Type	Status	Seq	Acct
			200.00					
24-00951	10/05/24	10/15/24 00290 OMNI RECYCLING LLC 1 SEPTEMBER RECYCLING	1,939.44	408 LAMBS ROAD 4-01- -038-226 RECYCLING TIPPING FEES	Budget	Aprv	23	1
24-00951	10/05/24	2 SEPTEMBER RECYCLING BAG CHARGE	650.00	4-01- -038-226 RECYCLING TIPPING FEES	Budget	Aprv	24	1
			2,589.44					
24-00989	10/13/24	10/15/24 P0348 DEBORA PINE 1 CLEAN UP DAY	250.00	G-01- -120-102 CLEAN COMM USE THIS ACCOUNT	Budget	Aprv	50	1
			250.00					
24-00829	08/22/24	10/15/24 P0401 POSITIVE PROMOTIONS, INC. 1 ELK POLICE DEPT	633.00	PO BOX 11537 4-01- -029-225 MISCELLANEOUS	Budget	Aprv	3	1
24-00829	08/26/24	2 SHIPPING	57.85	4-01- -029-225 MISCELLANEOUS	Budget	Aprv	4	1
			690.85					
24-00946	10/05/24	10/15/24 R0150 ACE PLUMBING, HEATING AND 1 SWITCH PLATES, REPAIR KIT	7.40	ELECTRICAL SUPPLIES, INC. 4-01- -020-243 REPAIRS & SUPPLIES FOR BLDG	Budget	Aprv	18	1
			7.40					
24-00897	09/18/24	10/15/24 S0485 SOUTHERN NJ EMPLOYEE BENEFITS 1 HEALTH OCTOBER 2024	45,445.00	VERRILL AND VERRILL 4-01- -026-222 GROUP INSURANCE PLAN	Budget	Aprv	9	1
			45,445.00					
24-00959	10/05/24	10/15/24 T0200 TAG'S AUTO SUPPLY, INC 1 CORE RETURNS, ETC	358.00	12 W. HIGH STREET 4-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	28	1
24-00959	10/05/24	2 CV SHAFT, RESERVOIR	230.82	4-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	29	1
24-00959	10/09/24	3 COIL ASSEMBLY, SPARK PLUGS	228.96	4-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	30	1
			101.78					
24-00974	10/09/24	10/15/24 T0526 TILDENTECH, LLC 1 SEPTEMBER MANAGED SERVICES	924.69	1 N. CUMMINGS AVE 4-01- -011-333 GENERAL ADMIN - EQUIP. MAINT.	Budget	Aprv	39	1
			924.69					
24-00975	10/09/24	10/15/24 T0526 TILDENTECH, LLC 1 PD MANAGED SERVICES	641.50	1 N. CUMMINGS AVE 4-01- -029-240 COMPUTER SOFTWARE & RELATED	Budget	Aprv	40	1
			641.50					
24-00976	10/09/24	10/15/24 T0526 TILDENTECH, LLC 1 HOSTED DOMAIN	200.00	1 N. CUMMINGS AVE 4-01- -011-333	Budget	Aprv	41	1

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Street 1 of Address to be printed on Check Charge Account	Account Type	Status	Seq	Acct
			200.00	GENERAL ADMIN - EQUIP. MAINT.				
24-00891	09/18/24	10/15/24 T0528 TIRE HUB 1 TIRES-INVOICE 44459781	508.00	29778 NETWORK PLACE 4-01- -028-226	Budget	Aprv	7	1
24-00892	09/18/24	1 TIRES - INVOICE 44529760	126.00	AID TO FIRE COMPANY OTHER EXPENSES 4-01- -061-222	Budget	Aprv	8	1
			634.00	POLICE VEHICLE TIRES				
24-00961	10/05/24	10/15/24 TREAS TREASURER, STATE OF NEW JERSEY 1 3RD QUARTER UCC	8,683.00	NJ DCA FISCAL OFFICE 4-01- -910-002	Budget	Aprv	31	1
			8,683.00	UNIFORM CONST. TRAINING FEES				
24-00950	10/05/24	10/15/24 W0300 WIN WASTE INNOVATIONS 1 TIPPING SEPTEMBER	6,879.81	PO BOX 830149 4-01- -038-221	Budget	Aprv	21	1
24-00950	10/05/24	2 TIPPING SEPTEMBER TAX	248.13	TRASH TIPPING FEES 4-01- -038-225	Budget	Aprv	22	1
			7,127.94	TIPPING-RECYCLING TAX				

Checks:	<u>Count</u> 39	<u>Line Items</u> 55	<u>Amount</u> 173,772.50
---------	--------------------	-------------------------	-----------------------------

There are NO errors or warnings in this listing.