



**CITY OF RAHWAY, NEW JERSEY**  
**MUNICIPAL COUNCIL**  
**COMBINED MEETING AGENDA (REVISED)**  
**July 10, 2023, 7 p.m.**

*"Each person addressing the Council shall first give their name and address to the Clerk.  
All remarks shall be addressed to the Council as a body and not to any member thereof and, shall not exceed five (5) minutes in duration."  
(Chapter 5-63 (C) Rules of Order No. 3)*

**1. ROLL CALL**

**2. PLEDGE OF ALLEGIANCE and INVOCATION**

**3. OPEN PUBLIC MEETING STATEMENT:**

Notice of this meeting has been sent to the official newspapers and adequate and electronic notice has been provided in accordance with the Open Public Meetings Act as required by law.

**4. MINUTES**

June 12, 2023                      Combined Meeting

**5. PRESENTATIONS**

Swearing-in of Police Officer Anthony Firreno

**6. COMMUNICATIONS: MAYOR, REPORTS OF CITY OFFICERS AND BILL PAYMENT**

**7. REPORTS OF COUNCIL COMMITTEES**

Monthly SID Economic Development Officer's Report  
Monthly SID Treasurer's Report

**8. HEARING OF CITIZENS: ITEMS ON AGENDA**

Except ordinances on Second Reading (five minutes per speaker)

**9. ORDINANCES – FIRST READING**

**O-32-23**                      AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE CITY OF RAHWAY CODE OF ORDINANCES TO REPLACE CHAPTER § 213 IN ITS ENTIRETY; TO ADOPT A NEW CHAPTER § 213; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

- O-33-23** BOND ORDINANCE TO AUTHORIZE THE 2023 ROAD AND SIDEWALK IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,050,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS
- O-34-23** BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE LEAD WATER SERVICE PIPE REPLACEMENT PROJECT IN, BY AND FOR THE WATER UTILITY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$950,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS
- O-35-23** BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF WATER MAINS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$950,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS
- O-36-23** AN ORDINANCE AMENDING ORDINANCE CHAPTER 311 “PEDDLING, SOLICITING, AND VENDING,” ARTICLE I, “CANVASSING AND SOLICITING” TO CREATE A NO KNOCK LIST AND DO NOT DROP LIST

**10. CONSENT AGENDA**

All items considered routine by the City Council will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen requests. Any item not included on the Consent Agenda will be considered in its normal sequence on the Agenda.

**11. RESOLUTIONS**

**Department of Engineering & Land Use**

- AR-155-23** RESOLUTION ADOPTING A TITLE VI NONDISCRIMINATION POLICY FOR THE CITY OF RAHWAY
- AR-156-23** A RESOLUTION TO ADOPT PROCEDURES FOR ADMINISTRATION AND INSPECTION OF FEDERAL AID HIGHWAY PROJECTS

**AR-157-23** A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF RAHWAY TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED SEPTEMBER 2017 AND ACCEPT FUNDING ALLOCATIONS

**AR-158-23** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF RAHWAY TO UNDERTAKE A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 277, LOT 21 ON THE CITY OF RAHWAY'S TAX MAP, TO DETERMINE IF SUCH PROPERTIES QUALIFY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

**AR-159-23** APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR MA-2024-WILLIAM STREET, TEHAMA STREET AND COLUMBUS PLACE-00462

**AR-160-23** RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR TV-2024-TRANSIT VILLAGE GRANT – RAHWAY DOWNTOWN TRESTLE BEAUTIFICATION PROJECT-00017

#### **Department of Health**

**AR-161-23** A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF AMANDA ESTEVES FIGUEIREDO AS THE LOCAL REGISTRAR OF VITAL STATISTICS FOR THE CITY OF RAHWAY

**AR-162-23** RESOLUTION TO ACCEPT AND RECEIVE A GRANT FROM THE NEW JERSEY DEPARTMENT OF HEALTH – OFFICE OF LOCAL HEALTH FOR COVID-19 VACCINATION SUPPLEMENTAL FUNDING

**AR-163-23** RESOLUTION TO ACCEPT AND RECEIVE A GRANT FROM THE NEW JERSEY DEPARTMENT OF HEALTH – OFFICE OF LOCAL HEALTH FOR STRENGTHENING LOCAL PUBLIC HEALTH CAPACITY PROGRAM 2024

#### **Department of Police**

**AR-164-23** RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2023 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

**Department of Revenue & Finance**

**AR-165-23** A RESOLUTION CONFIRMING THE MAYOR’S APPOINTMENT OF ANGELA VIDAL AS TAX COLLECTOR FOR THE CITY OF RAHWAY

**AR-166-23** RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES FOR 2022 TAX LIENS

**AR-167-23** A RESOLUTION AMENDING THE CY 2023 CAPITAL BUDGET

**AR-168-23** RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) National Opioid Settlements Grant - \$56,692.00

**12. ORDINANCES – FINAL ADOPTION / SECOND READING**

**O-29-23** AN ORDINANCE AMENDING CHAPTER 53 "LAND USE PROCEDURES" TO PERMIT IN-HOUSE PROFESSIONALS APPOINTED AS BOARD PROFESSIONALS TO CHARGE A DEVELOPMENT APPLICATION ESCROW ACCOUNT (Brown, Entire Council)

**O-30-23** AN ORDINANCE AMENDING CHAPTER 411 OF THE CODE OF THE CITY OF RAHWAY (“WATER”) (Newbury, Brown)

**O-31-23** AN ORDINANCE AMENDING CHAPTER 337, “SEWERS AND SEWAGE DISPOSAL” ARTICLE XII, “ESTABLISHMENT; ORGANIZATION; USER FEES” SECTION 337-52 “FEES” SETTING RATES AND FEES FOR THE USE OF THE SEWER SYSTEM (Miles, Parker)

**13. MISCELLANEOUS (Unfinished Business)**

Block party – BP-23-03 Lenox Pl. Event Date 07-15-23

Block party - BP-23-04; Sycamore St. Event Date 08-19-23

**14. COMMUNICATIONS: HEARING OF CITIZENS ON ANY ITEM**

(Five minutes per speaker)

**15. COUNCIL COMMENTS**

(Three minutes per member)

**16. ADJOURNMENT**

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-32-23

**AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE CITY OF RAHWAY CODE OF ORDINANCES TO REPLACE CHAPTER § 213 IN ITS ENTIRETY; TO ADOPT A NEW CHAPTER § 213; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

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

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

**WHEREAS**, the City of Rahway was accepted for participation in the National Flood Insurance Program on December 17, 1971 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

**WHEREAS**, the City of Rahway 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 Mayor and Council of the City of Rahway 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 § 213-1 through § 213-25, Flood Damage Prevention and replace with § 213-1 through § 213-87, Flood Damage Prevention.

## **ARTICLE 1 SCOPE AND ADMINISTRATION**

**§ 213-1. 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 Rules”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* (hereinafter “these regulations”) of the City of Rahway (hereinafter “the City”).

**§ 213-2 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 2 of these regulations.

**§ 213-3. Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

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

**§ 213-4. Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City administer and enforce the State building codes, the Mayor and Council of the City do 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.

**§ 213-5. 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 process to ensure compliance with the Substantial Damage and Substantial Improvement § 213-25 of this ordinance.

**§ 213-6. 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.

**§ 213-7. Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**§ 213-8. 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 property owner, applicant or other responsible party 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 \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

**§ 213-8.1 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.

**§ 213-9. 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 2 APPLICABILITY**

**§ 213-10. 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 certain types of

alterations or repairs, 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.

**§ 213-11. Establishment of Flood Hazard Areas.** The City was accepted for participation in the National Flood Insurance Program on December 17, 1971.

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 if available, 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 in the City’s Engineering Office located at 1 City Hall Plaza, Rahway, NJ 07065.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study, Union County, New Jersey (All Jurisdictions)” dated September 20, 2006, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 213-11(1)), whose effective dates are September 20, 2006, are hereby adopted by reference.

Table 213-11(1)

Map Panel #	Suffix	Effective Date
34039C0032	F	September 20, 2006
34039C0033	F	September 20, 2006
34039C0043	F	September 20, 2006
34039C0044	F	September 20, 2006
34039C0047	F	September 20, 2006

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

Table 213-11(2)

Map Panel #	Suffix	Preliminary Date
34039C0032	G	April 18, 2016
34039C0033	G	February 3, 2015



34039C0043	G	February 3, 2015
34039C0044	G	February 3, 2015
34039C0047	G	February 3, 2015
34039C0048	G	February 3, 2015

- 3) **Other Best Available Data.** The City of Rahway shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of Rahway. 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 § 213-11 1) and 2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation,” as defined in Article 9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 213-11(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Orchard Creek	GGEW0019p	7
Robinsons Branch	GGEW0019p	7
South Branch Rahway River	GGEW0020p	6
Rahway River	GGEW0020p	6
Robinsons Branch	GGEW0026p	10
Rahway River	GGEW0027p	9
South Branch Rahway River	GGEW0049p	13
Milton Lake, Middlesex Reservoir Robinsons Branch of Rahway River	GGEW0021	5
Rahway River	GGEW0022	4
Rahway River	GGEW0023	3
Rahway River	GGEW0024	2
Rahway River	GGEW0025	1
Robinsons Branch, Pumpkin Patch Branch Brook	GGEW0031	5
Milton Lake, Middlesex Reservoir, Robinsons Branch of Rahway River	GGEW0033	3
Rahway River	GGEW0035	1
South Branch Rahway River	GGEW0053	9
Rahway River	GGEW0054	8
Arthur Kill	GGEW0055	7

**§ 213-12. Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in § 213-11, 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:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in § 213-11, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in § 213.11 1) and 2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard, and any additional freeboard, as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard, and any additional freeboard, as required by ASCE 24. Any determination using these methods must be sealed and submitted according to § 213-34 and § 213-35.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

### **Article 3**

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

**§ 213-13. Floodplain Administrator Designation.** The City’s Director of Engineering and Land Use is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees or to a certified floodplain manager (CFM) retained by the City.

**§ 213-14. 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 7 of these regulations.

**§ 213-15. Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

- § 213-16. Duties.** The duties of the Floodplain Administrator shall include but are not limited to:
- (1) Review all development or construction permit applications to determine whether proposed development is located in flood hazard areas established in Article 2 of these regulations.
  - (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
  - (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
  - (4) Determine whether additional flood hazard data shall be obtained or developed.
  - (5) Review required certifications and documentation specified by these regulations, as applicable, and the building code to determine that such certifications and documentations are complete.
  - (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § 213-25 of these regulations.
  - (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
  - (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Article 7 of these regulations.
  - (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
  - (10) Require applicants who propose alteration of a watercourse to obtain the applicable NJDEP FHACA permit and to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
  - (11) Inspect development in accordance with Article 6 of these regulations and inspect flood hazard areas periodically to determine if development is undertaken without issuance of permits.
  - (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Article 7 of these regulations.
  - (13) Cite violations in accordance with Article 8 of these regulations.
  - (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the City have been modified.
  - (15) Permit Ordinary Maintenance and Minor Work in the regulated areas, as needed to support Substantial Improvement/Substantial Damage determinations, and as discussed in § 213-11.

**§ 213-17. 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.

**§ 213-18. Other permits.** It shall be the responsibility of the Floodplain Administrator to require that final 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, as applicable or allowed under State and Federal Rules.

**§ 213-19. Determination of Local Design Flood Elevations.** If design flood elevations are not specified or available, the Floodplain Administrator is authorized to require the applicant to:

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

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in § 213-11 and § 213-12, respectively. The Floodplain Administrator may require that any such analysis be reviewed by NJDEP under the FHACA Rules through the verification process. This information shall be provided to the Construction Official and documented according to § 213-26.

**§ 213-20. 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.

**§ 213-21. 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. Such analyses must be submitted by the applicant to NJDEP for review under the FHACA Rule verification process.

**§ 213-22. 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. Any applicant proposing a floodway encroachment must provide an NJDEP FHACA permit for the proposed activity.

**§ 213-22.1 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 and NJDEP.

**§ 213-23. 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.

**§ 213-23.1 Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity. Applicant must provide an NJDEP Permit under the FHACA Rules for the proposed improvements.

**§ 213-24. Development in riparian zones** All regulated development in Riparian Zones, as described in N.J.A.C. 7:13, is prohibited by this ordinance unless the applicant demonstrates the project is not regulated, has received an applicability determination that no permit is required, 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, the habitat rank of the riparian zone at (and downstream) of the site, and the category as 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 or as otherwise defined in the FHACA Rules. 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. There are no building elevation requirements set in portions of riparian zones that extend beyond delineated FHAs.

**§ 213-25. Substantial improvement and substantial damage determinations.** When buildings and structures within a regulated flood hazard area 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 have made 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 do the following to determine if the work meets the Substantial Improvement/Substantial Damage threshold:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

- (2) To the extent feasible, determine (or obtain professional estimates of) costs for ordinary maintenance and minor work, as discussed in § 213-5, 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.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**§ 213-26. 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 floodplain development permits; records of ordinary maintenance and minor work occurring up to several years after a damage event, 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.

**§ 213-27. 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 4 PERMITS**

**§ 213-28. 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. Examples of minor projects that may not require a floodplain development permit approval in flood-fringe areas include the following: certain recreational equipment, flag poles, certain fences, landscaping planters, fire pits, stone charcoal grills, etc. Also, existing AC condenser units may be replaced without a permit if they are properly anchored and elevated above the Local Design Flood Elevation determined in § 213-12.

**§ 213-29. Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

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

**§ 213-30. 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.

**§ 213-31. 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.

**§ 213-32. 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 5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**§ 213-33. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with § 213-34.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood

Insurance Study, such elevations shall be established in accordance with § 213-34(3) of these regulations.

- (4) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (5) 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.
- (6) Existing and proposed alignment of any proposed alteration of a watercourse.
- (7) Floodproofing 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. For minor maintenance or repair work at single-family homes, detailed site plans may not be required for the initial submission, although any known information about flood hazard areas, or flood elevation at the home, should be provided.

**§ 213-34. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.
- (4) Determine that the flood hazard elevation is not necessary for the review of the proposed project, for example for repair not due to flooding, maintenance or other ordinary work that does in any way not approach the SI/SD threshold.

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. Also, the applicant shall be responsible for obtaining NJDEP verification of any flood hazard area limits and the NJDEP FHA Design Flood Elevation.

**§ 213-35. Analyses and certifications by a Licensed Professional Engineer.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such



analysis to FEMA as specified in § 213-36 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents. Also, the applicant shall submit such an analysis to NJDEP for the applicable permit or approval.

- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH. Also, the applicant shall submit such analysis to NJDEP for an FHA verification.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in § 213-36 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. Also, the applicant shall provide proof that the applicable NJDEP land resource protection permits (or other approvals) were obtained.
- (4) 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), along with an NJDEP flood hazard area verification approval.

**§ 213-36. 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. Also, any such changes must conform to the requirements of the NJDEP N.J.A.C. 7:13 to delineate the NJDEP FHA and set the FHA Design Flood Elevation.

## **ARTICLE 6 INSPECTIONS**

**§ 213-37. 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.

**§ 213-38. Inspections of development.** The Floodplain Administrator, or other designated qualified individual, 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.

**§ 213-39. Buildings and structures.** The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in § 213-73 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in § 213-73.
- 3) **Final inspection.** Prior to the final inspection, certification of the elevation required in § 213-73 shall be submitted to the Construction Official on an Elevation Certificate.

**§ 213-40. 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 7 VARIANCES**

**§ 213-41. General.** The Zoning Board, as established by Mayor and Council, shall hear and decide requests for variances. The Zoning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in § 213-45, the conditions of issuance set forth in § 213-46, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Zoning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**§ 213-42. 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.

**§ 213-43. 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.

**§ 213-44. 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 § 213-35(1) of these regulations.

**§ 213-45. Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**§ 213-46. Conditions for issuance.** Variances shall only be issued upon:

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

**ARTICLE 8  
VIOLATIONS**

**§ 213-47. 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.

**§ 213-48. 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.

**§ 213-49. 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.

**§ 213-50. Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

## **ARTICLE 9 DEFINITIONS**

**§ 213-51. 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.

### **§ 213-52. 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).

**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.

**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

**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** – The most conservative peak water surface elevation that will occur in a water during the flood hazard area design flood per the FHACA. This elevation is as determined according to the methods set forth in the FHACA Rules at 7:13-3.1 – 3.6. This determination may include the use of 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 applicable advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits or greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone, plus the applicable additional elevation required under the FHACA Rules, and/or

approximation or calculation pursuant to the FHACA Rules at N.J.A.C. 7:13-3.1-3.6 and The Flood Hazard Area Design Flood Elevation is typically higher than FEMA's base flood elevation. The NJDEP may approve an FHA Design Flood Elevation through a Flood Hazard Area Verification process, although this may not be necessary if the NJDEP and/or FEMA mapping is adequate to determine this 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 7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Zoning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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

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

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

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

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

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

Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

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

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

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation that is more conservative of the elevations 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 and the Flood Hazard Area Design Flood Elevation, as defined above and determined in accordance with the FHACA Rules (N.J.A.C. 7:13). Also, the LDFE must be inclusive of freeboard specified by the NJDEP FHACA and associated Rules, the 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, the NJDEP FHACA Rules, and other regulations, and the effective FEMA Base Flood Elevation.

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

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural

member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

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

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

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

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

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

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

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

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

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

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

**SPECIAL FLOOD HAZARD AREA** – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13 and set by the topography of the site; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13, although many of the design standards do not apply in the portions of the riparian zone located outside of the areas defined in 1 or 2, above, as applicable. 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 10 SUBDIVISIONS AND OTHER DEVELOPMENTS**

**§ 213-53. General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

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

**§ 213-54. Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

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

## **ARTICLE 11 SITE IMPROVEMENT**

**§ 213-55. 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 § 213-35(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If § 213-35(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with § 213-73 of this ordinance and the floodway requirements of N.J.A.C. 7:13, as demonstrated by an approved NJDEP FHA Permit.

**§ 213-55.1 Prohibited in floodways.** The following are prohibited activities:

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

**§ 213-56. 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. Also, such systems should be approved as required under the NJDEP FHACA and associated Rules (N.J.A.C. 7:13).

**§ 213-57. 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. Such systems also should be approved as required under the NJDEP FHACA and associated Rules (N.J.A.C. 7:13).

**§ 213-58. Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property. Also, stormwater management for major development, as defined in § 213-52 and in the NJDEP Stormwater Management Rules (N.J.A.C. 7:8), shall conform to the requirements of those regulations. Any storm drainage facilities shall comply with all relevant requirements of the FHACA Rules at N.J.A.C. 7:13 and any other state Rules.

**§ 213-59. Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels and also should be approved as required under the NJDEP FHACA and associated Rules (N.J.A.C. 7:13).

**§ 213-60. 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.

**§ 213-61. 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 12 MANUFACTURED HOMES**

**§ 213-62. 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).

**§ 213-63. 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 § 213-73.

**§ 213-64. 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.

**§ 213-65. 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, and should be in accordance with the requirements of the NJDEP FHACA Rules at N.J.A.C. 7:13. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**§ 213-66. Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of § 213-73.

**§ 213-67. 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 § 213-73 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 § 213-73, 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 13 RECREATIONAL VEHICLES**

**§ 213-68. Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

**§ 213-69. 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.

**§ 213-70. 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 § 213-73 for habitable buildings and §213-64.

## **ARTICLE 14 TANKS**

**§ 213-71. 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 15 OTHER DEVELOPMENT AND BUILDING WORK**

**§ 213-72. General requirements for other development and building work.** All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of § 213-35(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to § 213-12;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;



- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to § 213-12 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:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas and otherwise is in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

**§ 213-73. Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Article 9) 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 § 213-12, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in § 213-12, be in conformance with ASCE Chapter 7 and N.J.A.C. 7:13, and be confirmed by an Elevation Certificate; or
    - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      - 2. Meets the applicable requirements of N.J.A.C. 7:13; and
      - 3. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
    - i. 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;

- ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 213-73(1)(d)(ii) are met;
- iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
- iv. Have openings documented on an Elevation Certificate; and
- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
  - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
  - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
  - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

**§ 213-74. Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code and N.J.A.C. 7:13.

**§ 213-75. 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 § 213-35(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Article 7 of this ordinance.

**§ 213-76. Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of § 213-35(1) of these regulations and N.J.A.C. 7:13.

**§ 213-77. Swimming pools.** Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code and N.J.A.C. 7:13. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of § 213-35(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**§ 213-78. Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.

**Exception.** If the applicant demonstrates that it is infeasible to meet this requirement due to topographic constraints, then the travel surface of the road may be constructed as close as feasible to the FHACA DFE if it meets Rule exception requirements promulgated in N.J.A.C. 7:13-12.6(e). This shall be demonstrated by an approved FHA Permit.

- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of § 213-35(1) of these regulations.

## **ARTICLE 16 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**§ 213-79. 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.

**§ 213-80. 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.

**§ 213-81 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of § 213-35(1) of these regulations.

## **ARTICLE 17 UTILITY AND MISCELLANEOUS GROUP U**

**§ 213-82. 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.

**§ 213-83. 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 § 213-12.

**§ 213-84. 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 § 213-12 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**§ 213-85. Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with § 213-73 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.

**§ 213-86. Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in § 213-12.

**§ 213-87. 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 § 213-12.

**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).

## **ARTICLE 18 SEVERABILITY**

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

## **ARTICLE 19 EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication in accordance with applicable law.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-33-23

**BOND ORDINANCE TO AUTHORIZE THE 2023 ROAD AND SIDEWALK IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,050,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**BE IT ORDAINED** by the City Council of the City of Rahway, in the County of Union, State of New Jersey, as follows:

Section 1. The City of Rahway, in the County of Union, State of New Jersey (the "City") is hereby authorized to undertake the 2023 Road and Sidewalk Improvement Program at various locations in, by and for the City. The roads to be improved are set forth on a list on file or to be placed on file with the City Clerk and hereby approved as if set forth herein in full and available for public inspection during regular business hours. Depending upon the contract price and other exigent circumstances, and upon approval by the City Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"). Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$2,050,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$2,050,000, and (4) \$100,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,950,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$250,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said City, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$1,950,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$1,950,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,950,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of

America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 12. The City intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-34-23

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE LEAD WATER SERVICE PIPE REPLACEMENT PROJECT IN, BY AND FOR THE WATER UTILITY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$950,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**BE IT ORDAINED** by the City Council of the City of Rahway, in the County of Union, State of New Jersey, as follows:

Section 1. The City of Rahway, in the County of Union, State of New Jersey (the "City") is hereby authorized to undertake the Lead Water Service Pipe Replacement Project in, by and for the Water Utility of the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$950,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$950,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$950,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the Water Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2022, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of



serial bonds legally issuable to finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Water Utility.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$950,000, but said \$950,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the

cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 12. The City intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitations as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-35-23

**BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF WATER MAINS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$950,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**BE IT ORDAINED** by the City Council of the City of Rahway, in the County of Union, State of New Jersey, as follows:

Section 1. The City of Rahway, in the County of Union, State of New Jersey (the "City") is hereby authorized to replace water mains at various locations in, by and for the Water Utility of the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$950,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$950,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$950,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the Water Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2022, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of

serial bonds legally issuable to finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Water Utility.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$950,000, but said \$950,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the

cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 12. The City intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitations as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-36-23

### AN ORDINANCE AMENDING ORDINANCE CHAPTER 311 “PEDDLING, SOLICITING, AND VENDING,” ARTICLE I, “CANVASSING AND SOLICITING” TO CREATE A NO KNOCK LIST AND DO NOT DROP LIST

**WHEREAS**, the current City of Rahway’s (hereinafter referred to as “City”) Municipal Code is inadequate in preventing mass door-to-door solicitation of certain residential neighborhoods; and

**WHEREAS**, the City wishes to safeguard the tranquility, privacy, and welfare of its residents to regulate door-to-door solicitations for home purchases by establishing a framework for courteous and respectful interactions between residents and potential homebuyers, while also safeguarding the rights of homeowners who prefer to remain undisturbed by such solicitations; and

**WHEREAS**, the City wishes to update the Municipal Code to implement a more aggressive prohibition of such door-to-door solicitations via a No-Knock Registry Do Not Drop List, including a regulation of door-to-door home purchase solicitations; and

**WHEREAS**, the City wants to amend Chapter 311 entitled “Peddling, Soliciting, and Vending,” Article I, “Canvassing and Soliciting” to create Subsection §311-9 “No Knock List,” §311-10, “Do Not Drop,” and §311-11 “Regulation of Door-to-Door Home Purchase Solicitations.”

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Rahway, County of Union, State of New Jersey, being the governing body thereof, Chapter 311, “Peddling, Soliciting, and Vending,” Article I, “Canvassing and Soliciting” is hereby amended to read as follows:

All new language is depicted in **bold and underline**

All language deletions are depicted in ~~striketrough~~

Language that remains unchanged is not highlighted in anyway

The following subsections shall be inserted after §311-8.1

#### **§311-9 No Knock List**

- A. All residents of the City may register their name, address, and/or unit/apartment number with the City Clerk to be placed on a “No Knock List,” indicating that they do not want peddlers, panhandlers, solicitors, or canvassers to approach their homes and/or seek personal contact with the occupants of the registered home. By registering for the “No Knock List” the resident chooses to allow City of Rahway Police, Fire or First Aid Rescue squads to be exempt.**

- B. Residents shall remain on the “No Knock List” until such time as they advise the City Clerk in writing that they wish to be removed from the registry.**
- C. The City Clerk shall maintain a “No Knock List” a copy of which shall be available for inspection at the office of the City Clerk during regular business hours, and shall be posted on the official website for the City of Rahway.**
- D. It shall be unlawful for any peddler, panhandler, solicitor or canvasser to approach and/or seek personal contact with the occupants thereof if that residence is registered on the "No Knock List." Anyone violating this subsection shall be subject to a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each violation.**
- E. Upon completion of registration on the "Do Not Knock Registry" the subscriber will receive a decal stating "DO NOT KNOCK Registered on the "No Knock List" with the City of Rahway’s Municipal Clerk's Office. VIOLATORS WILL BE PROSECUTED" which must be displayed in a clearly visible location (i.e., front door or window adjacent to the front door).**

#### **§311-10 Do Not Drop**

- A. Definitions. An unsolicited circular shall be defined as commercial handbill, non-commercial handbill, leaflet, coupon brochure, newspaper, or other writing which the intended recipient did not request or authorize to be placed on or about his property.**
- B. Do Not Drop List.**
  - 1. There is hereby established a Do Not Drop List of residents of the City of Rahway.**
  - 2. Residents who do not wish to receive unsolicited circulars beyond 10 feet from their front entrance may do so by completing a form established by the Municipal Clerk's Office and returning said form to the Municipal Clerk's Office.**
  - 3. The City Clerk shall maintain a "Do Not Drop List," a copy of which shall be available for inspections at the office of the Municipal Clerk during regular business hours, and shall be posted on the official website for the City of Rahway.**
  - 4. It shall be unlawful pursuant to Chapter 277, Subsection 6. for any person to deliver, or any entity to cause to be delivered any unsolicited circular to a person registered on the "Do Not Drop List."**

## **§311-11 Regulation of Door-to-Door Home Purchase Solicitations**

### **A. Definitions:**

**1. Door-to-Door Home Purchase Solicitation: Constitutes the action of personally approaching or knocking on a homeowner's door with the intention of exploring the homeowner's interest in selling their residential property.**

**2. Homeowner: Refers to any individual, entity who holds ownership of residential property within the City of Rahway.**

### **B. Prohibition of Door-to Door Home Purchase Solicitations:**

**1. It shall be deemed unlawful for any person or entity to partake in door-to-door home purchase solicitations within the geographical boundaries of the City of Rahway.**

**2. Door-to-door home purchase shall include, but not limited to the following areas:**

**a. Residential neighborhoods**

**b. multi-unit housing companies**

**c. mobile home parks**

**d. any other locales designated as residential by the City of Rahway**

**3. A permit authorized by the Section §311-1 shall be a prerequisite for any door-to-door solicitations within the City, barring solicitations for home purchases.**

**4. Any person who violates any provision of this section, upon conviction thereof, be punished by a fine not exceeding \$500. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance and repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect immediately upon adoption and publication according to law.



# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-155-23

### **RESOLUTION ADOPTING A TITLE VI NONDISCRIMINATION POLICY FOR THE CITY OF RAHWAY**

**WHEREAS,** the Mayor and City Council believe that it is both necessary and appropriate to adopt a Title VI Nondiscrimination Policy for any program or activity administered by a City of Rahway program, activity or service regardless of funding source; and

**WHEREAS,** the objective of a Title VI Nondiscrimination Policy is to prohibit discrimination on the basis of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, atypical cellular or blood trait, genetic information, military services, veterans status, income level or the ability to read, write, or speak English, in any program or activity; and

**WHEREAS,** the City of Rahway desires this policy to apply to all personnel (including union, non-union, full and part time, hourly, seasonal, per diem, volunteers, officials, vendors and independent contractors) employed or contracted with the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that the Title VI Nondiscrimination Policy is hereby adopted in substantially the form annexed hereto and made a part hereof as Schedule A.

**BE IT RESOLVED** that all prior nondiscrimination policies or parts of nondiscrimination policies inconsistent with the provisions of this resolution are hereby repealed.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-156-23

### A RESOLUTION TO ADOPT PROCEDURES FOR ADMINISTRATION AND INSPECTION OF FEDERAL AID HIGHWAY PROJECTS

**WHEREAS**, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the City of Rahway, to receive Federal Aid Highway Program (FAHP or federal-aid) funds through New Jersey Department of Transportation (NJDOT); and

**WHEREAS**, the City of Rahway is presently the recipient of federal-aid funds through a project awarded under the NJDOT Transportation Alternatives Program (TAP); and

**WHEREAS**, the City of Rahway as an LPA, is responsible for administering federal-aid funded projects in compliance with all federal-aid requirements established by the FHWA; and

**WHEREAS**, the NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that the City of Rahway is adequately staffed and suitably equipped to undertake federal-aid projects, and ensure that federal requirements are met; and

**WHEREAS**, the City of Rahway, as required by the NJDOT, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the NJDOT;

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that the City of Rahway adopts the policy entitled, "City of Rahway Procedure for Administration and Inspection of Federal Aid Highway Projects" dated \_\_\_\_\_ June 2023.

\_\_\_\_\_  
Jeffrey J. Jotz, City Clerk

\_\_\_\_\_  
Raymond A. Giacobbe, Jr., Mayor

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-157-23

**A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF RAHWAY TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED SEPTEMBER 2017 AND ACCEPT FUNDING ALLOCATIONS**

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

**WHEREAS**, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

**WHEREAS**, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

**WHEREAS**, it is in the best interest of the Municipality of Rahway and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the City of Rahway, County of Union, State of New Jersey, that the agreement entitled “COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,” dated June 2014, as amended September 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2023-24 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-158-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF RAHWAY TO UNDERTAKE A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 277, LOT 21 ON THE CITY OF RAHWAY'S TAX MAP, TO DETERMINE IF SUCH PROPERTIES QUALIFY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, the City Council of the City of Rahway (the "City") has identified certain properties in the southern portion of the City, identified as Lot 21 Block 277 on the City's Official Tax Map attached hereto and made part of this resolution, to be considered for designation as a non-condemnation "area in need of redevelopment", pursuant to the Local Redevelopment and Housing Law; N.J.S.A. 40:12A-1 et seq.; and

**WHEREAS**, before an area may be determined an area in need of redevelopment, the Redevelopment Law requires the governing body of the municipality, by resolution, to authorize its Planning Board to undertake a preliminary investigation (the "Investigation") to determine whether the proposed area is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40:12A-1 et seq.;

**WHEREAS**, the City hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, excluding the power of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area");

**WHEREAS**, the City authorizes and directs that the City Planning Board undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether Lot 21 in Block 277 on the City's Official Tax Map attached hereto and made part of this resolution, may be deemed a "Non-Condensation Redevelopment Area";

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that the Planning Board is hereby directed and authorized to undertake a preliminary investigation to determine whether Lot 21 in Block 277 as delineated on the Tax Map hereto and made part of this resolution, or any portions thereof, should be determined a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12-1 et seq.;

**BE IT FURTHER RESOLVED**, by the City that it hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the power of eminent domain, known as a Non - Condemnation Redevelopment Area and that the City shall comply with the requirements set forth in N.J.S.A. 40A:12A-6;

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**RESOLUTION**  
**CITY OF RAHWAY, NEW JERSEY**

No. AR-159-23

**RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND  
EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR MA-2023-BROAD ST, MAURICE AVE, AND LUDLOW ST-00548**

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that it formally approves the grant Application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023- BROAD ST, MAURICE AVE, AND LUDLOW ST-00548 to the New Jersey Department of Transportation on behalf of the City of Rahway; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Rahway and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
Jeffrey J. Jotz, City Clerk

\_\_\_\_\_  
Raymond A. Giacobbe, Mayor

**RESOLUTION**  
**CITY OF RAHWAY, NEW JERSEY**

No. AR-160-23

**RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND  
EXECUTION A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR TV-2024-TRANSIT VILLAGE GRANT – RAHWAY DOWNTOWN  
TRESTLE BEAUTIFICATION PROJECT-00017**

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that it formally approves the grant Application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **TV-2024-TRANSIT VILLAGE GRANT – RAHWAY DOWNTOWN TRESTLE BEAUTIFICATION PROJECT-00017** to the New Jersey Department of Transportation on behalf of the City of Rahway; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Rahway and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
Jeffrey J. Jotz, City Clerk

\_\_\_\_\_  
Raymond A. Giacobbe, Mayor

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-161-23

### **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF AMANDA ESTEVES FIGUEIREDO AS THE LOCAL REGISTRAR OF VITAL STATISTICS FOR THE CITY OF RAHWAY**

**WHEREAS**, N.J.S.A. 26:8-14 requires the local governing body to appoint a local registrar for that district; and

**WHEREAS**, Deputy Registrar of Vital Statistics Amanda Esteves Figueiredo has completed the required courses towards certification as a Registrar of Vital Statistics; and

**WHEREAS**, on June 20, 2023, Mayor Raymond Giacobbe appointed Ms. Figueiredo Registrar of Vital Statistics of the City of Rahway for a term commencing no later than July 1, 2023 and ending on June 30, 2027.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that, per the provisions of N.J.S.A. 26:8-13 that the appointment by Mayor Raymond Giacobbe of Amanda Esteves Figueiredo as Registrar of Vital Statistics for the City of Rahway, for a term commencing no later than July 1, 2023 and ending on June 30, 2027.

**BE IT FURTHER RESOLVED** The appointment of a local registrar shall be immediately certified to the State Department but shall not become effective until thirty days from the date of filing of the certificate, unless sooner approved in writing by the Department. If within the thirty days the department shall disapprove of the appointment, the office shall be deemed vacant per N.J.S.A. 26:8-12.



# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-162-23

### **RESOLUTION TO ACCEPT AND RECEIVE A GRANT FROM THE NEW JERSEY DEPARTMENT OF HEALTH – OFFICE OF LOCAL HEALTH FOR COVID-19 VACCINATION SUPPLEMENTAL FUNDING**

**WHEREAS**, the City of Rahway is currently responding to the Covid-19 pandemic and is operating a COVID-19 vaccination clinic; and

**WHEREAS**, the City of Rahway desires additional funding to operate clinics to serve the community and provide COVID-19 vaccinations;

**WHEREAS**, under the Grant the City agrees to provide COVID-19 vaccination to the community of Rahway; and

**WHEREAS**, the City’s Health Officer recommends the acceptance of the Grant for providing COVID-19 vaccination services for the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that it does hereby approve of accepting the Grant for vaccination supplemental funding for the period of July 1, 2023 through June 30, 2024 for the amount of \$35,000.00.

# **RESOLUTION**

## **CITY OF RAHWAY, NEW JERSEY**

No. AR-163-23

### **RESOLUTION TO ACCEPT AND RECEIVE A GRANT FROM THE NEW JERSEY DEPARTMENT OF HEALTH – OFFICE OF LOCAL HEALTH FOR STRENGTHENING LOCAL PUBLIC HEALTH CAPACITY PROGRAM 2024**

**WHEREAS**, the City of Rahway currently maintains a Local Health Department in compliance with the New Jersey Public Health Practice Standards for Local Health Departments; and

**WHEREAS**, the City of Rahway desires additional funding to support the functions and capacity for Local Public Health; and

**WHEREAS**, under The Strengthening Local Public Health Capacity Grant the City agrees to utilize the funding to strengthen local public health in the community of Rahway; and

**WHEREAS**, the City’s Health Officer recommends the acceptance of the Grant for strengthening local public health services for the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that it does hereby approve of accepting the Grant funding for strengthening local public health services for the community for the period of July 1, 2023 through June 30, 2024 for the amount of \$406,046

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-164-23

### RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2023 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

**WHEREAS**, the City of Rahway Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22- EMPG-EMAA-2013 from the New Jersey State Police Office of Emergency Management. The Sub-grant, consisting of a total Federal award amount of \$10,000.00, is for the purpose of enhancing Rahway City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the City of Rahway will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the award period is from July 1, 2023, to June 30, 2024; and

**WHEREAS**, the subgrant award incorporates all condition and representations contained or made in application and notice of award; and

**WHEREAS**, the City of Rahway Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that:

1. Council accepts the award of the FFY23 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. The Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. Copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-165-23

### A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANGELA VIDAL AS TAX COLLECTOR FOR THE CITY OF RAHWAY

**WHEREAS**, N.J.S.A. 40A:9-141 authorizes the Mayor to appoint a Tax Collector for the City of Rahway; and

**WHEREAS**, Angela Vidal has obtained the required certification for tax collector issued by the State of New Jersey as per N.J.S.A. 40A:9-145.2; and

**WHEREAS**, on June 27, 2023, Mayor Raymond Giacobbe appointed Ms. Vidal as Tax Collector of the City of Rahway for a term commencing no later than July 1, 2023 and ending on December 30, 2027.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that, per the provisions of N.J.S.A. 40A:9-142 that the appointment by Mayor Raymond Giacobbe of Angela Vidal as Tax Collector for the City of Rahway, for a term commencing no later than July 1, 2023 and ending on December 30, 2027.

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-166-23

### RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES FOR 2022 TAX LIENS

WHEREAS, the City of Rahway held a Tax Lien Sale on December 02, 2022 for unpaid Calendar Year Taxes and Municipal Charges, and various Tax Sale Certificates were struck off and sold to the following Lien Holders, on the following Block and Lots; and

WHEREAS, the owners of said properties has paid all money due to the Tax Collector for the Redemption of said Tax Sale Certificates.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to make refunds in the following names and amounts.

#### 2022 Tax Lien

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
310 18	44-48 E Hazelwood Ave	US Bank C/F Tower DB XII Trust 22 50 South 16 <sup>th</sup> Street Ste 2050 Philadelphia PA 19102	\$6,804.94	\$16,100.00
<b>Certificate 2022-0051</b>				
<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
348 24	1243 Clark Street	US Bank C/F Tower DB XII Trust 22 50 South 16 <sup>th</sup> Street Ste 2050 Philadelphia PA 19102	\$2,079.29	\$2,100.00
<b>Certificate 2022-0060</b>				
<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>CERT OWNER</u>	<u>REFUND</u>	<u>PREMIUM</u>
369 04	1756 Park Street	Christiana C/F CE1/FIRSTTRUST P.O. Box 5021 Philadelphia PA 19111	\$3,627.42	\$11,800.00
<b>Certificate 2022-0064</b>				

# RESOLUTION

## CITY OF RAHWAY, NEW JERSEY

No. AR-167-23

### A RESOLUTION AMENDING THE CY 2023 CAPITAL BUDGET

**WHEREAS**, the local budget for the Calendar Year 2023 has been adopted; and

**WHEREAS**, it is desired to amend the adopted capital budget section for CY 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that the following amendment to the adopted capital budget be made:

FROM								
CAPITAL BUDGET (CURRENT YEAR ACTION )								
		2023			Planned funding Services for Current Year			
Project	Estimated Total Cost	Amount Reserved Prior Years	2023 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants	Debt Authorized	To be Funded in Future Years
Annual Road Program	2,250,000			112,500			2,137,500	
Various Water System Improvements	500,000			-			500,000	
	-			-			-	
				-			-	
				-			-	
				-			-	
				-			-	
				-			-	
<b>Total All Projects</b>	<b>2,750,000</b>	<b>-</b>	<b>-</b>	<b>112,500</b>	<b>-</b>	<b>-</b>	<b>2,637,500</b>	<b>-</b>

FROM								
Anticipated Project Schedule and Funding Requirements								
Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Year					
			SFY 2023	SFY 2024	SFY 2025	SFY 2026	SFY 2027	SFY 2028
Annual Road Program	2,250,000		2,250,000		-	-	-	-
Various Water System Improvements	500,000		500,000					
	-		-					
<b>Total All Projects</b>	<b>2,750,000</b>	<b>-</b>	<b>2,750,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

FROM										
Summary of Anticipated Funding Sourced and Amounts										
Project	Estimated Total Cost	Current Year	Future Years	Planned funding Services for Current Year				2023		
				Capital Improvement Fund	Capital Surplus	Grants	General	Self Liquidating	Assessment	School
Annual Road Program	2,250,000			112,500			2,137,500			
Various Water System Improvements	500,000			-				500,000		
	-			-			-			
<b>Total All Projects</b>	<b>2,750,000</b>	<b>-</b>	<b>-</b>	<b>112,500</b>	<b>-</b>	<b>-</b>	<b>2,137,500</b>	<b>500,000</b>	<b>-</b>	<b>-</b>

TO								
CAPITAL BUDGET (CURRENT YEAR ACTION )								
2023								
			Planned funding Services for Current Year					
	Estimated Total Cost	Amount Reserved Prior Years	2023 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants	Debt Authorized	To be Funded in Future Years
2023 Road Program	2,050,000			100,000		-	1,950,000	
Water Service Line Replacement Program	950,000			-			950,000	
Water Main Replacement Program	950,000			-			950,000	
Total All Projects	3,950,000	-	-	100,000	-	-	3,850,000	-

TO								
Anticipated Project Schedule and Funding Requirements								
			Funding Amounts per Year					
	Estimated Total Cost	Estimated Completion Time	SFY 2023	SFY 2024	SFY 2025	SFY 2026	SFY 2027	SFY 2028
2023 Road Program	2,050,000		2,050,000					
Water Service Line Replacement Program	950,000		950,000					
Water Main Replacement Program	950,000		950,000					
Total All Projects	3,950,000	-	3,950,000	-	-	-	-	-



TO										
Summary of Anticipated Funding Sourced and Amounts										
Project	Estimated Total Cost	Planned funding Services for Current Year						2023		
		Current Year	Future Years	Capital Improvement Fund	Capital Surplus	Grants	General	Self Liquidating	Assessment	School
2023 Road Program	2,050,000			100,000		-	1,950,000			
Water Service Line Replacement Program	950,000			-				950,000		
Water Main Replacement Program				-				950,000		
Total All Projects	3,000,000	-	-	100,000	-	-	1,950,000	1,900,000	-	-

**BE IT FURTHER RESOLVED** that three (3) copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

**RESOLUTION**  
**CITY OF RAHWAY, NEW JERSEY**

No. AR-168-23

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF  
REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A.  
40A:4-87 (CHAPTER 159, P.L. 1948) National Opioid Settlements Grant - \$56,692.00**

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such items shall have been made available by law and the amount thereof was undetermined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amounts.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Rahway, County of Union, and State of New Jersey hereby requests that the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year 2021 Budget in the sum of **\$56,692.00** which is now available as revenue from:

PUBLIC & PRIVATE REVENUES – OFFSET BY APPROPRIATIONS:  
**National Opioid Settlements Grant - \$56,692.00**

**BE IT FURTHER RESOLVED** that a like sum of **\$56,692.00** and the same is hereby appropriated under the caption of General Appropriations Excluded from “CAPS”

PUBLIC & PRIVATE PROGRAMS – OFFSET BY REVENUES:  
**National Opioid Settlements Grant - \$56,692.00**

**BE IT FURTHER RESOLVED** that the above is a result of a grant from the  
**National Opioid Settlements**

**BE IT FURTHER RESOLVED** that three (3) certified copies of this resolution be submitted to the Director of the Division of Local Government Services.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-29-23

### AN ORDINANCE AMENDING CHAPTER 53 “LAND USE PROCEDURES” TO PERMIT IN-HOUSE PROFESSIONALS APPOINTED AS BOARD PROFESSIONALS TO CHARGE A DEVELOPMENT APPLICATION ESCROW ACCOUNT

**WHEREAS**, Chapter 53 Land Use Procedures establishes the rules and regulations for the City’s Land Use Boards, including regulations related to development applications;

**WHEREAS**, the City of Rahway is amending Chapter 53 Land Use Procedures to permit In-House professionals that are appointed as Board Professionals to charge the development application escrow account.

**NOW, THEREFORE**, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

All new language is depicted in **bold and underlined** and deletions are depicted in ~~strikethrough~~.

**Section 1.** Section 53-1 Definitions Chapter 53 Land Use Procedures Article I Definitions shall be amended to read as follows:

#### Article I Definitions

##### § 53-1 Definitions.

A. Whenever a term is used in this chapter which is defined in P.L. 1975, c. 291,<sup>[1]</sup> such term is intended to have the meaning set forth in the definition of such terms found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.

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

#### ADMINISTRATIVE OFFICER

The administrative officer for purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall be the ~~Director of Building, Planning and Economic Development~~ **City Planner**.

#### COMPLETE APPLICATION

An application form completed as specified by ordinance and the rules and regulations of the municipal agency and all accompanying documents required by ordinance for approval of the application for development, including, where applicable, but not limited to, a site plan or subdivision plat, provided that the municipal agency may require such additional information not specified in the ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency. An application shall be certified as complete immediately upon the meeting of all requirements specified in the ordinance and in the rules and regulations of the municipal agency and shall be deemed complete as of the day it is so certified by the

administrative officer for purposes of the commencement of the time period for action by the municipal agency.

#### COUNTY PLANNING BOARD

The County Planning Board as defined in Section 1 of P.L. 1968, c. 285, N.J.S.A. 40:27-6.1, of the county in which the land or development is located.

#### DEVELOPMENT

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land, including alteration to a site, for which permission is required pursuant to this chapter.

#### **IN-HOUSE PROFESSIONALS**

**Engineers, planners, attorneys and other professionals whose salary, staff support and overhead are provided by the City.**

#### LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

#### MAJOR SUBDIVISION

Any subdivision not classified as a "minor subdivision."

#### MASTER PLAN

A composite of one or more written or graphic proposals for the development of the municipality, as set forth in Chapter 291 of the Laws of New Jersey 1975.

#### MINOR SITE PLAN

A development plan of one or more lots which proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to this chapter; and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

#### MINOR SUBDIVISION

A subdivision of land for the creation of not more than two lots, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to this chapter.

#### MUNICIPAL AGENCY

Refers to either the Municipal Planning Board or the Zoning Board of Adjustment, depending on which Board has reviewing authority.

#### OFFICIAL MAP

A map adopted by ordinance pursuant to Chapter 291 of the Laws of New Jersey 1975.

#### OFF-SITE

Located outside of the lot lines of the lot in question but within the property of which the lot is a part which is the subject of a development application, or a contiguous portion of a street or right-of-way.

OFF-TRACT

Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE

Located on the lot in question.

ON-TRACT

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OUTSIDE PROFESSIONALS — Engineers, planners, attorneys and other professionals whose salary, staff support and overhead are not provided by the City of Rahway. Outside professionals shall include, without limitation, consultants who are approved annually by the City or the reviewing board or consultants whose services are required when an application presents issues which are beyond the scope of the expertise of the annually appointed professionals who normally serve the reviewing board or the City.**

PERFORMANCE GUARANTY

Any security which may be accepted by a municipality, including cash, provided that a municipality shall not require more than 10% of the total performance guaranty in cash.

PLAT

A map or maps of a subdivision.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by law or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, "streets" shall be as classified in the Municipal Master Plan.

SUBDIVISION

The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes, where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons, provided that all of the above are found and certified by

the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

TRANSCRIPT

A typed or printed verbatim record of the proceedings, or reproduction thereof.

**Section 2.** Section 53-31 Professional review fees and escrow Chapter 53 Land Use Procedures Article IV Provisions Applicable to Both Municipal Agencies shall be amended to read as follows:

§ 53-31 Professional review fees and escrows.

A. In addition to the fees set forth in § 53-30C, an applicant shall be responsible for reimbursing the City for escrow deposits in accordance with the provisions of the fee and deposit schedule set forth in § 53-31D. The Chief Financial Officer of the municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq., including, without limitation:

(1) Expenses and applications.

(a) All expenses of professional personnel **appointed by the Board to provide necessary professional services** ~~incurred and paid by the City necessary,~~ **including In-House professionals and Outside Professionals** to process an application for development before the approving Board, including, without limitation:

[1] Charges for reviews by professional personnel of applications and accompanying documents;

[2] Issuance of reports by professional personnel to the approving board setting forth recommendations resulting from the review of any documents submitted by the applicant;

[3] Charges for any telephone conference or meeting with the applicant, his attorney or any of his experts;

[4] Review of documents submitted by the applicant and issuance of reports relating thereto;

[5] Review or preparation of documents, including but not limited to easements, developers' agreements, deeds, resolutions of approval or the like; and

[6] Preparation for and attendance at hearings on the application.

(b) Applications for development shall include appeals, interpretation, site plans, subdivisions, bulk variances, conceptual reviews and any other development application.

(2) The costs of expert advice and/or testimony obtained by the approving board in connection with its consideration of the application.

**(3) Charges against the escrow**

**[1] Outside Professionals. Charges for professional services of Outside Professionals shall be based upon a schedule of fees established by appropriate action of the City Council or reviewing board and shall include the dollar amount of all charges by Outside Professionals (as**

defined herein) for professional services rendered to the City and/or the reviewing board in connection with the application, plus all actual out-of-pocket disbursements incurred in regard to such services.

[2] Fess and escrow charges for In-House Professionals appointed by the Board shall be based on the median dollar amount of the hourly base salary range pursuant to Chapter 89 Salaries and Compensation of each In-House Professional who has rendered professional services to the City and/or the reviewing board in connection with the application multiplied by both of the following: 1)The total number of hours of professional services rendered by each in-house professional in connection with the application. (2) Two hundred percent.

B. No applicant shall be responsible to reimburse the municipality for any of the following:

(1) Except as otherwise set forth in Subsection A(2) and A(3)[2] above, attendance by the municipality's professional personnel at any regularly scheduled meeting of the approving Board; provided, however, that the municipality shall be entitled to be reimbursed for attendance of its professional personnel at special meetings of the approving Board which are called at the applicant's request. Nothing contained herein shall be construed as requiring the approving Board to grant an applicant's request to hold a special meeting.

(2) Except as otherwise set forth in Subsection A(1)(a)[7] above, the preparation of a resolution or memorializing resolution setting forth the findings of fact and conclusions of the approving Board with respect to an application.

C. The term "professional personnel" or "professional services," as used herein, shall include the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser or other expert who would provide professional services to ensure an application complies with the standards set forth in this chapter and other experts whose testimony is in an area testified to by any of the applicant's experts.

D. Escrows.

(1) Subject to the provisions of Subsection E hereinbelow, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Act,<sup>11</sup> submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

(a) Residential development.

Number of Units	Escrow Amount To Be Posted
0 to 3	\$2,000
4 to 10	\$3,000
11 to 25	\$4,500
26 to 100	\$7,500
100 or more	\$10,000

(b) All other development applications involving structures.

Total Floor Plan (square feet)	Escrow Amount To Be Posted
0 to 500	\$3,000

Total Floor Plan (square feet)	Escrow Amount To Be Posted
501 to 1,000	\$4,000
1,001 to 5,000	\$4,500
5,001 to 10,000	\$7,000
10,001 to 15,000	\$9,000
15,001 to 20,000	\$10,000
20,001 to 25,000	\$12,500
25,001 to 100,000	\$15,000
Over 100,001	\$18,000

(c) Escrows shall be deposited and disbursed pursuant to the provisions of N.J.S.A. 40:55D-53.1. Escrow deposits shall be replenished by the applicant as required by N.J.S.A. 40:55D-53h.

(2) If the approving agency is requested to have a special meeting by the applicant and decides to do so, the applicant shall have professional fees deducted from the escrow fees per this section. Professionals attending meetings may bill at the rate of four hours minimum which may be distributed over one applicant or multiple applicants who so requested the special meeting. If the planning consultant requested by the applicant to review the application prior to formal submission of the application, the fee shall be \$150 for each consultation, which shall be deposited in the escrow fund.

(3) The sums hereinabove set forth are estimates and, during its review of an application for development, the approving Board may determine that such sums are sufficient, excessive or insufficient, based upon the following criteria:

(a) The presence or absence of public water and/or sewer servicing the site.

(b) Environmental considerations, including without limitation geological, hydrological and ecological factors.

(c) Traffic impact of the proposed development.

(d) Impact of the proposed development on existing aquifer and/or water quality.

(e) Impact on improvements which might require off-tract or off-site contributions.

(4) In the event that the approving Board shall determine said amount is excessive, it shall, upon the prior written request of the applicant and by resolution, specify the amount that shall be deemed sufficient, including a specification, if appropriate, that no escrow be posted, and the excess of the escrowed amount over the amount so determined shall be refunded to the applicant, together with such interest as allowed by Subsection G below. In the event that the approving Board shall determine the amount specified above is insufficient, it shall, by resolution, so specify and shall further set forth the additional amount required to be posted in light of the criteria specified herein. Said additional amount shall be paid by the applicant prior to advancing to the next step in the approval procedure.

E. Conditions and requirements.



(1) No subdivision plat or deed or site plan shall be signed, nor shall any zoning permits, building permits, certificates of occupancy or any other types of permits be issued with respect to any approved application for development until:

(a) All bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application.

(b) Payment of such bills has been approved by the Department of Health, Welfare and Building.

(c) The applicant has reimbursed the municipality the excess of such bills over the escrowed amount otherwise herein provided for.

(2) If the amount of the deposit exceeds the actual cost as approved for payment by the governing body, the developer shall be entitled to a return of the excess deposit, together with such interest as allowed by Subsection G below. The administrative officer shall determine the position of all escrow accounts and, where additional funds are required, it shall be the obligation of the administrative officer to so notify the applicant of the amounts needed. At the time of filing the application for development, the applicant shall execute an escrow agreement containing the terms set forth herein.

F. No professional personnel submitting charges to the municipality for any of the services referred to in Subsection A above shall charge for any of the services contemplated by said section at any higher rate or in any different manner than would normally be charged the municipality for similar work as ascertained by the professional's contract of employment with the municipality or by provisions of the Municipal Salary Ordinance. Payment of any bill rendered by a professional to the municipality in respect to any service for which the municipality is entitled to reimbursement under this section shall in no way be contingent upon receipt of reimbursement by the developer, nor shall any payment to a professional be delayed pending reimbursement from a developer.

G. Deposits received from any developer pursuant to Subsection D shall be deposited in a banking institution or savings and loan association in this state insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The municipality shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him by the municipality annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipality may retain for administrative expenses a sum equivalent to no more than 33⅓% of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-30-23    

### AN ORDINANCE AMENDING CHAPTER 411 OF THE CODE OF THE CITY OF RAHWAY (“WATER”)

**BE IT ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 411 of the Code of the City of Rahway is hereby amended to read as follows:

**§ 411-1 Rates and charges.**

The rates and charges for water and services to be supplied by the Division of Water shall be as set forth in the following schedules, and the Division of Water Accounts shall render bills and accounts in accordance with said schedules from and after the effective date of this chapter.

- A. Schedule I: Water supplied through a meter shall be charged for at a rate per thousand cubic feet as listed in Section H of this ordinance. Commercial and industrial accounts with meters larger than one inch will be billed monthly. The minimum charge shall be as per meter size as follows and will be increased annually as per rates listed in Section H of this ordinance.

5/8	\$	23.89	\$	71.67
3/4	\$	36.92		110.76
1	\$	60.81		182.42
1 1/2	\$	119.44		358.33
2	\$	191.11		573.32
3	\$	390.90		1,172.70
4	\$	597.21		1,791.63
6	\$	1,194.42		3,583.25
8	\$	1,802.48		5,407.45
10	\$	3,691.83		11,075.50
12	\$	4,299.90		12,899.70

- B. Schedule IA: Rates for Manufactured Water and Non Manufactured Supplied Water.

- (1) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**MANUFACTURED WATER** — Water that is produced, supplied, metered and billed for by the Division of Water of the City of Rahway.

**NONMANUFACTURED SUPPLIED WATER** — Water used by Rahway consumers that is not necessarily produced, supplied or metered by the City Division of Water but the use of which is arranged for or administered by and billed for by the City Division

of Water, and includes any such water supplied to Rahway consumers from utilities other than the City Division of Water. It is hereinafter referred to as "NMS water."

- (2) Base rate. For any consumer whose water supply consists of manufactured water and NMS water, the base rate shall be \$71.67 per thousand cubic feet.
- (3) Surcharge. Any increase in costs of charges to the City for NMS water above current costs or charges to the City for NMS water shall be passed on in the form of a surcharge to users of NMS water, and users shall be liable in full for such increases, based on their usage of NMS water.

C. Schedule II: Private Fire Service Rates:

- (1) Private fire service rates shall be as follows:

<b>Size of Service (inches)</b>	<b>Quarterly Charge</b>
2 or less	\$ 175.00
3	350.00
4	525.00
6	900.00
8	1,350.00
10	1,850.00
12	2,150.00

- (2) Testing.
  - (a) No water shall be used through private fire service connections except for test purposes or in case of fire, and no charge shall be made for water so used.
  - (b) Water for testing without charge is limited to a maximum of 1,000 cubic feet per quarter.

D. Schedule IIA: Fire Hydrant Charges.

- (1) Private fire hydrants. Private fire hydrants are installed and owned by the owner of the property on which they are installed. A charge of \$850.00 per year, per hydrant, will be billed to the property owner. The hydrants will be maintained by the Division of Water.
- (2) Leased fire hydrants. Leased fire hydrants are installed within the right-of-way of other municipalities. They are billed to the requesting municipal agency at a rate of \$325.00 per year, per hydrant. The hydrants are installed and maintained by the Division of Water.

E. Schedule III: Water for Temporary Purposes.

- (1) Water for temporary purposes supplied through meters shall be billed at the rates set forth in Schedule I, but a deposit of \$120 per inch of diameter or fraction thereof shall be required for the meter.
- (2) Water supplied for temporary purposes without meters shall be billed at the minimum quarterly rate in Schedule I for any use of three months or less. Charge for additional time will be at the same rate.
- (3) The Division of Water will provide adapters and hydrant wrenches for the above at a nonrefundable charge of \$30 per item. A separate deposit of \$200 will also be required.

F. Schedule IV: Water Supply Installations. Charges for new water supply installations shall be as follows:

- (1) Applicants seeking to install new water supply lines shall submit plans to the contract manager for the Water Division and pay a permit fee of \$250 for plan review and inspection of the installation for any line up to two inches in diameter. No permit shall be issued until the Water Connection Fee has been paid in accordance with Section 411-4.
- (2) Applicants seeking to install new water supply lines in excess of two inches shall submit plans to the contract manager for the Water Division and pay a permit fee based upon actual costs for plan review and inspection of the installation.
- (3) Curb settings.
  - (a) When it is necessary that the meter be set outside the building, the contract manager for the Water Division will place a meter setting for services and meters one inch in diameter or less.
  - (b) The charge for the curb setting shall be at cost, including labor and materials. This charge is in addition to the permit fee for a new service installation as listed above.
- (4) The property owner shall submit plans for pit settings for meters one and one-half inches or longer and pay a permit fee of \$250 for plan review and inspection. These pits shall be constructed and maintained by the property owner.

G. Schedule V: Services Not Involving the Use of Water.

- (1) Removing, repairing or replacing lost or damaged meters due to negligence: The charge for meters of all sizes shall be at cost, including labor and materials.
- (2) Resumption of service after discontinuance for nonpayment of bills or violations of rules and regulations of the Water Division: \$30 per inch of diameter of meter or fraction thereof for the first shutoff and \$60 per inch of diameter of meter or fraction thereof for any additional shutoffs within two years.

- (3) Removing and replacing undamaged meters within a period of one year after installation at the request of a customer: \$30 per inch of diameter of meter or fraction thereof.
- (4) Relocation of hydrants, shutoff valves or other appurtenances of the water supply system at the request of the customer: The charge shall be fixed by the Superintendent of Water, based upon cost to the Water Division, and paid in advance.
- (5) Request for services of non-emergency nature after normal working hours will be billed to customer. Charge will be equivalent to the cost incurred by the Division of Water.
- (6) Customer request for meter testing because of high bill: \$50
- (7) Deposits for meters installed outside of City limits.

<b>Size (inches)</b>	<b>Charges</b>
5/8 x 3/4	\$ 50.00
3/4	75.00
1	100.00
1 1/2	200.00
2	250.00

H. Schedule VI. Effective on the dates indicated, all rates, fees and charges as set forth above in Schedules I through V, inclusive, shall be as follows:

- (1) The following rates for metered consumption shall take effect on the dates indicated:

<b>Date</b>	<b>Rate</b>
August 1, 2023	\$ 71.67/kcf
January 1, 2024	\$ 77.39/kcf
January 1, 2025	\$ 83.59/kcf
January 1, 2026	\$ 87.77/kcf
January 1, 2027	\$ 92.15/kcf
January 1, 2028	\$ 96.76/kcf
January 1, 2029	\$101.60/kcf
January 1, 2030	\$106.68/kcf
January 1, 2031	\$112.01/kcf
January 1, 2032	\$117.61/kcf

- (2) Minimum charges shall increase accordingly.

I. Schedule VII: Delinquent Water Utility Charges; Interest Rates.

- (1) Grace period. Bills are due upon receipt. A grace period of 30 calendar days is provided, within which a payment of water utility charges may be hereafter received without any charge for interest, provided that such payment is received within said

thirty-calendar-day period after the billing date upon which the amount becomes payable.

- (2) Interest rates. After the above grace period, water utility charges shall be considered delinquent, and interest shall run against such delinquent charges at the rate of eight percent (8%) on the first one thousand five hundred dollars (\$1,500) of the delinquent water utility charges and eighteen percent (18%) on any delinquent sums in excess of one thousand five hundred dollars (\$1,500).
- J. Schedule VIII: Bad Check Charge: Should the City receive a negotiable instrument from a customer, in payment of a bill, charge or deposit due, and such instrument is subsequently dishonored or uncollectible for any reason, the City shall charge the customer a handling charge of \$25

#### § 411-2 Nonprofit Organizations

- A. For the purpose of this section, the term “nonprofit organization” shall be defined as any organization which qualifies under the terms of N.J.S.A. 12A:40A:12-21 (a) through (1) or such other statutes concerning aid by municipalities to private organizations.
- B. All nonprofit organizations shall be billed for and be required to pay for all water consumed as per the terms of § 411-1 hereof.
- C. Any eligible nonprofit organization may apply for and receive reimbursement for water bills paid under the following terms and conditions:
  - (1) That said organization has, at the conclusion of its fiscal year, submitted audited financial statements to the Division of Water.
  - (2) That said financial statements demonstrate that said nonprofit organization operated at a loss for the fiscal year submitted.
  - (3) That the sum of water bills paid for said fiscal year are equal to or more than 5% of the demonstrated losses as revealed by the financial statement.
  - (4) That when the organization is a component of, or subsidiary to, any other organization, the requirements and criteria established hereby shall be applied to any and all such organizations taken together as a whole. Any organization applying for free water by reimbursement must provide the required records for such other organizations also or a legal statement that it is not a component of, a division of, or subsidiary to, any other organization.
  - (5) Any reimbursements made hereunder shall be in full for the applicable fiscal year.
- D. The provisions of this section shall be administered by the Division of Water, which administration shall include the use of formal application forms. Actual approval or denial of reimbursement shall be done by a resolution of the Municipal Council of the

City of Rahway as a matter of public record following the receipt of written reports from the Division of Water regarding the application. The Division of Water is authorized to adopt such other rules or regulations necessary to effectuate the terms of this section.

§ 411-3 Special Rates for Senior Citizens

Special rates for senior citizens. For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be as follows:

- (1) One-family dwelling: \$5 per quarter for 1,100 cubic feet or less.
- (2) All other rate provisions, including excess usage rate, shall be set forth above.

**BE IT FURTHER, ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

**BE IT FURTHER, ORDAINED**, this ordinance shall take effect upon adoption and approval in accordance with applicable law.

# ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.   O-31-23  

### AN ORDINANCE AMENDING CHAPTER 337, “SEWERS AND SEWAGE DISPOSAL” ARTICLE XII, “ESTABLISHMENT; ORGANIZATION; USER FEES” SECTION 337-52 “FEES” SETTING RATES AND FEES FOR THE USE OF THE SEWER SYSTEM

**NOW THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 337 “Sewers and Sewage Disposal”, Article XII, “Establishment; Organization; User Fees”, Section 337-52 “Fees” of the Code of the City of Rahway be and is hereby amended and supplemented to read as follows:

**§ 337-52 Rates and charges.**

A. The charges and rents for connection to and use of the sewer system shall be fixed by this Part 5 and shall not be altered, amended or repealed by the provisions of this article. The purpose of this Part 5 is to impose an annual user fee as hereinafter defined on all domestic, commercial, industrial, institutional and government users of the Sewer Utility. A "user fee" is defined as a fee levied upon all users of the Sewer Utility for the annual cost of operation and maintenance of the Sewer Utility.

**SIGNIFICANT INDUSTRIAL USERS**

Industrial users generating sufficient wastewater quantities to meet definitions established by the NJDEP and/or the RVSA and shall meet all Township, RVSA and NJDEP monitoring and reporting requirements.

D. User fees. User fees are established as follows:

(1) Residential; annual charge:	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
(a) Single family:	\$350	\$385	\$416	\$449	\$472	\$495	\$520	\$546
(b) Two family:	\$552	\$607	\$656	\$708	\$744	\$781	\$820	\$861
(c) Condominium:	\$285	\$314	\$339	\$366	\$384	\$403	\$423	\$444
(d) For each additional family unit above a two-family the annual charge shall be the current year amount plus \$185 for each family unit above a two-family home.								
(e) For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be \$50.								
(2) Commercial; industrial:	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
(a) Minimum annual charge per account (plus usage):	\$498	\$548	\$592	\$639	\$671	\$704	\$740	\$777
(b) Usage: per 1,000 gallons.	\$5.90	\$6.49	\$7.01	\$7.57	\$7.95	\$8.35	\$8.76	\$9.20



(3) Not-for-profit; apartment; governmental:

(a)	Minimum annual charge	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
	per account (plus usage):	\$186	\$205	\$221	\$239	\$251	\$263	\$276	\$290

(b)	Usage: per 1,000 gallons.	\$3.75	\$4.13	\$4.46	\$4.81	\$5.05	\$5.30	\$5.57	\$5.85
-----	---------------------------	--------	--------	--------	--------	--------	--------	--------	--------

(4) Significant industrial user (e.g. Merck):

(a)	Minimum annual charge	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
	per account (plus usage):	\$498	\$548	\$592	\$636	\$671	\$704	\$740	\$777

(b)	Usage: per 1,000 gallons.	\$7.50	\$8.25	\$8.91	\$9.62	\$10.10	\$10.61	\$11.14	\$11.70
-----	---------------------------	--------	--------	--------	--------	---------	---------	---------	---------

(5) Significant industrial users' solid waste charges. In addition to the billing charges assessed herein, the significant industrial users will be charged those fees assessed by the RVSA based on BOD and TSS.

**BE IT FURTHER ORDAINED**, all rates be effective on October 1, of the year listed.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, this ordinance shall take effect upon adoption and approval in accordance with applicable law.