

**AGENDA (revised)
REGULAR MEETING
BOROUGH OF SEA BRIGHT**

MAY 17, 2022

SEA BRIGHT, NEW JERSEY

TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:

<https://meet.goto.com/883405397>

OR DIAL: (571) 317-3112

Access Code: 883-405-397

CALL MEETING TO ORDER: 7:00pm

PLEDGE OF ALLEGIANCE

COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)

Good Evening Ladies and Gentlemen. This Meeting Is Now Called To Order: In Line with The Borough of Sea Bright's Longstanding Policy of Open Government, and in Compliance with the "Open Public Meetings Act" I Wish to Advise You That Adequate Notice of This Regularly Scheduled Meeting Was Sent to the Asbury Park Press and other local newspapers on January 10, 2022. In each instance, the Date, Time, And Location of This Meeting Were Provided in The Notice. This Meeting Is Open To The Public."

ROLL CALL:

Councilmember(s) BIEBER ____ BIRDSALL ____ BOOKER ____
 CATALANO ____ KEELER ____ LAMIA ____

Mayor KELLY ____

REMARKS FROM THE AUDIENCE (limited to 3 minutes)

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

CONSENT AGENDA

Councilmember _____ offered a motion to approve the items that are considered routine in nature under the consent agenda; seconded by Councilmember _____

Minutes

05-03-22 Regular Meeting
05-03-22 Executive Session

Resolutions:

No. 103-2022 Awarding Raises for Non-Union Employees

No. 104-2022 Zoning Officer Appointment

No. 105-2022 Appoint Representative to the Monmouth County Regional Board of Health Commission No. 1

No. 106-2022 Hiring Seasonal Volunteer Firefighters

No. 107-2022 Hiring Seasonal Borough Employees

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

ORDINANCE(s):

Public Hearing: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 04-2022
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201,
"VEHICLES AND TRAFFIC", OF THE CODE OF
THE BOROUGH OF SEA BRIGHT.**

Councilmember _____ offered a motion to open the public hearing on Ordinance No. 04-2022; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

Public Hearing (Ord. No. 04-2022)

Councilmember _____ offered a motion to close the public hearing on Ordinance No. 04-2022; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

Councilmember _____ offered a motion to adopt Ordinance No. 04-2022 and advertise according to law; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 05-2022
**AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 201,
"VEHICLES AND TRAFFIC," ARTICLE IV, "MUNICIPAL PARKING," SECTION 201-
33, "RESIDENTIAL PERMIT PARKING DESIGNATED," PARAGRAPH 201-33A, OF
THE CODE OF THE BOROUGH OF SEA BRIGHT**

Councilmember _____ offered a motion to introduce Ordinance No. 05-2022 for a public hearing to be held on June 21, 2022 and advertise according to law; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

Introduction: Mayor Kelly to read the ordinance by title:

ORDINANCE NO. 06-2022

AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF SEA BRIGHT CODE OF ORDINANCES TO REPEAL CHAPTER 115 ENTITLED "FLOOD DAMAGE PREVENTION;" TO ADOPT A NEW CHAPTER 115 ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS;" TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilmember _____ offered a motion to introduce Ordinance No. 06-2022 for a public hearing to be held on June _____, 2022 and advertise according to law; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

INDIVIDUAL ACTION/New Business:

Vouchers: \$230,238.78

Councilmember _____ offered a motion to approve the Voucher List dated May 17, 2022 as submitted by the Finance Manager; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

MAYOR AND COUNCIL COMMENTS

EXECUTIVE SESSION

Councilmember _____ offered a motion to enter in to Closed Session; seconded by Councilmember _____

Resolution to discuss: TBD

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

ADJOURNMENT

Councilmember _____ offered a motion to adjourn the meeting; seconded by Councilmember _____

Roll Call: Bieber____ Birdsall____ Booker____ Catalano____ Keeler____ Lamia____

RESOLUTION NO. 103-2022
BOROUGH OF SEA BRIGHT
AWARDING RAISES FOR NON-UNION EMPLOYEES

Councilmember introduced and offered for adoption the following resolution;
seconded by Councilmember :

WHEREAS, the Borough of Sea Bright is a municipal employer with full time and part time staff; and

WHEREAS, the governing body has provided for a 3.0% increase in salary and wages in the 2022 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, do hereby authorize the 2022 annual salary increase of 3.0% for non-union employees, retroactive to January 1, 2022; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Finance Manager
2. CFO
3. Borough Administrator

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia

May 17, 2022

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 17, 2022.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 104-2022
ZONING OFFICER APPOINTMENT

Councilmember _____ introduced and offered the following resolution for its adoption; seconded by Councilmember _____ :

WHEREAS, there exists a need for a part-time Zoning Officer in the Borough of Sea Bright; and

WHEREAS, it is in the best interest of the Borough to appoint Mary Tangolics to fill said position at the annual rate of pay of \$27,500 in accordance with the Borough's salary Ordinance No. 04-2021.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer, of the Borough of Sea Bright, do hereby certify that funds are available in 2022 Budget – Line Item: Planning Board – Salaries and Wages for the purpose stated herein.

Michael J. Bascom, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, do hereby appoint Mary Tangolics to serve as the Zoning Officer at the annual rate of pay of \$27,500.00; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Building Department
2. Planning Board Secretary
3. Finance Manager
4. Mary Tangolics

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia

May 17, 2022

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on May 17, 2022.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 105-2022
APPOINT REPRESENTATIVE TO THE
MONMOUTH COUNTY REGIONAL BOARD OF HEALTH COMMISSION NO. 1

Councilmember introduced and offered the following resolution for approval;
seconded by Councilmember :

WHEREAS, in accordance with N.J.S.A. 26:3A2-1 et seq, the Borough of Sea Bright entered into a public health program agreement with the Monmouth County Regional Health Commission No. 1. effective September 1, 2011; and

WHEREAS, by way of Resolution No. 41-2022 on February 1, 2022, the Borough Council appointed Paul Roman to serve as the Borough's Monmouth County Regional Health Commission No. 1's Representative for a term expiring on June 1, 2022; and

WHEREAS, the Borough Council wishes to re-appoint Mr. Roman to continue serving as the Borough's representative through the remainder of the 2022 calendar year.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough Sea Bright, County of Monmouth, New Jersey does hereby re-appoint Paul Roman to serve as the Borough's Representative on the Monmouth County Regional Health Commission No. 1, for the remainder of the 2022 calendar year; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the following:

1. Finance Manager
2. Monmouth County Regional Health Commission No. 1
3. Paul Roman
4. Dr. Margaret C. Fisher, M.D.

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia

May 17, 2022

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 17, 2022.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 106-2022
HIRING SEASONAL VOLUNTEER FIREFIGHTERS
BOROUGH OF SEA BRIGHT FIRE DEPARTMENT

Councilmember offered the following resolution for approval; seconded by
Councilmember :

WHEREAS, Chapter 20, Section 20.4 of the General Code, Fire Department membership requires any person desiring membership in a volunteer fire department, shall complete an application; may be required to have a pre-appointment physical by a physician; and the Borough Council shall order a criminal background check to be conducted by the Chief of Police; and

WHEREAS, the Fire Department received application(s) from the following individual(s), all pre-appointment requirements have been met and the Fire Chief recommends they be hired to serve as seasonal volunteer firefighters on the Sea Bright Fire/Rescue Department:

Seasonal Membership

Chase Davis
Paulo Gaspar
Sara Gaspar
Kyle LoPresti
John Papay
Thomas Pietrulewicz

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby accept and approve the hiring of the above-named individuals to serve as seasonal members on the Sea Bright Fire Department; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to send a certified copy of this resolution to the following:

1. Borough of Sea Bright Fire Chief
2. Individual Members

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia

May 17, 2022

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 17, 2022.

Christine Pfeiffer, Borough Clerk

RESOLUTION NO. 107-2022
HIRING SEASONAL BOROUGH EMPLOYEES

Councilmember introduced and offered for adoption the following Resolution; seconded by
Councilmember :

WHEREAS, there exists a need for seasonal employees in the Borough of Sea Bright; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey that the following employees be hired and receive the hourly rate of pay in accordance with the Borough's Salary Ordinance No. 04-2021.

CERTIFICATION OF FUNDS

I, Michael J. Bascom, Chief Financial Officer of the Borough of Sea Bright, do hereby certify that funds are available in Beach - Salaries & Wages and DPW - Salary & Wages for the purposes stated herein.

Michael J. Bascom, CFO

<u>Employee</u>	<u>BEACH/DPW - Salaries & Wages</u>	<u>Position</u>
Susie Markson		Assistant to the Beach Manager
Dr. Matt Letizia		Medical Director
Mike Hudson		Lifeguard Captain
Dylan Bucci		Lifeguard
Isabella Bulhoes		Lifeguard
Joseph Burrino		Lifeguard
Aidan Casuccio		Lifeguard
Hayden DeLanzo		Lifeguard
Conor Doogan		Lifeguard
Joseph Doughney		Lifeguard
Kasey Doughney		Lifeguard
Jack Forsman		Lifeguard
Indro Ghosh		Lifeguard
Will Gulick		Lifeguard
Aidan Hannigan		Lifeguard
Michael Hannigan		Lifeguard
Barrett Heine		Lifeguard
William Horwath		Lifeguard
Jacqueline Izzo		Lifeguard
Ashely Julian		Lifeguard
Jillian Kenney		Lifeguard
Alex Lane		Lifeguard
Thomas Labrecque		Lifeguard
Sean Larson		Lifeguard
John Lauria		Lifeguard
Dan Maloney		Lifeguard
Hunter Manning		Lifeguard
Michael Marsicano		Lifeguard
Marco Mastropietro		Lifeguard

Sean McCabe	Lifeguard
Abigail Michaelson	Lifeguard
KC O'Brien	Lifeguard
Ian O'Neil	Lifeguard
Alexis Shanker	Lifeguard
Gabriel Stypul	Lifeguard
Ryan Zalinski	Lifeguard

Employee

Position

Jaye Bowler	Badge Checker
Emma Carpenter	Badge Checker
Giuliana Cirillo	Badge Checker
Aiden Coar	Badge Checker
Jack Coleman	Badge Checker
Caroline Donohoe	Badge Checker
Kelley Eagan	Badge Checker
Rachel Eagan	Badge Checker
Meghan Edgerly	Badge Checker
Aaron Fresca	Badge Checker
Ashley Hall	Badge Checker
Kyli Jacobs	Badge Checker
Kristen Kenney	Badge Checker
Alanna Koerner	Badge Checker
Ryan Kozic	Badge Checker
Rebecca Loughran	Badge Checker
Alex Mara	Badge Checker
Tommy Martin	Badge Checker
Jake O'Donnell	Badge Checker
Danielle Romanowski	Badge Checker
Adam Ross	Badge Checker
Liam Wickham	Badge Checker
Celeste Winters	Badge Checker
Gabrielle Winters	Badge Checker

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Finance Manager
2. Beach Manager

Roll Call: Bieber, Birdsall, Booker, Catalano, Keeler, Lamia

May 17, 2022

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on May 17, 2022.

Christine Pfeiffer, Borough Clerk

ORDINANCE NO. 04-2022
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 201,
“VEHICLES AND TRAFFIC”, OF THE CODE OF
THE BOROUGH OF SEA BRIGHT.

BE IT ORDAINED by the Borough Council of the Borough Sea Bright in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 201, “Vehicles and Traffic”, of the Code of the Borough of Sea Bright, be and the same is hereby amended and supplemented to read, in full, as follows:

“Chapter 201. Vehicles and Traffic

Article I. Traffic

§ 201-1. One-way streets.

The following roadways are hereby established as one-way streets:

Name of Street	Direction of Travel	Location
Beach Street	Westbound	Entire length
East Ocean Avenue	Northbound	Between Rt. 36 (Ocean Ave) and East Surf Street
East Surf Street	Eastbound	Entire length
Front Street	Northbound Surf Street	Between Beach Street and
Front Street	Southbound Surf Street	Between Beach Street and
New Street	Westbound	Entire length
Riverview Place Extension	Eastbound and Ocean Avenue	Between Riverview Place
Surf Street	Eastbound	Entire length
Tradewinds Lane	Southbound	Entire length
Village Road	Counterclockwise	Entire length
Wayne Street	Southbound Borough Hall	From East Surf Street to the north perimeter of the parking lot behind
West Ocean Avenue	Southbound Center Street	Between Surf Street and Center Street

§ 201-2. Regulations governing Route 36.

- A. No stopping or standing is permitted along both sides of Route 36 from County Road 520 North to the Bridge and Center Street South to Monmouth Beach. No stopping or standing is permitted along one side, northbound easterly, of Route 36 from the northerly curb line of River Street to County Road 520 and the from the northerly cub line of Center Street to the southerly curb line of East Church Street.
- B. Bus stops:
 - (1) Northbound Route 36 at curb south of River Street, no parking in designated area.
- C. Speed limits. The rate of speed designated for State Highway Route NJ 36/Ocean Avenue in Sea Bright Borough shall be established and adopted as the maximum legal rate of speed:
 - (1) For both directions of traffic from September 15 to May 15 annually:
 - (a) Zone 1: 40 miles per hour between the Monmouth Beach Borough-Sea Bright Borough corporate line and Marius Lane (approximate mileposts 8:00 to 8:82).

- (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8:82 to 9:38).
- (c) Zone 3: 40 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9:38 to 11.68).

(2) For both directions of traffic from May 15 to September 15 annually:

- (a) Zone 1: 35 miles per hour between the Monmouth Beach Borough-Sea Bright corporate line and Marius Lane (approximate mileposts 8.00 to 8.82).
- (b) Zone 2: 30 miles per hour between Marius Lane and 500 feet north of Rumson Road (County Road 520) (approximate mileposts 8.82 to 9.38).
- (c) Zone 3: 35 miles per hour between 500 feet north of Rumson Road (County Road 520) and the Sea Bright Borough-Highlands Borough corporate line (approximate mileposts 9.38 to 11.68).

§ 201-2.1 Violations and penalties.

A. Any violation of § 201-2(A) shall result in the offending person being subject to a fine in the amount of \$125.00

§ 201-3. Regulations governing East Ocean Avenue & West Ocean Avenue

A. Angle parking. Angle parking shall be established on the following streets:

Name of Street	Side	Type	Location
East Ocean Avenue	East	45°	Between Rt. NJ 36 (Ocean Avenue) and East Surf Street
West Ocean Avenue	West	45°	Surf Street to Center Street

B. Stop intersections. The following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Sign(s) On
East Ocean Avenue and East New Street	East New Street
East Ocean Avenue and East Church Street	East Ocean Avenue (both approaches)
West Ocean Avenue and Center Street	Center Street

C. Speed limits.

(1) The speed limit for both directions of travel on the following roadways shall be:

Name of Street	Speed limit (mph)	Limits
East Ocean Avenue	15	Entire length
West Ocean Avenue	15	Entire Length

(2) Regulatory and warning signs shall be erected and maintained to affect the above-designated speed limits.

D. All signs, posts or other necessary materials installed by the Borough shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and 39:4-183.27.

§ 201-4. Mid-Block Crosswalks

§ 201-4.1. Mid-block crosswalks designated.

The following mid-block crosswalks are established in the locations indicated:

1. 1566 Ocean Avenue, by northern entrance.
2. Islandview Way, northern corner of intersection.
3. Imbrie Place, northern corner of intersection.
4. 1340 Ocean Avenue & Tradewinds Lane. Northern entrance to 1340.
5. Village Road, southern entrance.
6. New Street, southern corner of intersection.
7. Church Street, southern corner of intersection.
8. Peninsula Avenue, southern corner of intersection.
9. 960 Ocean Avenue Lot, by southern entrance.
10. Sands Beach Club, 825 Ocean Avenue.
11. Ship Ahoy Beach Club, 801 Ocean Avenue,
12. 700 Ocean Avenue.
13. Riverview Place, southern intersection with Ocean Avenue.
14. Shrewsbury Way, northern corner of intersection.
15. Beach Way, southern corner of intersection.
16. 344 Ocean Avenue, by northern entrance.
17. 280 Ocean Avenue, old Quay.
18. Mountainview Way, southern corner of intersection.

§ 201-5 Enforcement.

- A. The Sea Bright Police Department shall have the authority to issue summonses for violations of this article.
- B. The Sea Bright Police Department may remove and impound any vehicles which are parked in violation of this article. The cost of said removal shall be borne by the vehicle owner or lessee.
- C. Enforcement of this article shall be under the jurisdiction of the Sea Bright Police Department.

Article II. Parking Regulations

§ 201-6. Prohibited parking.

(A) No person shall park a vehicle at any time on the following described streets or parts thereof on the side designated:

Name of Street	Side	Location
Bellevue Place	Both	Entire length
East Surf Street	Both	Entire length
Front Street	West	Entire length

Mountainview Way	Both	Entire length
Sandpiper Lane	Both	Entire length and cul-de-sac
South Street	South	Entire length
Surf Street	North	Entire length
Village Road	Both	North section
Village Road	Both	South section
Village Road	West	East section
Waterview Way	Both	From westerly end of street eastward to intersection of North Way
Wayne Street	East	Entire length
Willow Way	Both	Entire length

(B) No vehicle shall be parked in the Borough except in designated areas and between the lines provided.

(C) Tow-away zones. Any vehicle parked or standing so as to obstruct or impede a normal flow of traffic, block entrances or exit ways, fire zones, loading zones, oil fills, any grassy area or pedestrian walkway, or to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's expense.

§ 201-7 Violations and penalties.

- A. Any person who violates § 201-6(A) above shall be subject to a fine in the amount of \$125.00
- B. Any person who violates § 201-6(B) above shall be subject to a fine in the amount of \$125.00
- C. Any person who violates § 201-6(C) above shall be subject to a fine in the amount of \$125.00

§ 201-8 Prohibited parking of certain vehicles.

- A. The parking of vehicles on either side of any side street of the Borough of Sea Bright shall be limited to types of vehicles commonly referred to as private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle on any side street.
- B. No vehicle over 17 feet long and six feet seven inches in width shall be parked on either side of any side street of the Borough of Sea Bright between the hours of 6:00 p.m. and 6:00 a.m. on any day of the week.
- C. For the purpose of this Article the term "side street" shall mean all streets in the Borough with the exception of State Highway 36 (Ocean Avenue).
- D. "Vehicle," as used in this section, shall mean any motor vehicle that is required by law to bear a license plate for passenger car use. Any motor vehicle which, by reason of a characteristic, coloring or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency shall be considered a vehicle within the terms of this section. A passenger car used for business purposes shall be considered a "vehicle" for purposes of this section.

§ 201-9 Violations and penalties.

A. Any person who violates § 201-8 above shall be subject to a fine in the amount of \$125.00

§ 201-10 Parking Regulated by Time Limitations.

A. Established Time Regulated Parking Areas.

(1) No person shall park a vehicle for longer than the following designated time limit, upon any of the streets or parts of streets described below:

Street	Sides	Time Limit	Location
East Ocean Avenue,	East	thirty-minutes, 10:00 a.m. to 6:00 p.m., May 1 to October 1	From East New Street to East Surf Street
Route 36,	North Bound, Eastern Side	thirty-minutes, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Beginning at the northernly curb line of East Church Street Extending 220 feet northernly therefrom.
Route 36,	South Bound, Western Side	thirty-minutes, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Beginning at a point 395 feet south of the southernly curb line of Rumson Road (County Road 520) and extending to the northernly curb line of Surf Street.
West Ocean Avenue,	South Bound, Western Side	thirty-minutes, 10:00 a.m. to 6:00 p.m., May 1 to October 1	Surf Street to Center Street.
Municipal-Parking Lot,	South	fifteen-minutes, 08:30 a.m. to 4:30 p.m., Monday through Friday	Four (4) spaces directly north and in front of the main entrance to the Municipal Complex.

§ 201-11 Violations and penalties.

A. Any person who violates § 201-10 above shall be subject to a fine in the amount of \$75.00

§ 201-12 Loading and unloading.

- A. All loading and unloading of trucks and delivery vehicles shall be made with such trucks or vehicles parked parallel with the curb line.
- B. Loading zones. The locations described below are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

Streets	Time	Sides	Location
Beach Street	7:00 a.m. to 3:00 p.m.	South	From Ocean Avenue to a point 135 Feet west.
East Surf Street	8:00 a.m. to 6:00 p.m.	South	25 feet east from the apex (corner) of East Ocean Avenue and East Surf Street
East Surf Street	8:00 a.m. to 6:00 p.m.	South	25 west from the apex (corner) of Wayne Street and East Surf Street

- C. Any person who violates § 201-12 above shall be subject to a fine in the amount of \$125.00

§ 201-13 Pay to Park Areas.

- A. No person shall park a vehicle in municipality regulated pay to park areas without paying the required parking fee.
- B. Parking of vehicles in municipally regulated pay to park areas shall be permitted at such rates for paid parking as set forth in rules and regulations adopted by Resolution of the Mayor and Council.
- C. Any person who violates § 201-13 above shall be subject to a fine in the amount of \$48.00

Article III. Handicapped Parking

§ 201-14 Definitions.

As used in this article, the following terms have the following meanings:

HANDICAPPED PARKING SPACE

Any parking space marked with a white striped outline and designated by a sign that contains the reserved parking with universal handicapped symbol in accordance with the R7-8 and R7-8P reserved parking sign and penalty plate of the current Manual on Uniform Traffic Control Devices.

§ 201-15 Handicapped parking spaces to be provided.

The Borough of Sea Bright shall maintain handicapped parking spaces at the following locations:

Parking Area	Spaces provided
East Ocean Avenue Municipal Parking Lot	Three (3) handicapped parking spaces.
Main/Peninsula-House Municipal Lot	Elven (11) handicapped parking spaces.

Wayne Street Municipal Parking Lot Two (2) handicapped parking spaces.

West Ocean Avenue
One (1) handicapped parking space.

960 – Anchorage Lot Two (2) handicapped parking spaces.

East Ocean Avenue on the northbound easterly side, first parking stall south of East Church Street; East Ocean Avenue on the northbound easterly side stalls four and five south of Wayne Street to be designated as one "Handicap/Van Accessible."

§ 201-16 Handicapped Parking Space Designation.

All stalls shall be 12 feet wide and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who have been issued the handicapped parking permits by the Motor Vehicle Commission.

§ 201-17 Construction guidelines; signs.

Parking spaces for the handicapped shall be constructed and marked with signs in accordance with the Uniform Construction Code of the State of New Jersey, Barrier Free Subcode.

§ 201-18 Parking prohibited without identification marker.

No person shall park a vehicle in any parking space designated and marked as being set aside for the handicapped in any public or private parking facility unless said vehicle shall have affixed thereto an identification certificate or marker issued by the New Jersey Motor Vehicle Commission. Parking in a handicapped space without the aforesaid identification shall create a rebuttable presumption that use of the space was not for the handicapped.

§ 201-19 Violations and penalties.

- A. Any person who parks in violation of this section shall be subject to a penalty as prescribed by N.J.S.A. 39:4-197(3)c.

§ 201-20 through § 201-21 (Reserved)

Article IV. Municipal Parking

§ 201-22 Definitions

For purposes of this article, the following definitions shall apply:

MUNICIPAL PARKING AREAS

Shall Include:

- A. The municipal parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue adjacent to the police and fire stations and on which the Beach Pavilion/Library and the Municipal Complex are situated.

- B. The Peninsula-House Lot which shall mean the municipally owned parking lot owned and operated by the Borough of Sea Bright situated on the easterly side of Ocean Avenue north of the municipal parking lot but directly contiguous to it.
- C. The Anchorage lot.
- D. The municipal parking lot located behind the Borough buildings at the intersection of East Center Street and Wayne Street.
- E. Any other municipal parking lot owned or operated by the Borough of Sea Bright.

§ 201-23 Parking regulations.

The Chief of Police shall cause lines or appropriate markings to be painted upon the surface of the municipal parking areas, outlining and designating each parking space, and each and every vehicle shall be parked within said lines or markings. It shall be unlawful for any operator to park any vehicle outside of said lines or markings or to park any vehicle in such a position that it shall not be entirely within the space designated by such lines or markings. Parking within the Peninsula-House Lot, which generally does not have painted designated parking areas, shall be at the direction of a representative of the Police Department when the lot is used for parking purposes. It shall be illegal to park any vehicle within the Peninsula-House Lot in a manner inconsistent with the direction of a representative of the Police Department.

§ 201-24 Type of vehicles; parking allowed.

- A. The parking of vehicles in any of the municipal parking areas covered by this article shall be limited to the types of vehicles commonly referred to as private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle thereon.
- B. No recreational vehicles shall be permitted in any Borough-owned parking lot or "side street" between the hours of 6:00 p.m. and 6:00 a.m.

§ 201-25 Prohibited hours for parking; exceptions.

No parking shall be allowed within the municipal parking areas from May 1 to October 1, other than for emergencies, between the hours of 2:00 a.m. and 7:00 a.m.

§ 201-26 Reserved Parking for Borough Employees & Sea Bright Emergency Service Volunteers.

The following parking spaces shall be reserved as indicated in the municipal parking lot:

- A. Nine (9) reserved parking spaces for Borough Employee parking, Monday through Friday, 7:00 a.m. to 5:00 p.m.
- B. Three (3) reserved parking spaces for Sea Bright Emergency Service Volunteer Members.
- C. Six (6) reserved parking spaces for Sea Bright Police Vehicles and Police Department Staff.

§ 201-27 Violations and penalties.

Any person who violates this Article shall be subject to a fine in the amount of \$125.00

Article V. Residential Permit Parking

§ 201-28 Rules and regulations.

- A. Resident parking permit restrictions shall be established on streets where there has been demonstrated an ongoing, excessive and daily problem which creates a hardship and public safety issues for residents of a municipal street. The purpose of the residential permit parking program is to establish a residential parking program in those areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who reside in those residential areas; to protect residential areas from excessive traffic and parking demand caused by the entry of vehicles from outside that residential neighborhood; to protect residents from unreasonable burdens in gaining access to their residences; and to identify the areas of the Borough where residential parking is preserved so as to not interfere with the provision of parking for the general public. The streets and portions of streets identified in § 201-33 are hereby designated as "residential permit parking only" parking zones.
- B. A residential parking permit of a design specified by the Sea Bright Police Department will be issued to residents of Sea Bright who own or lease a motor vehicle.
- C. Application for residential parking permits shall be made on a form issued by the Sea Bright Police Department. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit. The following is proof of residency: a copy of a valid New Jersey driver's license reflecting an address on a street upon which the permit parking restrictions are imposed in the Borough of Sea Bright, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought, showing an address on a street upon which the permit parking restrictions are imposed. In the case of a vehicle claimed to be leased and used by a Sea Bright resident, a copy of the automobile lease shall be presented to the Borough in lieu of the New Jersey motor vehicle registration. Completed applications shall be submitted to the Sea Bright Police Department. Applications submitted without a copy of a driver's license and vehicle registration or lease shall not be processed.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The resident's placard is to be placed on the rear view mirror and shall be visible at all times while parked in a Permit Zone.
- F. There shall be no visitor permits issued.
- G. The possession of a residential parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- H. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department.
- I. There shall be a maximum of two parking permits issued for each residential dwelling unit.
- J. The issuance of a resident parking permit does not guarantee parking.

§ 201-29 Abuse of permit.

Residential parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle to which it is not registered under this section.

- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-30 Reproduction of residential parking permits prohibited.

- A. No person, unless authorized by the Borough of Sea Bright, shall:
 - (1) Copy, reproduce or otherwise create a resident parking permit.
 - (2) Create a facsimile or counterfeit resident parking permit.
 - (3) Display or use a residential parking permit knowing the same to have been copied, reproduced or otherwise created in violation of this section.
- B. No person shall furnish false information or fraudulent documents in connection with an application for a residential parking permit.

§ 201-31 Term of permits.

Residential parking permits shall be valid from May 1 thru October 1 of each year as indicated on the parking permit placard. Any vehicle bearing an expired residential parking permit and parking on a street posted as "Residential Permit Parking Only" shall be subject to the penalty as a vehicle parked on the street without a resident permit as set forth herein.

§ 201-32 Exemptions.

The prohibition set forth in § 201-16.6 below shall not apply to the following:

- A. Contractor/service and delivery vehicles. Contractor, service and deliver vehicles bearing the name and address of a commercial business may park adjacent to the residential premises where they are working without a permit during the times they are rendering service.
- B. Emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.
- C. Health care providers. Health care providers may park their vehicles within the Borough during the times they are rendering assistance or health care service to residents of the Borough. "Health care provider" is defined as a nurse, home health aide, physical therapist or any other medical professional. A health care provider can obtain a badge to display on his or her windshield from the Sea Bright Police Department. Such a badge is not transferrable to another health care provider. Such badges may be issued on a daily or monthly basis by the Sea Bright Police Department.

§ 201-33 Residential permit parking designated.

- A. No person shall park or cause to be parked any vehicle on streets or parts of streets as described herein unless an appropriate and current parking permit issued by the Borough of Sea Bright is displayed on said vehicle:

Name of Street	Side
Beach Street	North/South
Beach Way	North
Center Street	North/South
Church Street	North/South

East Church Street	North/South
East New Street	South
Front Street	East
New Street	North/South
Normandy Place	East

- B. Effective 24 hours a day, seven days a week, from May 1 to October 1, the side or sides of every designated street shall be limited to resident permit parking only.

§ 201-34 Violations and penalties.

- A. Any person who parks a vehicle on a street posted "residential permit parking only" without a valid residential parking permit shall be subject to a fine in the amount of \$125.00
- B. Any person violates § 201-29 above shall be subject to a fine in the amount of \$150.00 for a first offense and \$300.00 for each subsequent offense.
- C. The possession of a residential parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- D. Any person who violates the provisions of § 201-30 herein shall be subject to a fine not to exceed \$300.00 and shall forfeit the right to receive or use a residential parking permit for a period of three years.
- E. No residential parking permit shall be issued to a person with three or more outstanding summonses for violations of this Chapter.

Article VI. Ocean Avenue Residential Permit Parking

§ 201-35 Rules and regulations.

- A. Ocean Avenue Resident parking permit restrictions shall be established for certain residences where there has been demonstrated an ongoing, excessive and daily problem which creates a hardship and public safety issues for residents of particular locations. The purpose of the Ocean Avenue Resident Permit Parking program is to establish a residential parking program in those certain locations within the Borough in order to facilitate and make more convenient parking within the Borough for persons who reside in those certain residential areas and to protect residents from unreasonable burdens in gaining access to their residences. The residential addresses identified in § 201-40 are hereby designated as eligible for "Ocean Avenue Resident Parking Permits".
- B. A Ocean Avenue resident parking permit of a design specified by the Sea Bright Police Department will be issued to residents of Sea Bright who own or lease a motor vehicle.
- C. Application for Ocean Avenue resident parking permits shall be made on a form issued by the Sea Bright Police Department. Proof of residency of the owner or lessee of a vehicle must be presented when applying for a permit. The following is proof of residency: a copy of a valid New Jersey driver's license reflecting an address on a street upon which the permit parking restrictions are imposed in the Borough of Sea Bright, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought, showing an address which, per § 201-40, is authorized to received

Ocean Avenue resident parking permits. In the case of a vehicle claimed to be leased and used by a Sea Bright resident, a copy of the automobile lease shall be presented to the Borough in lieu of the New Jersey motor vehicle registration. Completed applications shall be submitted to the Sea Bright Police Department. Applications submitted without a copy of a driver's license and vehicle registration or lease shall not be processed.

- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The Ocean Avenue resident's placard is to be placed on the rear view mirror and shall be visible at all times while parked in the permit parking areas.
- F. There shall be no visitor permits issued.
- G. The possession of a Ocean Avenue resident parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- H. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department.
- I. There shall be a maximum of two parking permits issued for each residential dwelling unit.
- J. Though valid Ocean Avenue resident parking permits allow for vehicles to be parked within municipality regulated pay to park areas without payment and not, under normal circumstances, within areas, per § 201-33, established as "residential permit parking only". Due to the high traffic volume and parking demand within Sea Bright Borough, particularly during the summer months, circumstances may arise where Ocean Avenue resident parking permit holders are unable to park vehicles due to absence of parking spaces within the municipality regulated pay to park areas. In this particular case where parking is not available within the municipality regulated pay to park areas due to vehicle volume, special events, or emergency service activity Ocean Avenue resident parking permits shall allow for vehicles to be parked within "residential permit parking only" areas. The Sea Bright Police Department shall have the authority to determine if circumstances permit the use of "residential permit parking only" areas for vehicles displaying valid Ocean Avenue resident parking permits and retains authority to issue summonses for violations of § 201-16.6.
- K. The issuance of a Ocean Avenue resident parking permit does not guarantee parking.

§ 201-36 Abuse of permit.

Ocean Avenue resident parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle to which it is not registered under this section.
- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-37 Reproduction of Ocean Avenue residential parking permits prohibited.

- A. No person, unless authorized by the Borough of Sea Bright, shall:
 - (1) Copy, reproduce or otherwise create a Ocean Avenue resident parking permit authorized by § 201-35 above.
 - (2) Create a facsimile or counterfeit resident parking permit.

(3) Display or use a Ocean Avenue residential parking permit knowing the same to have been copied, reproduced or otherwise created in violation of this section.

B. No person shall furnish false information or fraudulent documents in connection with an application for a Ocean Avenue resident parking permit.

§ 201-38 Term of permits.

Ocean Avenue Residential parking permits shall be valid from May 1 thru October 1 of each year as indicated on the parking permit placard. Any vehicle bearing an expired Ocean Avenue resident parking permit and parking within a designated pay to park area or, under defined circumstances, on a street posted as "Residential Permit Parking Only" shall be subject to the penalty as a vehicle parked on the street without a resident permit as set forth in § 201-41 below.

§ 201-39 Exemptions.

The prohibition set forth in § 201-33, **Resident permit parking**, above shall not apply to the following when providing service to eligible residences listed within § 201-40 below:

- A. Contractor/service and delivery vehicles. Contractor, service and deliver vehicles bearing the name and address of a commercial business may park on streets designated, **per § 201-33 as Resident permit parking**, which are in close proximity to the Ocean Avenue residential premises where they are working without a permit during the times they are rendering service.
- B. Emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.
- C. Health care providers. Health care providers may park their vehicles within the Borough during the times they are rendering assistance or health care service to residents of the Borough. "Health care provider" is defined as a nurse, home health aide, physical therapist or any other medical professional. A health care provider can obtain a badge to display on his or her windshield from the Sea Bright Police Department. Such a badge is not transferrable to another health care provider. Such badges may be issued on a daily or monthly basis by the Sea Bright Police Department.

§ 201-40 Ocean Avenue resident permit parking designated.

A. The following residences shall be elidable to apply for an Ocean Avenue Resident Parking Permit.
Addresses

1 South Street
1062 Ocean Avenue
1064 Ocean Avenue
1066 Ocean Avenue
1070 Ocean Avenue
1072 Ocean Avenue
1090 Ocean Avenue

§ 201-41 Violations and penalties.

A. Any person who violates § 201-36 shall be subject to a fine in the amount of \$150.00 for a first offense and \$300.00 for each subsequent offense.

- B. The possession of a Ocean Avenue resident parking permit does not exempt the resident from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.
- C. Any person who violates § 201-37 shall be subject to a fine not to exceed \$300.00 and shall forfeit the right to receive or use a Ocean Avenue resident parking permit under this Chapter for a period of three years.
- D. No Ocean Avenue resident parking permit shall be issued to a person with three or more outstanding summonses for violations of this chapter.

Article VII. Business Permit Parking

§ 201-42 Rules and regulations.

- A. The purpose of the business permit parking program is to establish a parking program in those business areas of the Borough in order to facilitate and make more convenient parking within the Borough for persons who work in the commercial areas of the Borough; to protect residential areas from excessive traffic and parking demands caused by the entry of business vehicles from outside the residential neighborhood; and to identify the areas of the Borough where business parking is preserved so as to not interfere with the provision of parking for the general public.
- B. Application for business parking permits shall be made on a form issued by the Sea Bright Police Department. All applicants shall identify the location of their business in the Borough, as well as the vehicles that may utilize the parking permit. The businesses that do not have on-site parking that are located in the B-1 Central Business District area of the Borough shall be eligible to apply for a business parking permit provided they show proof of a valid mercantile license for the current year. The issuance of a business parking permit is not a representation by the Borough of a guaranteed parking space for the business that is issued such a parking permit. Completed applications shall be submitted to the Sea Bright Police Department.
- C. The business parking permits shall be issued by the Sea Bright Police Department. Applicants shall supply the following information: business name, address and telephone number; a copy of a valid mercantile license for the current year; number of permits requested; license plate and owner of vehicles who are employed at the business who shall be the sole users of these permits; and such other information as deemed necessary by the Sea Bright Police Department. A vehicle that is not properly registered and licensed in the State of New Jersey shall not be permitted to use a business parking permit. Permitted vehicles shall be private passenger automobiles, motorcycles, motor scooters and light commercial vehicles not in excess of 25 feet in length. It shall be unlawful to park any other vehicle.
- D. Permit applications shall be available at the Sea Bright Police Department.
- E. The business parking permit placard is to be placed on the rear-view mirror of the vehicle for the business that has been issued the permit.
- F. The cost of the permit shall be \$75.00 per permit. The fees collected shall be used to offset the cost of administering this program.
- G. The sale or transfer of a permit is prohibited by anyone other than the Sea Bright Police Department. Permits are only valid for the business they are issued to by the Borough Police Department.

- H. There shall be a maximum of five parking permits issued for each business applicant without on-site parking available.

§ 201-43 Abuse of business parking permit.

Business parking permits are subject to revocation for the following:

- A. If any such permit is used on any vehicle that it is not regulated to the business to which the permit was issued.
- B. Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

§ 201-44 Reproduction of business parking permits.

- A. No person, unless authorized by the Borough of Sea Bright, shall:
 - (1) Copy, reproduce or otherwise create a business parking permit authorized by § 201-42 above.
 - (2) Create a facsimile or counterfeit resident parking permit.
 - (4) Display or use a business parking permit knowing the same to have been copied, reproduced or otherwise created in violation of this section.
- B. No person shall furnish false information or fraudulent documents in connection with an application for a business parking permit.

§ 201-45 Term of permits.

Business parking permits shall be valid from May 1 to October 1 in each year. Any vehicle bearing an expired business parking permit and parking in a parking space posted as "business permit parking only" shall be subject to the penalty as set forth in § 201-48 below.

§ 201-46 Parking Prohibited.

No person should park or cause to be parked any vehicle in a designated business parking space unless a current, valid parking permit is displayed on such vehicle.

§ 201-47 Exemptions.

The prohibition set forth in this Article above shall not apply to emergency and utility vehicles. Emergency vehicles, municipal vehicles, gas, electric, telecommunications and other similar vehicles may park within the Borough during times they are rendering service or repairs within the Borough.

§ 201-48 Violations and penalties.

- A. Any person who parks a vehicle in a space/area posted "business permit parking only" without a valid business parking permit shall be subject to a fine in the amount of \$125.00.
- B. Any person who violates § 201-43 above shall be subject to a fine in the amount of \$150.00 for a first offense and \$300.00 for each subsequent offense.
- C. Any person who violates the provisions of § 201-44 shall be subject to a fine not to exceed \$300.00 and shall forfeit the right to receive or use a Ocean Avenue resident parking permit under this chapter for a period of three years.

- D. The possession of a business parking permit does not exempt the vehicle operator from obeying all traffic rules, regulations and ordinances, including but not limited to parking too close to stop signs or intersections.

Article VIII. Sea Bright/Rumson Bridge Attendant Parking

§ 201-49 Parking Spaces Reserved

- A. Parking spaces shall be reserved, 24 hours a day, seven days a week, for S-32, Sea Bright/Rumson bridge attendants within the municipal parking area located south of the S-32 bridge.
- B. Appropriate signage shall be present indicating which spaces are reserved for bridge attendants.

§ 201-50 Violations and penalties.

- A. Any unauthorized person parks in a reserved space shall subject to a fine in the amount of \$125.00

Article IX. Street Cleaning

§ 201-51 No parking on streets designated for street cleaning.

There shall be no parking upon streets or sections of streets signs are posted indicating no parking as designated for street cleaning.

§ 201-52 Violations and penalties.

- A. Any person who violates this Article shall be subject to a fine in the amount of \$45.00

Article X. Emergency Street Clearance

§ 201-53 Declaration of emergency.

Upon declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 201-54 Removal of illegally parked vehicles; redemption fee.

Any unoccupied vehicle parked or standing in violation of this Article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of said vehicle. The owner shall pay the reasonable cost of the removal and storage which may result from such removal before regaining possession of the vehicle.

§ 201-55 Signs.

The effectiveness of this Article is contingent upon signs being erected as required by law.

§ 201-56 Removal of Vehicles for Plowing of Streets

- A. Parking is prohibited on all streets in the Borough where signs have been erected indicating such prohibition for purposes of snowplowing by the Borough.
- B. Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and any police officer may provide for the removal and subsequent storage of said vehicle. The owner shall pay the reasonable costs incidental to said removal and storage before regaining possession of the vehicle.

§ 201-57 Violations and penalties.

- A. Any person who violates this Article shall be being subject to a fine in the amount of \$75.00

§ 201-58 through § 201-78 (Reserved)

Article XI. Fire Zones

§ 201-79 Fire zones designated.

- A. The following fire zones are established:
 - (1) Any and all fire hydrants shall be covered under Title 39, New Jersey State Motor Vehicle Statute.
 - (2) Waterview Way - from the end of street bulkhead to a point 49 feet east.
 - (3) Via Ripa - from the end of street bulkhead to a point 51 feet east to include the paper street proceeding to South Way.
 - (4) South Way - from the end of street bulkhead to a point 43 feet east.
 - (1) Beach Way - from the end of street bulkhead to a point 25 feet east.
 - (2) Atlantic Way - from the end of street bulkhead to a point 72 feet east along south side curb line. South to north distance shall be 12 feet in width.
 - (7) Willow Way - from the end of street bulkhead to a point 86 feet east. From the north side bulkhead south to a distance of 50 feet.
 - (8) Shrewsbury Way - from the end of street bulkhead to a point 18 feet east. All other fire zones should be removed and new no parking or two zones should be created.

- (9) Riverview Place - from the corner of Shrewsbury Place to a point 40 feet south on the east side of the street; from the corner of Shrewsbury Place to a point 36 feet south on the west side of the street.
- (10) River Way - from the end of street bulkhead to a point 26 feet east.
- (11) Peninsula Ave - from the end of street bulkhead to a point 36 feet east.
- (12) River Street - from the end of street bulkhead to a point 21 feet east.
- (13) Church Street - from the end of street bulkhead to a point 80 feet east; from the north side curb line to a point 25 feet south.
- (14) Beach Street - from the end of street bulkhead to a point 24 feet east.
- (15) Center Street - from the end of street bulkhead to a point 41 feet east.
- (16) Osborne Place - from the end of street bulkhead to a point 36 feet east.
- (17) Islandview Way - from the end of street bulkhead to a point 25 feet east; must be painted and new signs placed.
- (18) Imbrie Place - from the end of street bulkhead to a point 27 feet east.
- (19) Tradewinds Lane - the entire length of the east side.
- (20) Sandpiper Lane - end of street turnaround shall be zoned fire lane.

B. Bureau of Fire Prevention. Upon the finding that such action is necessary for public safety, the Bureau of Fire Prevention in the Borough of Sea Bright may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling groups, or industrial park office buildings to designate "fire zone" in the driveways of the premises leading to and from the parking area to the above-type buildings or structures, public streets or rights-of-way. Such fire zones, also known as "fire lanes," shall be no less than 10 feet nor more than 50 feet in width and shall be outlined and lettered in yellow on a paved surface, such lettering to remain legible at all times. Metal "fire zone" signs, the lettering of the same to be legible at all times, shall be provided, erected and maintained by said owner or owners and placed at the discretion of the Bureau of Fire Prevention. Said signs are to be of a design and quality and lettered in accordance with applicable state law and approved by the Bureau of Fire Prevention.

§ 201-80 Violations and penalties.

- (1) Any person who parks a vehicle in, obstructs, or allows the obstruction of a designated fire lane who is found to be in violation of the provisions of this article shall be subject to the penalties as provided in Chapter 1, General Provisions, Article I.
- (2) Any vehicle or object obstructing a designated fire lane, whether public or private, may be towed or removed without prior notification of the owner, and at the owner's expense.
- (3) The registered owner of the vehicle parked in the fire lane shall be responsible for all penalties issued and any towing or related charges accruing hereunder.

§ 201-81 Removal and storage of vehicles; responsibility for fees and fines.

If any vehicle is parked in any parking lot or area, as herein referred, in violation of any of the provisions of this article, the Police Department may cause such vehicle to be removed to such place as is designated by the Chief of Police or his designee. The owner or operator of any such vehicle so removed shall be responsible for the reasonable costs and expenses of such removal and storage which may result therefrom, and any person, firm or corporation desiring to claim such motor vehicle may do so by first paying the parking fine and then paying the costs and expenses of such removal and storage.

Article XII. Abandoned Vehicles

§ 201-82. Prohibited

It shall be unlawful to abandon a motor vehicle on any public street or highway of the Borough of Sea Bright or on any property which is owned, leased or maintained by the Borough of Sea Bright or to abandon, permit or suffer the abandonment of any motor vehicle on any private property unless garaged.

§ 201-83 Definitions

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

ABANDON

Includes:

- A. With respect to public streets, public highways and public property, any motor vehicle which:
 - (1) Is parked without the current year's registration or identification markers, as required by law; or
 - (2) Is so disabled as to constitute an obstruction to traffic, and the driver or person owning or in charge thereof neglects to move the same to a place where it will not obstruct traffic; or
 - (3) Is found to be mechanically inoperative; or
 - (4) Is found without one or more tires.
- B. With respect to private property, any motor vehicle which:
 - (1) Is parked out of doors without the current year's registration or identification markers, as required by law, for a period of 30 days; or
 - (2) Is parked out of doors and found to be mechanically inoperative for a period of 30 days; or
 - (3) Is parked out of doors and found without one or more tires for a period of 30 days.

MOTOR VEHICLE

Includes automobile, omnibus, road tractor, trailer, truck, truck tractor and vehicles as defined in N.J.S.A. 39:1-1.

§ 201-84 Removal of abandoned vehicles

Whenever any member of the Borough Police Department finds any motor vehicle abandoned on any public street or public highway or public or private property, he shall take possession thereof by removing or securing its removal to such place as may be designated by the Chief of Police. Such taking of possession shall be reported immediately to the Chief Administrator of the Motor Vehicle Commission on a form prescribed by the Chief Administrator for verification of ownership.

§ 201-85 Recovery of vehicle

At any time, the owner or other person entitled thereto may reclaim possession of the motor vehicle upon payment of the reasonable cost of removal and storage and any fine or penalty and court costs assessed against him for a violation which gave rise to the seizure or taking possession of said vehicle and upon producing valid registration.

§ 201-86 Junk title certificate; fee

If the Borough Police Department shall, in its report thereof to the Chief Administrator of the Motor Vehicle Commission, certify on an application prescribed by the Chief Administrator that such motor vehicle is incapable of being operated safely or of being put in safe operational condition, except at a cost in excess of the value thereof, the Motor Vehicle Commission shall, without further certification or verification, issue to the Borough for a fee as charged by the Motor Vehicle Commission a junk title certificate thereto, with proper assignment thereon, which shall be assigned and delivered to the purchaser of the vehicle at public sale.

§ 201-87 Application for certificate of ownership; fee

Upon the sale of any motor vehicle for which no junk certificate shall have been issued, the Borough shall execute and deliver to the purchaser an application for certificate of ownership prescribed by the Chief Administrator of the Motor Vehicle Commission, in the same form and manner as provided in N.J.S.A. 39:10-15, which shall also contain the name and address, if known, of the former owner. Such application shall be accepted by the Chief Administrator of the Motor Vehicle Commission for issuance of a certificate of ownership for a fee as charged by the Motor Vehicle Commission.

§ 201-88 Violations and penalties

- A. Penalties for violations of this Article shall be as provided in Chapter **1**, General Provisions, Article **I**, unless otherwise specified in this chapter.

§ 201-89, Enforcement.

- A. The Sea Bright Police Department shall have the authority to issue summonses for violations of this Article.
- B. The Sea Bright Police Department may remove and impound any vehicles which are parked/abandoned in violation of this Article. The cost of said removal shall be borne by the vehicle owner or lessee.
- C. Enforcement of this Article shall be under the jurisdiction of the Sea Bright Police Department.

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on May 3, 2022 and will be further considered after a Public Hearing held on May 17, 2022 at the Municipal Building at 7:00 pm.

INTRODUCED: May 3, 2022

PUBLIC HEARING: May 17, 2022

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

ORDINANCE NO. 05-2022

AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT AMENDING CHAPTER 201, "VEHICLES AND TRAFFIC," ARTICLE IV, "MUNICIPAL PARKING," SECTION 201-33, "RESIDENTIAL PERMIT PARKING DESIGNATED," PARAGRAPH 201-33A, OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 201, "Vehicles and Traffic," of the Code of the Borough of Sea Bright, Section 201-33, "Residential Permit Parking Designated," paragraph 201-33A, be and the same is hereby amended and supplemented to read, in full, as follows:

"(A) No person shall park or caused to be parked any vehicle on streets or parts of streets as described herein unless an appropriate and current parking permit issued by the Borough of Sea Bright is displayed on said vehicle:

<u>Name of Street</u>	<u>Side</u>
Beach Street	North/South
Beach Way	North
Center Street	North/South
Church Street	North/South
East Church Street	North/South
East New Street	South
Front Street	East
New Street	North/South
Normandy Place	East
North Way	East
Peninsula Avenue	North/South
River Street	North/South
South Street	North
Surf Street	South
Via Ripa	South
Waterview Way	North

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on May 17, 2022 and will be further considered after a Public Hearing held on June 21, 2022.

INTRODUCED: May 17, 2022
PUBLIC HEARING: JUNE 21, 2022
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

ORDINANCE NO. 06-2022

AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF SEA BRIGHT CODE OF ORDINANCES TO REPEAL CHAPTER 115 ENTITLED "FLOOD DAMAGE PREVENTION"; TO ADOPT A NEW CHAPTER 115 ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS"; 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 (FEMA) has identified special flood hazard areas within the boundaries of Borough of Sea Bright 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 Borough of Sea Bright was accepted for participation in the National Flood Insurance Program on October 8, 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 Borough of Sea Bright 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 Borough of Sea Bright 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 Borough of Sea Bright 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 Borough of Sea Bright that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

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

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 115 entitled "Flood Damage Prevention".

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Sea Bright administer and enforce the State building codes, the Mayor and Council of Borough of Sea Bright does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000 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 \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The Borough of Sea Bright was accepted for participation in the National Flood Insurance Program on October 8, 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, 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 Building Department, at Borough Hall, located at 1099 Ocean Avenue, Sea Bright, New Jersey.

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, Monmouth County, New Jersey (All Jurisdictions) bearing an effective date of September 25, 2009 and a revision date of June 20, 2018 and June 15, 2022 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are June 15, 2022 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34025C0088	6/15/2022	H	34025C0201	6/15/2022	H

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

Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34025C0088J	1/31/2014	34025C0201J	1/30/2015

- 3) **Other Best Available Data.** Borough of Sea Bright shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Sea Bright. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. No New Jersey State studied waters in this community under the FHACA were identified.

102.3 Establishing the Local Design Flood Elevation (LDFE).

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

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

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus three feet or as described by N.J.A.C. 7:13 of freeboard; or
- 2) 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.
- 3) 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 as determined in 102.3 (1) above and in accordance with ASCE 24.

- 4) 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 as determined in 102.3 (1) above or in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Sea Bright have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and

sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

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

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

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

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require the applicant, developer, property owner and/or their professionals to submit any and all documentation necessary, including but not limited to 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, or any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, prior to the review and/or issuance of a permit.

103.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant, developer and/or property owner has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA. It shall be the responsibility of the applicant, developer and/or property owner to apply for a CLOMR when applicable for permit approval and/or a certificate of occupancy.

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

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

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

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

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

- (1) Estimate the market value or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

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

SECTION 104 PERMITS

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

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

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

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

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

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

104.6 Permit Fees. Prior to the review and/or issuance of any Floodplain Development Permit, the applicant, developer and/or property owner shall pay to the Borough the sum of \$25 for the permit. Additionally, review fees shall be paid to the Borough in accordance with the following schedule:

- (1) Initial review fee for floodplain development pertaining to the building of new construction, reconstruction, rebuilding, remodeling, placement of manufactured homes, or other habitable structures, mining, dredging, culverts and/or bridges: \$250
- (2) Initial review fee for floodplain development to any or all other items not listed above, including but not limited to, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, park and playground construction, placement of small outbuildings and/or accessory structures, including detached garages, kennels, sheds, and playhouses, carports, picnic shelters, pools, pool equipment, fences, walls, clearing of trees and other

vegetation, placement of driveway, curb, sidewalk, long-term storage of equipment and/or materials, including firewood, roofing, siding and "ordinary maintenance": \$50.

- (3) Subsequent review fee for each revised submission for floodplain development shall be 50% of the initial review fee, as noted above for the respective types of development

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the

nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

105.2 Information in flood hazard areas without base flood elevations

(approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

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

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

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

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section

801.2 shall be submitted to the Construction Official on an Elevation Certificate.

- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

SECTION 107 VARIANCES

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

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.

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

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

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

SECTION 108 VIOLATIONS

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

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

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$2,000.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

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

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

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

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CRITICAL BUILDING - Per the FHACA, "Critical Building" means that:

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

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

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

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

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

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

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

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

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

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

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

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

alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

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

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

construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

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

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

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

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

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

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

401.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones.

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

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

SECTION 501 MANUFACTURED HOMES

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

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

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;

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

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

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

- ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.

- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
 - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
 - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

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

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

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

801.7 Roads and watercourse crossings.

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

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

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

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

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

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

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent

flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

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

1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on May 17, 2022 and will be further considered after a Public Hearing held on _____, 2022.

INTRODUCED: May 17, 2022
PUBLIC HEARING: _____, 2022
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT

CHRISTINE PFEIFFER, CLERK

BRIAN KELLY, MAYOR

**VOUCHER LIST
MAY 17, 2022
BOROUGH OF SEA BRIGHT**

2770	Axon Enterprise, Inc. 22-00506 04/27/22	Open	1,238.30
01241	BAIN'S HARDWARE, INC. 22-00563 05/09/22 HARDWARE	Open	690.02
2640	BATHGATE,WEGENER & WOLF 22-00546 05/06/22 LEGAL	Open	1,761.18
01957	BENEMAX BENEFIT MANAGEMENT CO. 22-00569 05/10/22 DENTAL	Open	336.00
01565	BOROUGH OF SEA BRIGHT 22-00552 05/06/22 ADMIN FEES	Open	7,665.00
01974	BOROUGH OF SEA BRIGHT COURT 22-00559 05/09/22 COURT	Open	24.90
2829	CLASSIC SPORT FLOORS 22-00413 04/11/22 RECREATION	Open	8,312.24
00256	CLEARY, GIACOBBE, ALFIERI & 22-00553 05/06/22 LEGAL	Open	816.00
	22-00571 05/10/22 LEGAL	Open	280.50

			1,096.50
01493	COOPERATIVE INDUSTRIES, L.L.C. 22-00584 05/11/22 NAT.GAS	Open	2,143.10
2386	CRANEY INTERPRETING SERVICE 22-00560 05/09/22 COURT	Open	100.00
02253	DAVID HODER ASSOCIATES 22-00550 05/06/22 PLAN BRD	Open	310.00
00597	DIBERARDINO, KAREN 22-00544 05/06/22 BLDG DEPT	Open	30.00
2833	FEDERAL RENT A FENCE 22-00534 05/06/22 STREETS- OTHER	Open	1,338.48
01817	FINEGAN, GEORGE 22-00573 05/10/22 ANIMAL	Open	533.82
00254	FLOWERS BY VAN BRUNT 22-00566 05/09/22	Open	410.00
00978	FRIEDMAN, BRETT 22-00579 05/11/22 POLICE	Open	390.29
2588	HOAGLAND, LONGO, MORAN, DUNST 22-00558 05/09/22 PROSECUTOR	Open	2,100.00
01285	HOME DEPOT CREDIT SERVICES 22-00583 05/11/22 BLDGS & GRDS	Open	213.20
2791	HUDSON ENERGY SERVICES 22-00572 05/10/22 ELECTRIC	Open	423.36
2573	JCP & L 22-00564 05/09/22 ELECTRIC	Open	4,547.53
2804	LEGAL SHRED 22-00567 05/09/22	Open	95.00
01603	M & N VENTURES, LLC 22-00547 05/06/22 PARKING	Open	2,308.00
2278	MCLAUGHLIN,STAUFFER & SHARLEE 22-00524 05/05/22 LEGAL SERVICES	Open	5,574.50
01422	MONMOUTH MUNICIPAL JOINT 22-00551 05/06/22	Open	112,851.00

00671	NJ DEPT OF COMMUNITY AFFAIRS 22-00520 05/02/22 BLDG DEPT	Open	1,932.00
00672	NJ DEPT OF COMMUNITY AFFAIRS 22-00523 05/05/22 BLDG DEPT	Open	50.00
00529	NJ DIVISION OF FIRE SAFETY 22-00549 05/06/22 FIRE MARSHAL	Open	323.00
00046	ONE CALL CONCEPTS, INC. 22-00565 05/09/22 SEWER	Open	60.06
2525	POOR JOHNS PORTABLE TOILETS 22-00554 05/06/22 BEACH	Open	366.00
2290	PORZIO, BROMBERG & NEWMAN 22-00576 05/10/22 LEGAL 22-00580 05/11/22 LEGAL	Open Open	7,586.69 13,922.76
			----- 21,509.45
2300	PRECISION DYNAMICS CORP. 22-00519 05/02/22 BEACH	Open	3,918.00
2728	READY REFRESH BY NESTLE 22-00561 05/09/22 WATER	Open	227.83
00027	SEABOARD WELDING SUPPLY, INC. 22-00577 05/10/22 DPW	Open	14.50
01027	SHORE BUSINESS SOLUTIONS 22-00578 05/10/22 POLICE	Open	413.12
02225	STAPLES ADVANTAGE 22-00320 03/24/22 22-00509 04/27/22 POLICE: OFFICE SUPPLIES	Open Open	39.99 93.62
			----- 133.61
2535	SUBURBAN DISPOSAL, INC. 22-00555 05/09/22 TRASH 22-00556 05/09/22 TRASH 22-00557 05/09/22 TRASH	Open Open Open	851.15 20,467.08 6,822.77
			----- 28,141.00
2658	VERIZON 22-00568 05/09/22 PHONE	Open	290.52
2291	VERIZON 22-00574 05/10/22 FIOS 22-00575 05/10/22 FIOS	Open Open	93.99 178.99
			----- 272.98
02061	VERIZON WIRELESS 22-00581 05/11/22 FIRE 22-00582 05/11/22 CELLS	Open Open	269.09 145.75
			----- 414.84
00077	WEX BANK 22-00562 05/09/22 GASOLINE	Open	7,083.92
	TOTAL:		\$ 219,643.25

Manual Checks

22-00521	NJ DEPT OF HEALTH	\$2.40
5/3/2022	MONTHLY DOG LICENSE REPORT & FEE	
22-00545	BORO OF SEA BRIGHT HEALTH ACCOUNT	\$6,176.61
5/6/2022	REPLENISH FUND/DENTAL	
22-00570	PATRICK BRADY	\$4,416.52
4/29/2022	TAX PAYMENT ERROR/WRONG MUNICIPALITY	
	TOTAL:	\$ 10,595.53

GRAND TOTAL: \$ 230,238.78