

**BOROUGH OF WATCHUNG
ORDINANCE 23/01**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST
OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5
PERCENT CALENDAR YEAR 2023 (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.* , provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and

WHEREAS, the COLA for 2023 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Watchung in the County of Somerset finds it advisable and necessary to increase its 2023 budget by more than 2.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$298,675.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**BOROUGH OF WATCHUNG
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WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Watchung, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2023 budget year, the final appropriations of the Borough of Watchung shall, in accordance with this ordinance and N. J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$418,145.95 and that the 2023 municipal budget for the Borough of Watchung be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

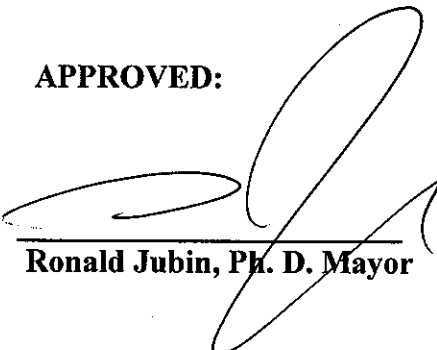
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

APPROVED:



Edith G. Gil, Borough Clerk



Ronald Jubin, Ph. D. Mayor

INTRODUCED: HAYECK
PASSED: MARCH 16, 2023
PUBLISHED: MARCH 23, 2023
ADOPTED: APRIL 6, 2023

INDEX: FINANCE-BUDGET
C: B. HANCE 4/18/23

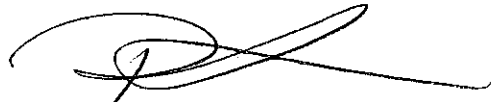
**BOROUGH OF WATCHUNG
RESOLUTION: R1**

BE IT RESOLVED that Ordinance **OR:23/01** entitled:

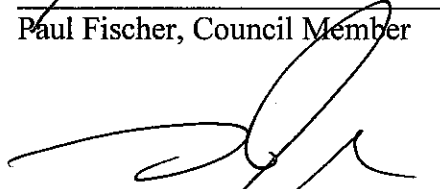
“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT CALENDAR YEAR 2023 (N.J.S.A. 40A:4-45.14”

can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Paul Fischer, Council Member



Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: FINANCE-BUDGET
C: B.HANCE, DLGS 4/18/23

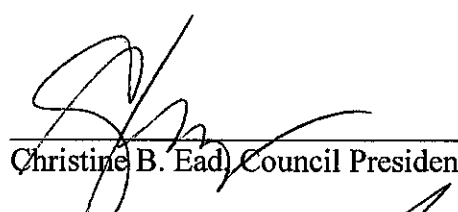
**BOROUGH OF WATCHUNG
RESOLUTION: R2**

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than the authorized bid threshold be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: Spatial Data Logic, 285 Davidson Avenue, Suite 302, Somerset, NJ
Item: SDL Hosting Services for next 5 years
Total Price: \$58,400.00
Charged to: 3-01-250-233 and 3-01-610-203

Vendor: Foveonics Document Solutions, 999 Willow Grove Street, Suite 3A, Hackettstown
Item: Document Imaging of Board of Adjustment, Planning Board, and Construction Files
Total Price: Not to exceed \$50,000.00
Charged to: 3-01-610-204


Christine B. Ead, Council President


Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: PURCHASING
C: B. HANCE 4/18/23

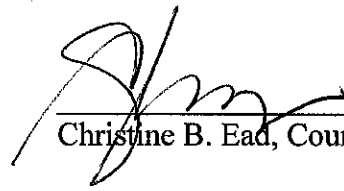
**BOROUGH OF WATCHUNG
RESOLUTION: R3**

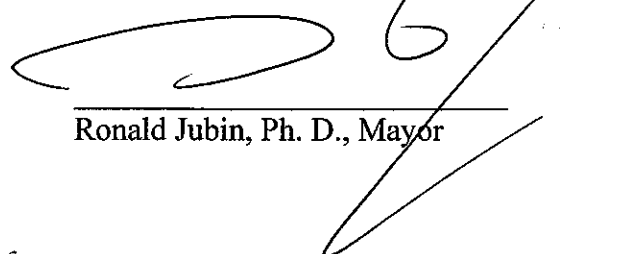
***AUTHORIZING AGREEMENT WITH ROUND TOP SWIM AND TENNIS CLUB, INC.
FOR BOROUGH'S 2023 SUMMER CAMP PROGRAM***

WHEREAS, the Borough of Watchung through its Recreation Department intends to operate a Summer Day Camp for its residents and children including those from surrounding communities from June 26, 2023 through August 4, 2023; and

WHEREAS, Round Top Swim and Tennis Club, Inc. (hereinafter referred to as "Round Top") is a private membership club which owns approximately 14 acres of property with various recreational facilities and features located in Warren and has offered Watchung the non-exclusive use of its property for the operation of the Watchung Summer Camp.

NOW THEREFORE, BE IT HEREBY RESOLVED by Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the attached Agreement with Round Top Swim and Tennis Club, Inc. to allow the Borough to operate its 2023 Summer Day Camp from June 26, 2022 through August 4, 2023.


Christine B. Ead, Council Member


Ronald Jubin, Ph. D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: B. HANCE, L. MONETTI 4/18/23

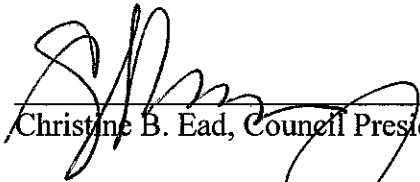
**BOROUGH OF WATCHUNG
RESOLUTION: R4**

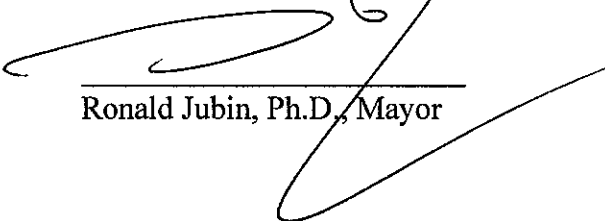
WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application from the **Watchung Little League** which has been reviewed by Borough Officials; and

WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of Watchung Lake, Mobus and other fields are authorized for the intended use as noted below and are hereby approved:

1. Watchung Little League to hold a parade starting and ending at Mobus Field and walking around Watchung Lake on Saturday, April 29, 2023.
2. Watchung Little League, shall also use borough fields from April 29 through November 2023.
3. All approvals are subject to having appropriate insurance and a complete application on file.


Christine B. Ead, Council President


Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: LM, PD, DPW 4/18/23

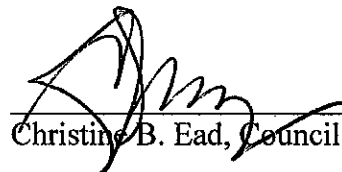
**BOROUGH OF WATCHUNG
RESOLUTION: R5**

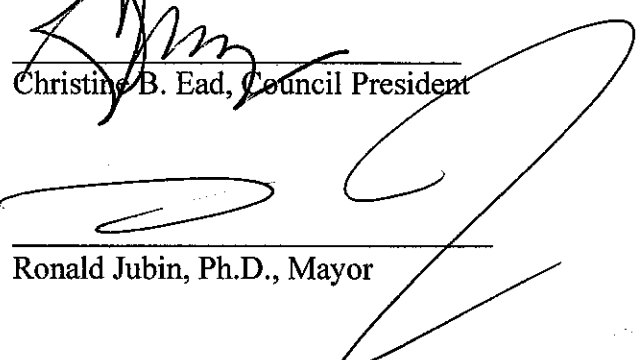
WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application from the **Garden Club of Watchung** which has been reviewed by Borough Officials; and

WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of the Best Lake parking lot is authorized for the intended use as noted below and is hereby approved:

1. Garden Club of New Jersey, dba, Garden Club of Watchung to hold annual plant sale at the Best Lake Parking Lot on May 13, 2023 with a rain date of May 20, 2023.
2. All approvals are subject to having an appropriate insurance and a complete application on file.


Christine B. Ead, Council President


Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: LM, PD, DPW 4/18/23

**BOROUGH OF WATCHUNG
RESOLUTION: R6**

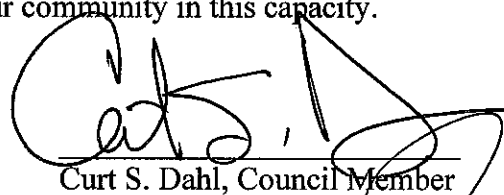
WHEREAS, the Borough of Watchung greatly appreciates the many volunteers who donate their time for the good and well-being of all residents; and

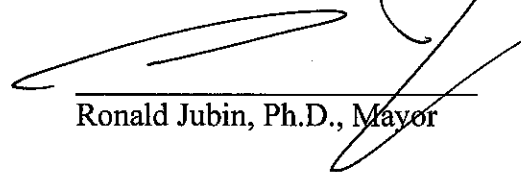
WHEREAS, the Governing Body is aware that volunteerism is becoming rarer as people try to juggle many activities in their busy lives; and

WHEREAS, this is especially true when the position one is volunteering their time for is a dangerous one, where in a moments' notice their life can be put on the line for the safety of others.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the appointment of **Dmitry Gukhman**, as a Member of the Watchung Fire Department is hereby proudly approved.

BE IT FURTHER RESOLVED, that the Governing Body of Watchung hereby commends this and all volunteers for serving our community in this capacity.


Curt S. Dahl, Council Member

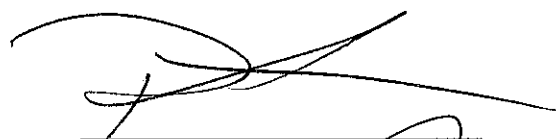

Ronald Jubin, Ph.D., Mayor

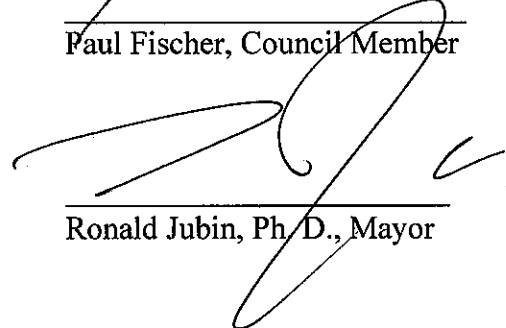
ADOPTED: APRIL 6, 2023
INDEX: FIRE COMPANY
C: FIRE DEPT., FINANCE, 4/18/23

BOROUGH OF WATCHUNG
RESOLUTION: R7

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the base salary of Public Works employee, **Joseph Buro**, be hereby adjusted to **\$52,550.00** and is hereby promoted to **Public Works Driver/ Operator Step A**.

BE IT FURTHER RESOLVED, that this resolution shall take effect April 17, 2023.



Paul Fischer, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: SALARIES,
C: B. HANCE, E. HORSFALL 4/18/23

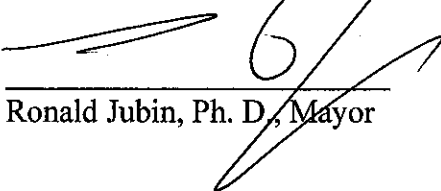
**BOROUGH OF WATCHUNG
RESOLUTION: R8**

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the base salary of Public Works employee, **Harrison Werner**, be hereby adjusted to **\$52,550.00** and is hereby promoted to **Public Works Driver/ Operator Step A**.

BE IT FURTHER RESOLVED, that this resolution shall take effect April 17, 2023.



Paul Fischer, Council Member



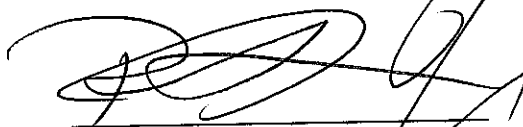
Ronald Jubin, Ph. D., Mayor

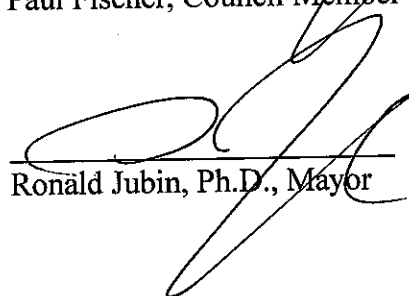
ADOPTED: APRIL 6, 2023
INDEX: SALARIES,
C: B. HANCE, E. HORSFALL 4/18/23

BOROUGH OF WATCHUNG
RESOLUTION: R9

BE IT HEREBY RESOLVED, that the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey authorize the appointment of **Tammy Vetuschi** as **Part-Time Board Clerk** to the Board of Adjustment and Planning Board at a salary of \$29,000 for 25 hours a week with a starting date of April 17, 2023 subject to a background and physical check.

BE IT FURTHER RESOLVED, that the Board Clerk shall also provide assistance to the Building and Construction Office, under the direction of the Zoning Official, and upon obtaining the Planning/Zoning Board Secretary Certificate, her salary shall be adjusted to \$30,000.



Paul Fischer, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: APPOINTMENTS, PERSONNEL
C: FINANCE, ZONING, 4/18/23

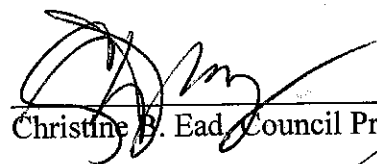
**BOROUGH OF WATCHUNG
RESOLUTION: R10**

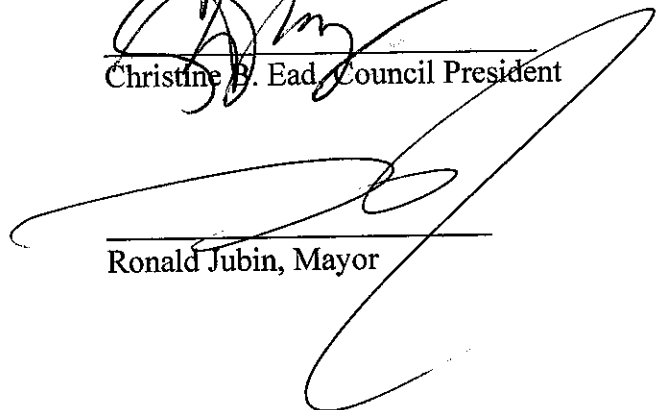
BE IT RESOLVED that Ordinance OR:23/02 entitled:

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, 2003, TO REPEAL CHAPTER 22, FLOOD DAMAGE PREVENTION, IN ITS ENTIRETY AND TO ESTABLISH A NEW CHAPTER 22, "FLOODPLAIN MANAGEMENT REGULATIONS" AND ADOPT FLOOD HAZARD MAPS, DESIGNATE A FLOODPLAIN ADMINISTRATOR, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Public Hearing: April 20, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 20th day of April, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.


Christine B. Ead, Council President


Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: SEWERS,
C: B.HANCE, C. TAYLOR,
R. LACOSTA, 4/18/23

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, 2003, TO REPEAL CHAPTER 22, FLOOD DAMAGE PREVENTION, IN ITS ENTIRETY AND TO ESTABLISH A NEW CHAPTER 22, "FLOODPLAIN MANAGEMENT REGULATIONS" AND ADOPT FLOOD HAZARD MAPS, DESIGNATE A FLOODPLAIN ADMINISTRATOR, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **Borough of Watchung** 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 Watchung** was accepted for participation in the National Flood Insurance Program on **December 4, 1973** and the **Borough of Watchung's** Mayor and Council **desires** to continue to meet the requirements of the 44 Code of Federal Regulations, Sections 59, 60 (most of the requirements for a community ordinance), 65 and 70 (mapping regulations) necessary for such participation; and

WHEREAS, the **Borough of Watchung** 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 Watchung** 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 Watchung** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the designation 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 Watchung, County of Somerset, State of New Jersey that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

- (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 Watchung** administer and enforce the State building codes, Mayor and Council of **Borough of Watchung** 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, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

- 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, Somerset County, New Jersey (All Jurisdictions)" dated November 4, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is September 28, 2007 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
34035C0087	09/28/2007	E	34035C0088	09/28/2007	
34035C0089	09/28/2007	E	34035C0091	09/28/2007	E
34035C0092	09/28/2007	E	34035C0093	09/28/2007	E
34035C0094	09/28/2007	E	34035C0106	09/28/2007	E
34035C0177	09/28/2007	E			

- 2) **Federal Best Available Information.** Borough of Watchung 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
<i>None as of the date of this ordinance</i>	

- 3) **Other Best Available Data.** Borough of Watchung 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 Watchung. 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

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

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 the elevation of the top of lowest floors in A, and the elevation of the lowest horizontal structural member in Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

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

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

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

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 Watchung** 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 features 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

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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, 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. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over

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

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

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the

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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 practice 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.

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deems necessary to further the purposes and objectives of these regulations.

107.2 Historic structures. A variance to the substantial improvement section 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.

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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 equaled 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

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

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

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

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

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

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

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or

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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

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

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

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

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

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

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

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

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NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by Borough of Watchung; 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.

REPETITIVE LOSS - Any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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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 over a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation for determining whether an improvement is a substantial improvement requires a review of all improvements over a 10-year period prior to the date of any proposed improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term also includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

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

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

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- (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 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.

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

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

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

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

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

SECTION 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.

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ORDINANCE 23/02**

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 free storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13 and
- (7) Not exceed the impact, 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.

BOROUGH OF WATCHUNG
ORDINANCE 23/02

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.

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

**BOROUGH OF WATCHUNG
ORDINANCE 23/02**

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 in accordance law.

ATTEST:

APPROVED:

Edith G. Gil, Borough Clerk

Ronald Jubin, Mayor

INTRODUCED: EAD

PASSED:

PUBLISHED:

ADOPTED:

INDEX: CODE, SEWERS, MISC,
C: B. HANCE, C. TAYLOR,
R. LACOSTA,

INTRODUCED

**BOROUGH OF WATCHUNG
RESOLUTION: R11**

BE IT RESOLVED that Ordinance **OR:23/03** entitled:

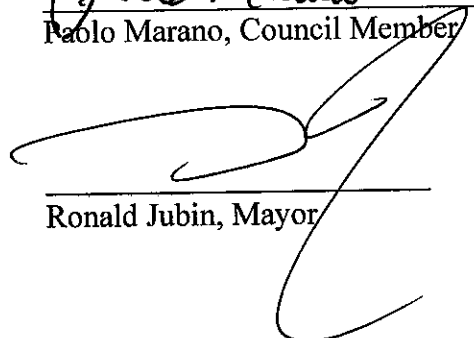
**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF WATCHUNG, 2003, CHAPTER 3, POLICE
DEPARTMENT, TO AMEND THE ORGANIZATION OF THE POLICE
DEPARTMENT**

Public Hearing: April 20, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 20th day of April, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.



Paolo Marano, Council Member



Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: POLICE, CODE
C: B.HANCE, A. HART, 4/18/23

**BOROUGH OF WATCHUNG
ORDINANCE: 23/03**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF WATCHUNG, 2003, CHAPTER 3, POLICE
DEPARTMENT, TO AMEND THE ORGANIZATION OF THE POLICE
DEPARTMENT**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Section 3-1.2 entitled "Organization of Police Department" of Borough Chapter 3 entitled "Police Department" of the Code of the Borough of Watchung, as amended by Ordinance No. 22/08, adopted October 6, 2022, is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in ~~double strikethrough~~]

Chapter 3. Police Department

§ 3-1.2. Organization of Police Department.

The Police Department of the Borough of Watchung shall consist of a Chief of Police, a Captain, up to three Lieutenants of Police, up to six Sergeants of Police, up to ~~20~~**22** Police Officers, and such other employees as may, from time to time, be deemed necessary by the Governing Body to properly preserve the peace and good order within the Borough. The Chief of Police may, in his discretion, subject to review by the Police Committee, organize the Police Department into such divisions or bureaus as are necessary. Immediately subordinate to the Chief of Police in the line of authority is the Captain, who shall perform such duties and responsibilities as may be assigned by the Chief through the chain of command. Determination of the appointment of the Chief of Police, the Captain, the Lieutenants, Sergeants and Police Officers shall be based upon the recommendations of the Police Committee to the Mayor and the appointments then made as hereinafter provided. There shall also be persons designed as Police Aides who shall be subject to the rules and regulations of the Borough Police Department to the extent specified in the Personnel Policy of the Borough of Watchung as established pursuant to Chapter 5 of this Code. All secretarial and clerical help shall not be considered members of the Watchung Police Department, but rather employees of the Borough of Watchung assigned for such duties to the Police Department by the Governing Body.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional

BOROUGH OF WATCHUNG
ORDINANCE: 23/03

or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: MARANO
PASSED:
PUBLISHED:
ADOPTED:

ATTEST:

BOROUGH OF WATCHUNG

Edith Gil, Borough Clerk

By: _____
Ronald Jubin, Mayor

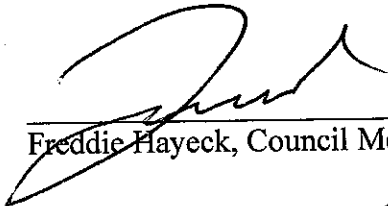
**BOROUGH OF WATCHUNG
RESOLUTION: R12**

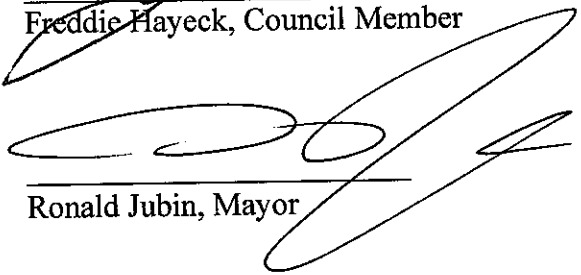
BE IT RESOLVED that Ordinance **OR:23/04** entitled:

**ORDINANCE AMENDING ARTICLE VII OF CHAPTER 2 OF THE CODE
OF THE BOROUGH OF WATCHUNG, ENTITLED "FEES FOR
MUNICIPAL SERVICES" TO UPDATE AND INCORPORATE THE
BOROUGH'S RECREATIONAL FEES**

Public Hearing: April 20, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 20th day of April, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.


Freddie Hayeck, Council Member


Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: REC, CODE
C: L.MONETTI 4/18/23

**BOROUGH OF WATCHUNG
ORDINANCE: 23/04**

**ORDINANCE AMENDING ARTICLE VII OF CHAPTER 2 OF THE CODE
OF THE BOROUGH OF WATCHUNG, ENTITLED "FEES FOR
MUNICIPAL SERVICES" TO UPDATE AND INCORPORATE THE
BOROUGH'S RECREATIONAL FEES**

BE IT HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Article VII entitled "Fees for Municipal Services" of Chapter 2 entitled "Administration" of the Code of the Borough of Watchung is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in ~~double strikethrough~~]

Article VII. Fees for Municipal Services

§ 2-62. FEES ENUMERATED.

§ 2-62.1 Fee Schedule for Copies.

~~§ 2-62.2 Amendments to Fee Schedule.~~

~~The Mayor and Council of the Borough of Watchung, by resolution, may amend the fee schedule as necessary.~~

§ 2-63 RECREATION COMMISSION FEES.

§ 2-63.1 Recreational Field Use.

The Recreation Commission is authorized to collect a fee, ~~such fee to be set by resolution,~~ from each group/company requesting use of the fields in the Borough of Watchung. ~~Such resolution shall be kept on file with the Borough Clerk.~~ **The following schedule of fees shall be charged and collected by the Recreation Commission:**

<u>FIELD USE</u>	<u>FEE</u>
<u>Pavilion Rental:</u>	
<u>Resident</u>	<u>\$50.00 per event</u>
<u>Non-Resident / Commercial</u>	<u>\$100.00 per event</u>
<u>Port-A-John Rental</u>	<u>\$150.00 (includes delivery)</u>

**BOROUGH OF WATCHUNG
ORDINANCE: 23/04**

<u>FIELD USE</u>	<u>FEE</u>
<u>Mobus or Other Borough Fields:</u>	
<u>Sport Programs</u>	<u>\$15.00 per person/week or program</u>
<u>Events (Non-Profit) – Resident</u>	<u>\$50.00 per event</u>
<u>Events (Non-Profit) – Non-Resident</u>	<u>\$150.00 per event</u>
<u>Gazebo:</u>	
<u>Resident</u>	<u>\$50.00 per event</u>
<u>Non-Resident</u>	<u>\$100.00 per event</u>
<u>Seniors Room:</u>	
<u>Resident/Non-Profit</u>	<u>No Charge</u>
<u>For Profit Organizations</u>	<u>\$25.00 per hour / \$100.00 minimum</u>

*** All Watchung based non-profit sports programs, government or school based events, and non-profit fund-raising events are exempt from the fee scheduled.**

**** All fees include removal of bagged garbage and access to electricity, if needed.**

§ 2-63.2 Recreational Summer Camp Programs.

The Recreation Commission is authorized to collect a fee in connection with participation in the Borough's recreational sport programs, summer camp programs, daycare programs, and Round Top membership (discount). The following fee schedule shall be charged and collected by the Recreation Commission:

<u>PROGRAM</u>	<u>FEE</u>
<u>Summer Camp Program Registration</u>	<u>\$275.00 (per child /per week)</u>
<u>Early Registration (Registrations received by April 30th)</u>	<u>\$25.00 (discount per child /per week)</u>
<u>No Camp on July 4th (When the holiday falls on a weekday)</u>	<u>\$55.00 (discount per child)</u>
<u>Round Top Member Discount</u>	<u>\$50.00 (discount per child /per week) or \$10/off per day, per child</u>
<u>When Summer Camp is able to hold Early or After Care, the following additional fees shall apply</u>	

**BOROUGH OF WATCHUNG
ORDINANCE: 23/04**

<u>PROGRAM</u>	<u>FEE</u>
<u>Summer Camp Early Care (8:00 a.m. – 9:00 a.m.)</u>	<u>\$50.00/per week, per child</u>
<u>Summer Camp After Care (4:00 p.m. – 5:00 p.m.)</u>	<u>\$50.00/per week, per child</u>
<u>BASKETBALL PROGRAMS</u>	
<u>Recreational Basketball Registration</u>	<u>\$100.00 per child</u>
<u>Travel Basketball Registration</u>	<u>\$100.00 per child</u>
<u><i>Uniform costs vary by year and are passed down from the borough's vendor</i></u>	

§ 2-63.3 Amendments to Fee Schedule.

The Recreation Commission shall report to the Mayor and Council with regard to any necessary amendments or updates to the recreational fee schedules set forth herein.

§ 2-64. through § 2-69. (RESERVED)

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

**BOROUGH OF WATCHUNG
ORDINANCE: 23/04**

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: HAYECK
PASSED:
PUBLISHED:
ADOPTED:

INDEX:
CC:

ATTEST:

APPROVED:

Edith Gil, Borough Clerk

Ronald Jubin, Ph.D., Mayor

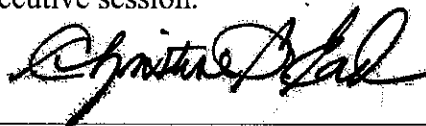
**BOROUGH OF WATCHUNG
RESOLUTION: R13**

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b)(1-9)) permits the exclusion of the public from a meeting in certain circumstances; and

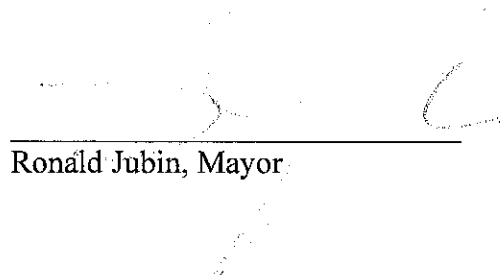
WHEREAS, the Governing Body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the closed session of April 6, 2023.
2. The general nature of the subject matter to be discussed is Litigation Matters; and Personnel Matters regarding:
 - Police Chief
 - Municipal Clerk
3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.



Christine B. Ead, Council Members



Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: MISC.
C:

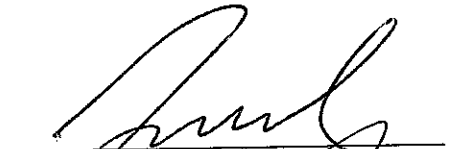
**BOROUGH OF WATCHUNG
RESOLUTION: R14**

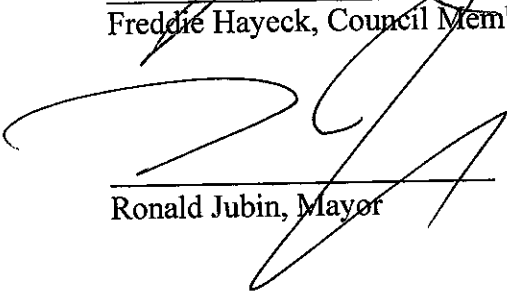
BE IT RESOLVED that Ordinance **OR:23/05** entitled:

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF WATCHUNG, 2003, CHAPTER 28, LAND
DEVELOPMENT, SECTION 28-401, ZONING DISTRICT REGULATIONS
TO ADD A NEW SECTION TO ALLOW OUTDOOR DINING AS A
PERMITTED ACCESSORY USE TO FOOD ESTABLISHMENTS
THROUGHOUT THE BOROUGH**

Public Hearing: MAY 4, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 4th day of May, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.


Freddie Hayeck, Council Member


Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: CODE
C: C.TAYLOR, PLANNING/BOA, 4/18/23

**BOROUGH OF WATCHUNG
ORDINANCE 23/05**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF WATCHUNG, 2003, CHAPTER 28, LAND
DEVELOPMENT, SECTION 28-401, ZONING DISTRICT REGULATIONS
TO ADD A NEW SECTION TO ALLOW OUTDOOR DINING AS A
PERMITTED ACCESSORY USE TO FOOD ESTABLISHMENTS
THROUGHOUT THE BOROUGH**

WHEREAS, in response to the COVID-19 pandemic, the New Jersey Legislature adopted P.L. 2021, c.15, as amended by P.L. 2022, c.85, which temporary allows for the owner or operator of a restaurant, bar, distillery, or brewery to apply for a permit from the municipal zoning officer to use outdoor space, which they own or lease and which are located either on or adjacent to their business premises, as well as public sidewalks, as an extension of their business premises for the purpose of conducting sales of food and beverages, including the installation and use of tents, canopies, umbrellas, tables, chairs, and other fixtures; and

WHEREAS, the expiration date of the State's temporarily permitted uses was extended to November 30, 2024; and

WHEREAS, on June 4, 2020, the Borough Council adopted Resolution R10 establishing a Temporary Outdoor Dining Committee, along with the regulations and permit procedures for the allowance of outdoor dining in the Borough, which Resolution was thereafter extended by subsequent Resolutions adopted on July 16, 2020, October 15, 2020, November 19, 2020, March 18, 2021, and June 17, 2021; and thereafter expired as of September 24, 2021; and

WHEREAS, the Borough of Watchung wishes to expand upon the temporary authorities of P.L. 2021, c.15, as amended by P.L. 2022, c.85, and its prior Resolutions, to amend the

Borough's zoning regulations to allow outdoor dining as a permitted accessory use to food establishments throughout the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Section 28-401 entitled "General Zoning District Regulations" of Article 28-400 entitled "Zoning District Regulations" of Chapter 28 entitled "Land Development" of the Code of the Borough of Watchung is hereby supplemented and amended to establish and create new Subsection AD to be entitled "Outdoor Dining" and to read as follows:

28-401. General Zoning District Regulations

AD. Outdoor Dining

1. Purpose. The purpose of this Section is to allow for outdoor dining areas to be a permitted accessory use to all food establishments throughout the Borough.
2. Definitions. The following definitions shall apply to this Section:

"Business premises" shall mean the real property or portion of real property upon which a food establishment is being operated.

"Food establishment" shall mean the commercial business of cooking, preparing, selling and serving food and beverages for immediate consumption on the business premises, including, but not limited to, restaurants and bars.

"Outdoor dining" shall mean a patio, deck, yard, or walkway, whether covered or uncovered, that is located on or adjacent to the business premises, which space is owned, leased or otherwise in the lawful control of the owner or operator of the business premises, that is being utilized in connection with a food establishment.

"Private sidewalk" shall mean a sidewalk or walkway wholly on private property which is located adjacent to the business premises.

"Public sidewalk" shall mean a sidewalk on the locally or county owned public right-of-way, which is adjacent to the business premises.

3. Permitted Accessory Use. Uses and structures associated with food establishments may be expanded to allow for outdoor dining which is on or adjacent to the business premises, subject to the regulations and conditions set forth herein.
 - a. No outdoor cooking of any kind shall be permitted.
 - b. Outdoor dining operation shall comply with Chapter 20 entitled "Noise" of the Borough Code.
 - c. The site of outdoor dining shall not be permitted if located within one hundred (100) feet of a residential property, unless relief is granted by the appropriate land use board having shown that the outdoor dining will not constitute a nuisance or otherwise disturb the peace and quiet of the nearby residences. If an application for relief of this provision is sought from the land use board, public notice shall be required to all property owners within 200 feet of the subject property.
 - d. Outdoor dining shall not be permitted in fire lanes.
 - e. Outdoor dining shall be limited to be between the hours of 9:00 a.m. and 9:00 p.m., Sunday through Thursday, and the hours of 9:00 a.m. and 10:00 p.m. Friday and Saturday. When not in use during the permitted hours of operation all tables and chairs servicing the outdoor dining shall be secured as to not allow use by patrons or members of the public; and signage shall be provided to notify the public that the tables and chairs shall not be utilized beyond the permitted hours of operation.
 - f. All proposed tents, canopies, umbrellas, tables, chairs, and other fixtures shall be properly secured at the site.
4. Required Approvals. Any site modification required to provide for outdoor dining areas shall be subject to site plan approval from the appropriate land use board. Site plans shall include the design, dimensional boundaries of the proposed outdoor dining area, including any and all proposed tents, canopies, umbrellas, tables, chairs, barriers, and other fixtures.
5. Use of Sidewalks. Unless otherwise permitted by State law, the use of the public sidewalk for outdoor dining shall not be permitted. Subject to land use board approval, outdoor dining may be permitted on a private sidewalk.
6. Temporary outdoor heating sources. Temporary outdoor heating sources, such as heating lamps, electric or gas space heaters, gas fireplaces, chimineas or other like equipment, may be permitted within such outdoor dining areas subject to compliance with all applicable provisions of State laws and regulations, and Borough ordinances.

7. Temporary Lighting. Temporary lighting may be permitted provided such lighting is limited to the outdoor dining area, with no spillage onto neighboring/adjacent properties or businesses, unless lack of such lighting would create a safety hazard, and subject to compliance with all applicable provisions of State laws and regulations, and Borough ordinances.
8. Alcoholic Beverages. The sale/service of alcoholic beverages in outdoor dining areas is subject to compliance with any and all applicable rules, regulations, or special rulings of the Division of Alcoholic Beverage Control.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required); and

BE IT FURTHER ORDAINED that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The

Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: HAYECK
PASSED: APRIL 6, 2023
PUBLISHED: APRIL 13, 2023
ADOPTED:
INDEX: CODE, ZONING,
CC:

ATTEST:

APPROVED:

Edith Gil, Borough Clerk

Ronald Jubin, Ph.D., Mayor

BOROUGH OF WATCHUNG
RESOLUTION: R15

WHEREAS, the Borough of Watchung ("Watchung" or "Borough") has determined, after consultation with the Chief of Police, that there is a need to hire additional patrol officers for the Borough's Police Department ("PD"); and

WHEREAS, the Borough has conducted interviews and reviews of interested applicants for the position of Patrol Officer; and

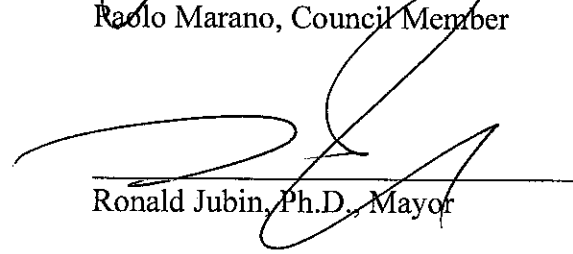
WHEREAS, as authorized by Borough Code, Section 3-2.5, the Police Committee Chair has submitted to the Mayor, his recommendation for the appointment of **Christopher Monrroy** to the position of Patrol Officer for the Police Department; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that:

1. The Mayor and Council hereby authorize a conditional offer of employment to **Christopher Monrroy** as a Patrol Officer with the Borough Police Department effective July 1, 2023.
2. The appointment to a full-time patrol officer is contingent and conditioned upon the successful completion and approval of a background check, along with physical and psychological evaluations.
3. Christopher Monrroy shall be compensated in accordance with the terms and conditions set forth in the Collective Bargaining Agreement between the Borough and PBA Local 193.



Paolo Marano, Council Member



Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: POLICE, PERSONNEL
C: FINANCE, POLICE DEPT., 4/18/23