BOROUGH OF WATCHUNG

15 MOUNTAIN BOULEVARD
WATCHUNG, NEW JERSEY 07069

MAYOR & COUNCIL
MEETING AGENDA

THURSDAY, APRIL 6, 2023

7:30 P.M.

MAYOR
Ronald Jubin, Ph.D.

COUNCIL
Christine B. Ead
Freddie Hayeck
Curt S. Dahl
Paul Fischer
Paolo Marano
Sonia Abi-Habib

James J. Damato
Business Administrator

Edith G. Gil
Borough Clerk

Joseph Sordillo, Esq.
Borough Attorney

THIS MEETING AND ALL BUSINESS SHALL BE CONDUCTED IN-PERSON, INCLUDING THE ACCEPTANCE OF PUBLIC COMMENT. No public comment shall be allowed to be made virtually or accepted in writing and read into the record. All writings received shall be acknowledged and accepted by the Council as regular correspondence. The Borough may broadcast its meetings virtually for public viewing as a courtesy.

VIEWING INSTRUCTIONS: To listen to the meeting via phone, dial 1 (646) 558-8656. It will prompt you for a meeting ID. Type **99501390087#.** You do not need a participating ID, just press # | To view the meeting using a smart phone or computer, download the free **ZOOM** app. Type in the **meeting ID 99501390087** or click on **https://zoom.us/j/99501390087**. **Agenda items can also be requested by emailing egil@watchungnj.gov**

BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA

APRIL 6, 2023- 7:30 P.M.

MAYOR'S STATEMENT: This meeting is being held in compliance with the Open Public Meetings Act. Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough's website. No public comment shall be allowed to be made virtually or accepted in writing and read into the record. All writings received shall be acknowledged and accepted by the Council as regular correspondence. The Borough may broadcast its meetings virtually for public viewing as a courtesy.

SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD

ROLL CALL

Ead [ ] Hayeck [ ] Dahl [ ] Fischer [ ] Marano [ ] Abi- Habib [ ]

PROCLAMATION

- National Volunteer Month

SPECIAL PRESENTATION

- Community Service Award to Alice Olejar

REPORTS OF STANDING COMMITTEES

1. Administration & Finance
2. Police
3. Public Works / Buildings and Grounds
4. Public Affairs:
   - Environmental
   - Recreation
   - Historical
   - Board of Health
5. Fire
6. Laws/Ordinances

REPORTS OF BOROUGH OFFICERS

7. Engineer
8. Police Chief
9. Fire Chief
10. Fire Official
11. Rescue Squad
12. Emergency Management
13. Attorney
14. Finance
15. Clerk

16. Administrator
17. Youth Services
18. Planning Board
19. Municipal Alliance
20. Library Advisory Committee
21. Traffic and Beautification

PUBLIC PORTION / AGENDA ITEMS ONLY

*A public portion is held prior to Council action **for comments of agenda items only**; another public portion is held at the end of the meeting for general discussion. Individuals commenting are limited to **3 minutes** per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

DISCUSSIONS

- Watchung Walks

UNFINISHED BUSINESS

Public Hearing and Adoption of OR 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)

R1: Authorizing Adoption of Ordinance 23/01 To Exceed the COLA and Establishing a CAP Bank When COLA is Equal to or Less Than 2.5 Percent

NEW BUSINESS

REPORTS & CORRESPONDENCE: *Matters listed within this section have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, any item may be removed by Council action.*

Acknowledging Receipt of the following Borough Reports:

Environmental Commission Minutes	February 27, 2023
Fire Prevention Bureau Monthly Report	March 2023
Library Advisory Committee Minutes	January 18, 2023
Recreation Commission Minutes	February 1, 2023
Rescue Squad Monthly Report	March 2023

Youth Services Commission Bylaws Revised February 22, 2023

#6: Township of Warren, Notice of Introduced Ordinance 23-07, Repealing Section 15-10A, "Flood Damage Prevention" to Adopt a New Section 15-10A titled "Floodplain Management", recv'd 3/17/23, cc: M&C, JD, JC

CONSENT RESOLUTIONS

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

R2: Authorizing Purchase Orders over Allowed Threshold – *Spatial Data Logics*
Foveonics Document Solutions

R3: Authorizing Access and Indemnification Agreement Between Round Top Swim and Tennis Club and the Borough of Watchung for the 2023 Summer Camp Program

R4: Authorizing Field and Facility Permit Application for Watchung Little League from April 29, 2023 through November 2023

R5: Authorizing Field and Facility Permit Application for the use of Best Lake Parking Lot by the Garden Club of Watchung on May 13, 2023

NON-CONSENT RESOLUTIONS

R6: Authorizing Appointment of Dmitry Gukhman as Fire Volunteer

R7: Authorizing Salary Adjustment for Joseph Buro as Public Works Driver/ Operator Step A

R8: Authorizing Salary Adjustment for Harrison Werner as Public Works Driver/ Operator Step A

R9: Authorizing the Appointment of Tammy Vetuschi as Part-Time Board Clerk to the Planning and Board of Adjustment

INTRODUCTION OF ORDINANCES

<u>OR 23/02:</u> 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 ADMNISTRATOR, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

R10: Introducing Ordinance 23/02 to Repeal Chapter 22, Flood Damage Prevention and Replace with Chapter 22, Floodplain Management Regulations

<u>OR 23/03:</u> 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

R11: Introducing Ordinance 23/03 Amending the Organization of the Police Department to Increase the Number of Police Officers

<u>OR 23/04:</u> 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

R12: Introducing Ordinance 23/04 Amending Chapter 2 to Update and Incorporate the Borough's Recreation Fees

PUBLIC PORTION - GENERAL DISCUSSION

*Individuals commenting are limited to **3 minutes** per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

R13: Authorizing Executive Session to Discuss Personnel Matters

ADJOURNMENT

The next meeting of the Mayor and Council will be Thursday, April 20, 2023 at 7:30 P.M.

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

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BOROUGH OF WATCHUNG
ORDINANCE 23/01

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.

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ATTEST: **APPROVED:**

Edith G. Gil, Borough Clerk **Ronald Jubin, Ph. D. Mayor**

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

INDEX: FINANCE-BUDGET
C: B. HANCE

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.

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Paul Fischer, Council Member

Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: FINANCE-BUDGET
C: B.HANCE, DLGS

#6
4/6/23

TOWNSHIP OF WARREN
ORDINANCE NO. 23-07

AN ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY REPEALING SECTION 15-10A OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN TITLED" FLOOD DAMAGE PREVENTION"; TO ADOPT A NEW SECTION 15-10A TITLED "FLOODPLAIN MANAGEMENT"; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMNISTRATOR; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1, et seq and N.J.S.A. 40:55D-1, et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

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

WHEREAS, the Township of Warren was accepted for participation in the National Flood Insurance Program on January 5, 1978, and the Township Committee desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

WHEREAS, the Township of Warren is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, that the following floodplain management regulations are hereby adopted.

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SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Section 15-10A, titled "Flood Damage Prevention" and replace it with a new Section 15-10A, titled "Flood Damage Prevention".

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

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

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these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than $1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than $1250 may be imposed if the court has not determined otherwise, or if upon re-inspection of the property, it is determined that the abatement has not been substantially completed.

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

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $2500 or up to a maximum penalty by a fine not exceeding $10,000 under N.J.S.A. 40:49-5.

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The Township of Warren was accepted for participation in the National Flood Insurance Program on **January 5, 1978**.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the Floodplain Administrator, Township of Warren Engineering Department, 46 Mountain Boulevard, Warren, New Jersey 07059.

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

1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions), revised 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.

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Table 102.2(1):

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34035C0062	Sept.28,2007	E	34035C0088	Sept.28,2007	E
34035C0064	Sept.28,2007	E	34035C0089	Sept.28,2007	E
34035C0067	Sept.28,2007	E	34035C0152	Sept.28,2007	E
34035C0068	Sept.28,2007	E	34035C0156	Sept.28,2007	E
34035C0069	Sept.28,2007	E	34035C0157	Sept.28,2007	E
34035C0086	Sept.28,2007	E	34035C0159	Sept.28,2007	E
34035C0087	Sept.28,2007	E	34035C0176	Sept.28,2007	E

2) **Federal Best Available Information.** The Township of Warren 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(2.1)

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

Table 102.2(2.2)

Preliminary FIS Report ID	Issue Date
None as of the date of this ordinance	

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3) **Other Best Available Data.** The Township of Warren shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Warren. 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), (2.1), and (2.2), above. This information shall be used for floodplain regulation purposes only.

4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in

the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters:

Name of Studied Water	File Name	Map Number
Passaic River	PRM00031p	22A
Passaic River	PRM00035p	24A
Passaic River	PRM00038p	26A
Dead River	SUPPI015p	DR-2A
Dead River	SUPPI019p	DR-5A
Stony Bk W Branch Trib	C0000024	5
Stony Bk W Branch Trib	C0000025	4
Stony Bk W Branch	C0000026	3
Passaic Rv	PRM00028	20A
Passaic Rv	PRM00029	21
Passaic Rv	PRM00030	22
Passaic Rv	PRM00032	23
Passaic Rv	PRM00033	23A
Passaic Rv	PRM00034	24
Passaic Rv	PRM00036	25
Passaic Rv	PRM00037	26
Passaic Rv	PRM00039	27
Cory's Bk	SUPPI011	CR-1
Cory's Bk	SUPPI012	CR-2
Cory's Bk	SUPPI013	CR-3
Dead Rv	SUPPI014	DR-1
Dead Rv	SUPPI016	DR-2
Dead Rv	SUPPI017	DR-3
Dead Rv	SUPPI018	DR-4
Dead Rv	SUPPI020	DR-5
Harrison Bk	SUPPI024	HB-1

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

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

1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
2) For any un-delineated 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 freeboard and any additional freeboard as required by ASCE 24; or
    b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.

3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

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

(1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
(2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
(3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
(4) Determine whether additional flood hazard data shall be obtained or developed.
(5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
(6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
(7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
(8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
(9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
(10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
(11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
(12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
(13) Cite violations in accordance with Section 108 of these regulations.
(14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of Warren have been modified.
(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or 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 has proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section103.15.

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

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

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land- disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with

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supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

103.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

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

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

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

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

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

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1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of five (5) 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 a ten (10) year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

103.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any

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damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 104 PERMITS

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

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

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

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

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

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

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SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

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

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

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

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

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices, which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.

(4) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

1) **Lowest floor elevation**. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

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SECTION 107 VARIANCES

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

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

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

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

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

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

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

(1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
(2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

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(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
(4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
(5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

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

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

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

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

SECTION 201 DEFINITIONS

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

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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-percent-annual-chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

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

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

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

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

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

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

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

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

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

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

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

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

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

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it

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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 firewalls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

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

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A

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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 flood proofing 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 flood-proofing certificate is required at permit application.

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

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

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

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured

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homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Warren Township Board of Adjustment requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

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

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

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

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

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no

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circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

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

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

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

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

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

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

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

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local

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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 storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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

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

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

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

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

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

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

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it is before damaged condition would equal or exceed fifty percent (50%) 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 five (5) year period, the cumulative cost of which equals or exceeds fifty percent (50%) 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 five (5) year

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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.

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

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SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

(1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

(2) Residential building lots shall be provided with adequate buildable area outside the floodway.

(3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

401.2 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

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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.

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

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

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

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

> **Exception.** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that

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elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 RECREATIONAL VEHICLES

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

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

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

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

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801.2 Requirements for Habitable Buildings and Structures.

1) Construction and Elevation in A Zones not including Coastal A Zones.
   a. No portion of a building is located within a V Zone.
   b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
   c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
   d. All new construction and substantial improvements of non-residential structures shall:
      i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
      ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
         1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
         2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Flood proofing Certificate, and is confirmed by an Elevation Certificate.
   e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
      iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
      iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
      v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
      vi. Have openings documented on an Elevation Certificate; and
      vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
         1. The enclosure is likely to be inundated by floodwaters, which may result in damage and/or inconvenience.
         2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

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3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement.

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

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform to 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. Aboveground swimming pools and belowground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Aboveground 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.

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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 floodwaters.

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

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

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

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

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

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

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below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

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

ATTEST: TOWNSHIP OF WARREN

Cathy Reese, RMC
Township Clerk

Gary P. DiNardo, Mayor

INTRODUCED: March 15, 2023

ADOPTED:

EFFECTIVE:

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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

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Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: PURCHASING
C: B. HANCE

BOROUGH OF WATCHUNG

15 Mountain Boulevard
Watchung, NJ 07069
TEL (908)756-0080 FAX (908)757-7027

PURCHASE ORDER

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING LISTS, CORRESPONDENCE, ETC.

NO. 23-00394

ORDER DATE: 03/28/23
REQUISITION NO:
DELIVERY DATE:
STATE CONTRACT:
ACCOUNT NUM:

SHIP TO

WATCHUNG MUNICIPAL BUILDING
15 MOUNTAIN BLVD.
WATCHUNG, NJ 07069-6399

VENDOR

VENDOR #: SDL

Spatial Data Logic
285 Davidson Avenue
Suite 302
Somerset, NJ 08873

Phone: (732)357-1280 Fax: (732)357-1299

PAYMENT RECORD

CHECK NO.

DATE PAID

NOTICE: TAX ID #22-6002382 - TAX EXEMPT

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	SDL Hosting Service 5 year	3-01- -250-233 Computer Expenses	30,000.0000	30,000.00
1.00		3-01- -610-203 Office Equipment	28,400.0000	28,400.00
			TOTAL	58,400.00

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CLAIMANT'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

OFFICIAL POSITION DATE

TAX ID NO. OR SOCIAL SECURITY NO.

OFFICER'S CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

DEPT. HEAD DATE

VENDOR MUST SIGN CERTIFICATION STATEMENT ON THIS VOUCHER.
MAIL VOUCHER & ITEMIZED BILLS TO:

BOROUGH OF WATCHUNG
15 Mountain Boulevard
Watchung, NJ 07069

APPROVAL TO PURCHASE

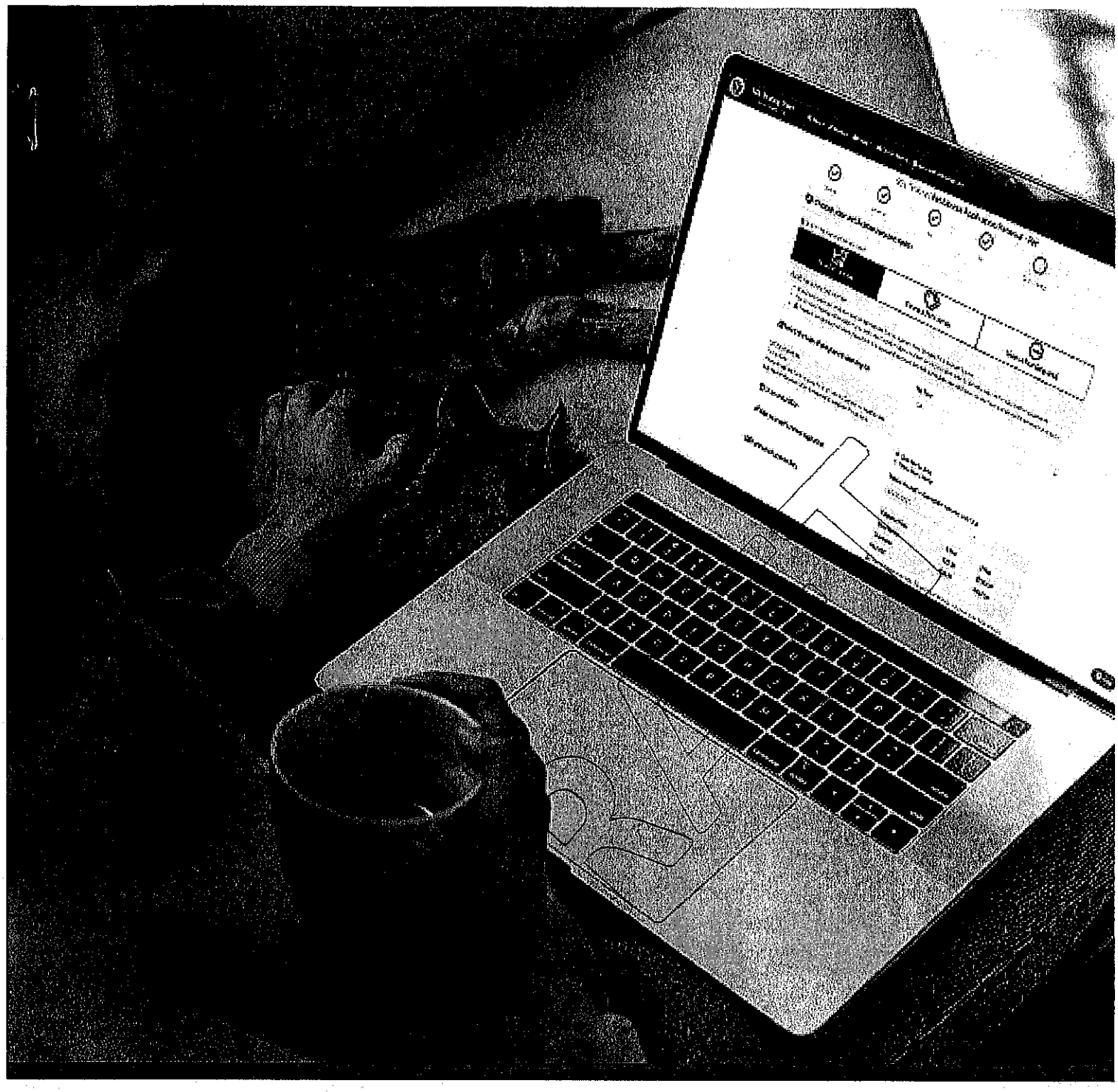
DO NOT ACCEPT THIS ORDER UNLESS IT IS SIGNED BELOW.

William J. Hance

CFO/QPA

COUNCIL APPROVAL CAN BE SEEN

ON BILL LIST RESOLUTION



SDL | MUNICIPAL MANAGEMENT SOFTWARE

SPATIAL DATA LOGIC

Watchung

Watchung - Expansion - Switch to Hosted - 5 year option - Q-01128
2/28/2023
Spatial Data Logic
285 Davidson Ave.
Somerset, NJ 08873
Linda Scano

COMPANY HISTORY

From small towns to large cities and counties, Spatial Data Logic helps local governments to modernize processes and move services online. Headquartered in Somerset, New Jersey, Spatial Data Logic has over 26 years of experience streamlining processes for over 250 government agencies and providing convenient, online services to over 5.6 million residents.

We take a great deal of pride in building and maintaining an easy-to-use software solution, in addition to providing the highest level of support for our products. We appreciate the opportunity to showcase how our software can meet the needs of your town and residents.

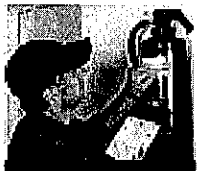
OUR DEPARTMENTS & PLATFORMS

With SDL, your county/municipality will receive access to all of our software platforms, department modules and workflows. Our software modules and platforms are interconnected, increasing visibility between departments, facilitating interdepartmental collaboration, and providing a comprehensive view of property history.

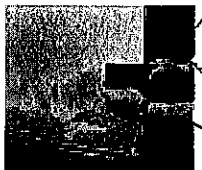
Construction

Land Use

Engineering


Fire Prevention

Health


Code Enforcement

Tax Assessor

Clerks & Licensing

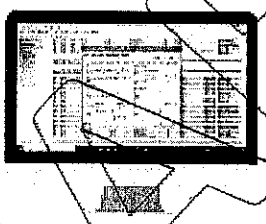
Pet Licensing

Police

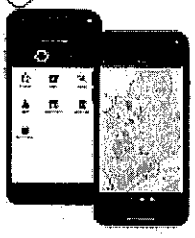
Utilities

Public Works

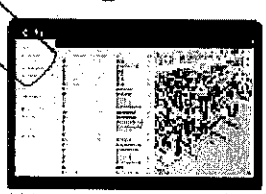
Managers



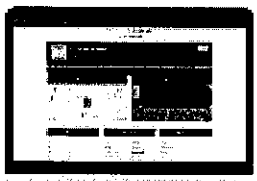
SDL | DESKTOP
A powerful desktop application that streamlines and automates processes



SDL | MOBILE
Provides enhanced capabilities for inspectors, DPW workers and other field staff



SDL | ONLINE
Our cloud-based solution that enables clients to access information and complete tasks from any location



SDL | PORTAL
Empowers the public to submit requests, access updates, and search for property/permit information online

SDL CITIZEN
A free mobile app that provides the public with another convenient way to engage online

SDL | SITES
Municipal website that provides a more seamless way for visitors to access property information and submit requests online

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OUR SERVICES

Data Integration

SDL provides all of the import and conversion services required for a successful transition. While we have experience converting data from other software providers, we need to review the database structure and number of records in order to finalize pricing for the data import. This gives us a chance to estimate the time needed for the integration and assess if a custom import is necessary.

Installation

SDL offers a variety of installation services and will work with your municipality to identify what assistance is needed.

Training

SDL hosts training sessions to ensure that our clients have the knowledge and tools they need to take full advantage of our municipal management software. Our in-house training sessions provide a focused environment where clients can learn away from office distractions.

For every named user that is purchased as part of your SDL Enterprise license, your municipality will receive one complimentary training credit to be applied towards training per year. Extra training credits and one-on-one sessions are available for an additional cost.

Technical Support

At SDL, customer support isn't an afterthought. It's a key differentiator. We have a dedicated support team to answer your calls Monday - Friday, 9am - 5pm EST. Our support team can login remotely to assist and troubleshoot issues. Support inquiries are also logged using a formal ticketing system to ensure prompt and effective resolution.

Help Center

The SDL Help Center offers a 24/7 online resource where clients can access quick how-to guides, watch on-demand webinars, vote for their favorite client feature requests and more.

Additional Services

Additional services may be required during the course of the project that are beyond the scope of work outlined above and in our proposal. These services will be provided upon written authorization from the client and are subject to be billed as an Additional Service.

Some examples of additional services include but are not limited to, meetings with the client or other regulatory agencies that are not part of the project and the customization of forms, reports, databases and/or other applications that are not part of the current software or included in the data integration estimate.

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WHY SDL

Spatial Data Logic offers a municipal-wide software solution that powers individual departments while uniting your elected officials, department staff and community members through one interconnected solution. By selecting SDL as your software provider, you are receiving the following benefits:

One Interconnected Solution

All of our department modules and platforms are interconnected to increase municipal-wide visibility and help your staff provide better services at a quicker pace. With multiple departments feeding into one system, staff members will have access to a comprehensive property history including owner information, past permits, inspections, pet licenses, complaints, violations and more. Office staff will also receive real-time access to information and requests coming from field and from the citizen platforms.

Full Permit Solution

With SDL, there is no need to bounce between vendor solutions or integrate with other vendors to complete the permit process. Our software manages the entire permit process including permit applications, plan reviews, inspections and more.

Full Department Solution

We offer full department solutions to help streamline & automate daily workflows that occur both in and out of the office. For example, our Building module includes tools for permitting, inspections, plan reviews, complaints, violations, OPRA requests and more.

Field Accessibility

With SDL Mobile, inspectors, DPW workers and other remote staff can access information and complete tasks on-the-go using their smartphone or tablet. All photos, comments and results automatically sync back to the other SDL platforms.

Citizen Access

We offer 3 resident-facing platforms where citizens, professionals, businesses and other members of the public can access information, submit requests and monitor the progress 24/7.

Remote Inspections

SDL provides a fully integrated and friction-free way to complete building inspections from home: no downloads required. Simply text or email a link to the contractor or homeowner inviting them to begin a secure video inspection. Inspectors have full control over the process including photo capabilities, note-taking, directives, access to digital plans and more.

Plan Reviews

SDL offers both a simple way to request and review digital plans as well as a more structured, end-to-end plan review solution that accommodates markups, simultaneous reviews and multiple plan iterations.

Property History

In addition to tax data, you can link photos, documents and other information to a parcel to have a history of all applications, complaints, inspections, violations, OPRA requests and activities tied to that parcel.

GIS Maps

SDL Portal allows for internal viewing or public sharing of city map layers such as parcels, roadways, zoning maps, floodplain maps, parks, ward maps and fire districts.

Automated Notifications

Send real-time notifications from SDL Desktop and SDL Mobile, reducing foot traffic and phone calls.

Customer Support

Spatial Data Logic is committed to ensuring your jurisdiction has the tools and resources you need. We have dedicated, in-house teams to assist with development, onboarding, training, technical support and product expansion.

Continual Improvement & Innovation

We are constantly innovating and updating our software to meet the growing needs of our clients and their communities.

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MEET THE TEAM

When you come onboard with Spatial Data Logic, we have a team in place to support you throughout the process.

Account Team

Jack Flood
Vice President

Tom Hurley
Director of Sales

Dee Haoge
Director of Customer Success
(Once Deployed)

Onboarding & Training

Brandon Griswold
Onboarding & Support

Charlie Pierson
Onboarding & Support

Brendhan Kennedy
Installations & Support

Eileen Biancato
Director of Training

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CLIENT REFERENCES

Ari Messenger, Operations Manager
amessinger@chtownship.com

Bob Rusch, Construction Official
bldgdept@cresskillboro.org

Robert Green, Director of IT
rgreen@ewingnj.org

Dawn Neil, Technical Assistant
dneil@bernards.org

CLIENT LIST

Alexandria Township
Asbury Park City
Avon Borough
Barrington Borough
Bass River Township
Bay Head
Bayonne
Beachwood
Bedminster Township
Berkeley Heights Township
Berkeley Township
Bernards Township
Bernardsville Borough
Bloomfield Township
Boonton Town
Boonton Township
Bound Brook Borough
Bradley Beach Borough
Branchburg
Brick Township
Bridgeton City
Bridgewater Township
Brielle Borough
Burlington City
Burlington Township
Byram Township
Cape May City
Cape May Point Borough
Carlstadt Borough
Cedar Grove Township
Chatham Borough
Chatham Township
Cherry Hill Township
Clifton
Clinton Township
Closter
Cranford Township
Cresskill Borough
Delaware Township
Demarest Borough
Deptford Township
Dumont Borough
Dunellen Borough
Englewood Township
East Hanover Township
East Orange
Eatontown Borough
Edison Township
Egg Harbor Township
Emerson Borough
Englewood Cliffs Borough
Essex Fells Borough

Evesham Township
Ewing Township
Fair Haven Borough
Fanwood Borough
Farmingdale
Flemington Borough
Florham Park Borough
Fort Lee Borough
Frankford Township
Franklin Lakes
Franklin Township (Somerset)
Freehold Borough
Frenchtown
Garwood Borough
Genessee County
Glassboro Borough
Glen Ridge Borough
Glen Rock Borough
Guttenberg Town
Hackettstown
Hamilton Township (Atlantic)
Hamilton Township (Mercer)
Hampton Borough
Hampton Township
Hanover Township
Harding Township
Harrison
Haworth Borough
Hawthorne Borough
Highland Park Borough
Highlands Borough
Hillsborough Township
Hoboken City
Ho-Ho-Kus
Holmdel
Hopewell Township (Mercer)
Howell Township
Irvington
Island Heights Borough
Jefferson Township
Jersey City
Kearny Town
Keyport Borough
Kingwood Township
Lacey Township
Lafayette Township
Lakewood Township
Lambertville
Lincoln Park Borough
Lindenwold Borough
Linwood City
Little Egg Harbor Township

Little Falls Township
Little Ferry Borough
Little Silver Borough
Livingston Township
Long Beach Township
Long Hill Township
Madison Borough
Manchester Township
Mansfield Township (Warren)
Manville Borough
Marlboro Township
Medford Lakes Borough
Mendham Borough
Merchantville
Middlebrook Health
Commission
Midland Park Borough
Millburn Township
Millstone Township
Mine Hill Township
Monmouth Beach Borough
Montague Township
Montclair Township
Montvale Borough
Morrville Township
Moorestown Township
Morris Township
Morristown Town
Mount Olive Township
Mountain Lakes Borough
Mount Laurel Township
Mountainside Borough
National Park Borough
Netcong Borough
New Brunswick
New Providence Borough
Newton
North Brunswick
Norwood Borough
Nutley Township
Oakland Borough
Ocean City
Ocean Gate
Oceanport
Ocean Township (Monmouth)
Old Bridge Township
Old Tappan
Oradell Borough
Orange Township City
Palisades Park
Paramus Borough
Park Ridge Borough

Passaic City
Paterson City
Penpack & Gladstone
Pemberton Township
Pequannock Township
Perth Amboy City
Phillipsburg Township
Piscataway Township
Plainsboro
Point Pleasant Borough
Rahway City
Ramsey Borough
Randolph Township
Raritan Borough
Raritan Township
Readington Township
Ridgefield Park Village
Ridgewood Village
River Edge Borough
River Vale Township
Rochelle Park
Rockaway Borough
Rockaway Township
Rocklegh
Roselle Borough
Roselle Park Borough
Roxbury Township
Rumson Borough
Rutgers University
Rutherford Borough
Saddle River
Sandyston Township
Schenectady County
Scotch Plains
Sea Girt
Sea Isle City
Seaside Park
Secaucus Town
Shiloh Borough
Shrewsbury Borough
Somerville
South Toms River
Sparta Township
Spotswood
Springfield Township (Union)
Spring Lake
Spring Lake Heights Borough
Stafford
Stratford Borough
Summit
Teaneck
Tenafly Borough

Tinton Falls
Tom's River
Union City
Ventnor City
Vernon Township
Verona Township
Vineland City
Voorhees Township
Warren Township
Washington Borough (Warren)
Washington Township (Bergen)
Washington Township (Morris)
Washington Township (Warren)
Watchung
Westampton Township
West Caldwell Township
West Cape May
West Deptford
Westfield Town
West Milford Township
West New York Town
West Windsor Township
Wharton Borough
Woodbridge
Woodbury City
Woodbury Heights Borough
Woodcliff Lake
Wood-Ridge Borough

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SDL MUNICIPAL MANAGEMEN SOFTWARE
SPATIAL DATA LOGI

PROPOSAL

Spatial Data Logic is pleased to offer the following pricing.

Product	Description	Quantity	Price
SDL Hosting Services - Yearly	Hosting - Medium Town (25 Users)	1	$58,400
		Subtotal:	$58,400
		Total Initial Investment:	**$58,400**

Note: SDL Hosting requires moving from a per-seat licensing agreement to a per-named user licensing agreement. SDL Hosting is in addition to licensing costs.

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PROPOSAL NOTES & CONDITIONS

2022 New Jersey SDL Rate Card:

Please reference attachments for full rate card and price breakout. Additional years will follow the prevailing rate card.

Estimated Time:

Upon award of contract, SDL will begin the deployment process of data collection and conversion.

Required Hardware and Software:

Unless otherwise described in this proposal, SDL is not providing any hardware or software outside of the SDL Software description above.

- **Internet Access - If a hosted solution is chosen internet access is a requirement**
- **Client Computers - The software rquires the current Microsoft supported Windows operating system on computers in order for the software to be installed.**
- **iOS or Android devices for use with the SDL Mobile App. Devices are required to have data plans for real-time syncing.**

Terms and Conditions:

- **The prices quoted herein will be valid for a period of ninety days. Please contact SDL at (732) 357-1280 for a new quote if your proposal has expired.**
- **Payments to SDL will be required as follows:**
  - **Submission of PO or Contract to SDL - Licensing & Hosting Fees**
  - **Completion of Data Integration Services - Data Import & Installation Fees**
  - **Completion of Training - Training Services Fee**
- **All outstanding invoices beyond sixty (60) days will accrue interest at the rate of 1% per month.**
- **All payments will follow Spatial Data Logic's standard billing terms unless otherwise negotiated and agreed upon prior to the submission of a PO or contract.**

DRAFT

PROPOSAL SIGN-OFF

The above proposal outlines the scope of work and services that will be provided by Spatial Data Logic. In order to move forward, Spatial Data Logic will need a signed License Agreement and purchase order.

To begin this process, please sign off on the proposal and provide the following information.

I have reviewed the proposal and agree that the attached quote meets the needs of my request.

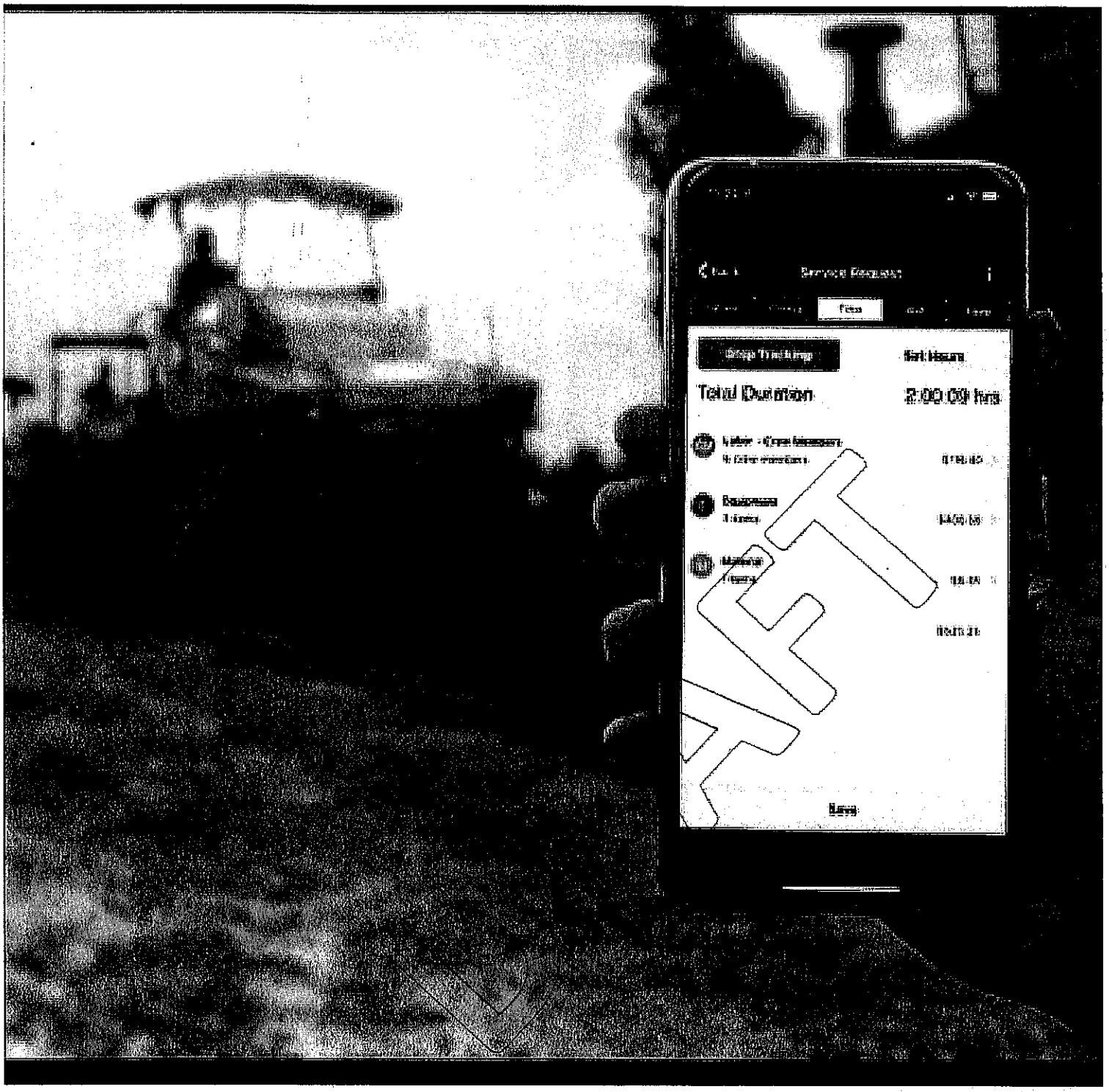
I confirm that I am authorized to sign on behalf of Watchung

Purchase Order:

Purchase Order will be issued directly to Spatial Data Logic

or Spatial Data Logic will work through a third-party to purchase on state contract

DRAFT



SDL | MUNICIPAL MANAGEMENT SOFTWARE

SPATIAL DATA LOGIC

ADDITIONAL DOCUMENTS

SDL | MUNICIPAL MANAGEMENT SOFTWARE

SPATIAL DATA LOGIC

2023 NEW JERSEY RATE CARD

Item	Description	Cost Breakdown	
Enterprise License	1 Computer or User	$1,940/Year	
	Up to 5 Computers or Users	$8,900/Year	
	Up to 10 Computers or Users	$17,000/Year	
	Up to 25 Computers or Users	$36,200/Year	
	Up to 50 Computers or Users	$50,200/Year	
	Up to 100 Computers or Users	$61,600/Year	
	Up to 300 Computers or Users	$178,200/Year	
	Portal Charge For Single Or Additional Towns Per Year	$1,050/Year	
Data Integration	Department Import From Known Vendor Database	$3,200	
	Department Import From Unknown Vendor Database	$4,000	
	Module Activation Fee (No Import)	$500	
Installation (Price for initial install)	Single Computer	$1,100	
	Small Town (10 Computers)	$2,600	
	Medium Town (25 Computers)	$4,300	
	Large Town (50 Computers)	$6,500	
	City/County (100 Computers)	$8,600	
	Price For Additional Installs (Per Computer)	$540	
Training	Onsite Training - General & 1 Department	$3,800	
	Onsite Training - Each Additional Department	$2,700	
	SDL Training Center Course	1 Course - $270 5 Courses - $1,400 10 Courses - $2,700 25 Courses - $5,400 50 Courses - $8,100 100 Courses - $10,800 300 Courses - $24,300	
SDL Hosting (Includes hosting, client access, SQL License and backup)	Single User	$2,700/Year	$270/Month
	Workgroup (5 Users)	$4,100/Year	$410/Month
	Small Town (10 Users)	$6,000/Year	$600/Month
	Medium Town (25 Users)	$14,600/Year	$1,500/Month
	Medium/Large Town (50 Users)	$24,300/Year	$2,400/Month
	Large Town (100 Users)	$44,600/Year	$4,500/Month
	City/County (300 Users)	$121,000/Year	$12,100/Month
	Additional Towns (Under 10 Users)	$2,100/Year	$210/Month
	Additional Towns (Over 10 Users)	$4,900/Year	$490/Month
SDL Sites (Purchased as part of license)	Hosting - Single Site	$0	
	Hosting - Additional Site	$540/Year	
	Website Initial Set Up - Onetime	$3,200	
	Page Design Blocks (Per Page)	$270/Page	
	Website Document Migration (500 pages /posts)	$2,700	
	Content Migration (Per Page)	$270/Page	
SDL Online Plan Review	For SDL Hosting Customers	$0	
	For Non-SDL Hosting Customers -Per User	$250	
SDL Schedule of Hourly Rates (Hourly rates include direct salary, overhead and profit. All out-of-pocket expenses are invoices at cost + 10%. Mileage from our office is invoiced at the rate of $0.75 per mile).	Senior Project Manager	$300	
	Project Manager	$250	
	Programmer	$250	
	Training Technician	$200	
	Website Manager/Tech	$150	
	GIS Specialist	$200	
	Computer/Network Technician	$150	
	GIS Technician	$100	
	Field Technician	$100	
	Clerical/Data Entry	$40	

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ON-PREMISE HOSTING

Server and Client Hardware Specifications for SDL Software (2023)

SDL | DESKTOP

Server:

Recommended Server Configuration for 1-10 Users (New Purchase)
- Eight Cores or higher CPU, 8 GB Base Memory or greater
- Window 2019 (64 bit) Server with IIS installed
- 500 GB, RAID 5/10, 10000 + rpm or equiv
- Backup Solution
- Non- domain controller

Recommended Server Configuration for 10 and greater Users (New Purchase)
- 16 Cores, Xeon Preferred, 16 GB Base Memory or greater
- Non-domain controller
- Windows 2019 (64 bit) Server with IIS installed
- Microsoft SQL Server 2016 (64 bit) - Standard or higher
- 1 TB, Raid 5/10 , 10000 + rpm or SAN equivalent
- Backup solution (off-site)

Recommended Network Configuration for 2 or more users
- 1000 Base T Network or greater
- 1000 Base T Switches or greater
- Windows Domain/Active Directory recommended
- Internet Connection with 25 Mbs/ 25 Mbs minimum

Note: For Thin Client/Windows Terminal Server and all virtualized servers, please call for specifications. If you have an existing file server that you are considering using, please provide the specifications to SDL for evaluation. REQUIRES USER BASED LICENSE

Desktop:

Minimum Client Configuration
2.0 GHz Processor 4 core or greater, 6 GB RAM
Windows 10 or above
Internet Explorer 11.0, .Net Run-time 3.5 or greater

Recommended Client Configuration (New Purchase)
2 GHz (or higher), 4x core + , 8 GB RAM (or higher)
Windows 10 or above
Internet Explorer 11.0 or greater, .Net Run-time, 3.5 or greater

SDL | MOBILE

- iPad Pro, iPad with 16 GB, iOS 11 or greater
- Android 4.4 or greater (Note - SDL will not specify or recommend any one Android tablet)
- Google Maps installed

Please note that SDL will follow the Discontinued Availability schedule employed by Microsoft for their various software platforms and technologies. SDL had officially stopped support for Windows XP, Windows 7, Windows Server 2003, Windows 2008 and Windows 2012.

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COMPLIANCE DOCUMENTS

SDL | MUNICIPAL MANAGEMENT SOFTWARE
SPATIAL DATA LOGIC

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 252
TRENTON, N.J. 08646-0252

TAXPAYER NAME:
SPATIAL DATA LOGIC, INC.

TRADE NAME:
SPATIAL DATA LOGIC

ADDRESS:
285 DAVIDSON AVE SUITE 302
SOMERSET NJ 08873

SEQUENCE NUMBER:
0100335

EFFECTIVE DATE:
06/25/07

ISSUANCE DATE:
11/14/14

Director
New Jersey Division of Revenue

FORM-BRC
(04-06) D2030-04

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

DRAFT

Certification 10964

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-MAY-2020 to 15-MAY-2027

SPATIAL DATA LOGIC, INC.
285 DAVIDSON AVE., SUITE 302
SOMERSET NJ 08873

ELIZABETH MAHER MUOIO
State Treasurer

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Spatial Data Logic LLC

2 Business name/disregarded entity name, if different from above
Spatial Data Logic Inc.

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.
☑ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
285 Davidson Ave, Suite 302

Requester's name and address (optional)

6 City, state, and ZIP code
Somerset, NJ 08873

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN, later.

Social security number
☐☐☐ - ☐☐ - ☐☐☐☐

or

Employer identification number
5 2 - 2 1 3 7 0 5 9

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ Date ▶ 6/17/2022

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

William J. Hance

From: Linda Scano <lscano@spatialdatalogic.com>
Sent: Tuesday, February 28, 2023 10:47 AM
To: William J. Hance
Cc: Dee Haege; Jack Flood
Subject: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Re: Watchung proposal
Attachments: Watchung - Expansion - Switch to Hosted - 5 year option-Q-01128-2023-02-28.pdf

Good Morning Wiliam,

I have completed the quotes for both the 5 year option and the single year. I have attached same. The five year option includes a significant saving on your yearly cost. The total is $58,400 which works out to $11,600/year. The yearly cost for the single year is $14,600. Also please remember this is in addition to your year seat licensing cost.

Please let me know if there are any questions or concerns.

Best,
Linda

Linda R Scano | Customer Success
Spatial Data Logic
285 Davidson Avenue
Suite 302 Somerset, NJ 08873
P: 732-357-1280 ext 243

We value your feedback! - **Click here to take our 3 minute survey**

www.spatialdatalogic.com

DRAFT

On Mon, Feb 27, 2023 at 10:55 AM William J. Hance <bhance@watchungnj.gov> wrote:

Can you give me both options? We will probably do 1 year since our budget is pretty much set, but I want to give them the option.

Thank you.

Bill

BOROUGH OF WATCHUNG

15 Mountain Boulevard
Watchung, NJ 07069
TEL (908)756-0080 FAX (908)757-7027

PURCHASE ORDER
THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING LISTS, CORRESPONDENCE, ETC.
NO. 23-00395

ORDER DATE: 03/28/23
REQUISITION NO:
DELIVERY DATE:
STATE CONTRACT:
ACCOUNT NUM:

SHIP TO	WATCHUNG MUNICIPAL BUILDING 15 MOUNTAIN BLVD. WATCHUNG, NJ 07069-6399
VENDOR	VENDOR #: FOVEONIC Foveonics Document Solutions 999 Willow Grove Street Suite 3A Hackettstown, NJ 07840

PAYMENT RECORD
CHECK NO.
DATE PAID

NOTICE: TAX ID #22-6002382 - TAX EXEMPT

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	document imaging project UCC Board of Adjustment Planning Board not to exceed $50,000	3-01- -610-204 Records Archiving	50,000.0000	50,000.00
			TOTAL	50,000.00

DRAFT

CLAIMANT'S CERTIFICATION & DECLARATION	OFFICER'S CERTIFICATION	APPROVAL TO PURCHASE
I do solemnly declare and certify under penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one. X VENDOR SIGN HERE OFFICIAL POSITION DATE TAX ID NO. OR SOCIAL SECURITY NO.	I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures. DEPT. HEAD DATE VENDOR MUST SIGN CERTIFICATION STATEMENT ON THIS VOUCHER. MAIL VOUCHER & ITEMIZED BILLS TO: BOROUGH OF WATCHUNG 15 Mountain Boulevard Watchung, NJ 07069	DO NOT ACCEPT THIS ORDER UNLESS IT IS SIGNED BELOW. William J. Hance CFO/QPA COUNCIL APPROVAL CAN BE SEEN ON BILL LIST RESOLUTION

Borough of Watchung

Day Forward Solution

With approved Migration Path

NJ State Approved Co-op #65MCESCCPS Bid #ESCNJ 16/17-48

Back File Conversion

Code Enforcement

Planning and Zoning

Clerk

3/30/23

SUBMITTED BY:
Foveonics Document Solutions
Allen Kurdyla
www.Foveonics.com

DRAFT

Borough of Watchung Executive Team

All,

For your consideration, I am enclosing a copy of our proposal which outlines significant work for Building Permits, Code Enforcement, Planning and Zoning and Clerk. The proposal is based on in house survey of files performed in March 2023 with Carolyn Taylor. In addition to the file count and estimate for imaging the proposal includes a significant increase in functionality by adding OCR (Text Search) capabilities to the entire Watchung file system. This will provide the ability to search for files using text embedded in a document allowing for a more robust data gathering tool. The OCR capability will provide considerable time savings in the data mining activity related to the Inspector Logs and Minute Books.

The imaging of minute books will be coordinated to have pickups staggered so that file access will be limited. Once imaged the completed books will be returned for Borough use.

After you have had the opportunity to review the materials, Foveonics is available to meet with you if needed to further discuss our qualifications and/or to answer any additional questions you may have.

Sincerely,

Allen F. Kurdyla
Senior VP of Business Development
99 Gray Rock Road
Clinton, NJ 08809
908-500-0357 Phone
732-228-6101 Fax
allenk@foveonics.com

DRAFT

The below estimate is broken up by sections in the Construction Office.

Building Permit Boxes Located in Storage Room on Left Spacesaver Shelve

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	7	$7.00
Preparation of Files	Hourly	$18.0000	50	$900.00
Indexing of Files	Per File	$0.0484	3,500	$169.40
Boxing and Labeling	Per Hour	$18.0000	10	$180.00
Imaging of Files (Small Format)	Per Image	$0.0490	6,000	$294.00
Sorting of Blue Prints	Per Hour	$18.0000	20	$360.00
Imaging of Files (Large Format)	Per Image	$0.4840	950	$459.80
Quality Assurance	Per Hour	$18.00	20	$360.00
Total Costs for Scanning				***$2,730.20***

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Building Plan Specifications in Storage Room on Left Spacesaver Shelve

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	1	$1.00

Preparation of Files	Hourly	$18.0000	4	$72.00
Indexing of Files	Per File	$0.0484	4	$0.19
Boxing and Labeling	Per Hour	$18.0000	4	$72.00
Imaging of Files (Small Format)	Per Image	$0.0490	810	$39.69
Sorting of Blue Prints	Per Hour	$18.0000	0	$0.00
Imaging of Files (Large Format)	Per Image	$0.4840	0	$0.00
Quality Assurance	Per Hour	$18.00	4	$72.00
Total Costs for Scanning				***$256.88***

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Board of Adjustment Files - Main Office Area Tan Cabinets

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	12	$12.00
Preparation of Files	Hourly	$18.0000	50	$900.00
Indexing of Files	Per File	$0.0484	7,500	$363.00
Boxing and Labeling	Per Hour	$18.0000	20	$360.00
Imaging of Files (Small Format)	Per Image	$0.0490	12,000	$588.00
Sorting of Blue Prints	Per Hour	$18.0000	40	$720.00
Imaging of Files (Large Format)	Per Image	$0.4840	1,800	$871.20
Quality Assurance	Per Hour	$18.00	100	$1,800.00
Total Costs for Scanning				***$5,614.20***

Closed Permit Files - Main Office

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	5	$5.00
Preparation of Files	Hourly	$18.0000	50	$900.00
Indexing of Files	Per File	$0.0484	2,500	$121.00
Boxing and Labeling	Per Hour	$18.0000	10	$180.00
Imaging of Files (Small Format)	Per Image	$0.0490	6,500	$318.50
Sorting of Blue Prints	Per Hour	$18.0000	40	$720.00
Imaging of Files (Large Format)	Per Image	$0.4840	1,000	$484.00
Quality Assurance	Per Hour	$18.00	40	$720.00
Total Costs for Scanning				***$3,448.50***

Board of Adjustment Files - Main Office Area Tan Cabinets

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	25	$25.00
Preparation of Files	Hourly	$18.0000	140	$2,520.00
Indexing of Files	Per File	$0.0484	15,000	$726.00
Boxing and Labeling	Per Hour	$18.0000	40	$720.00
Imaging of Files (Small Format)	Per Image	$0.0490	24,000	$1,176.00
Sorting of Blue Prints	Per Hour	$18.0000	80	$1,440.00
Imaging of Files (Large Format)	Per Image	$0.4840	3,600	$1,742.40

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Quality Assurance	Per Hour	$18.00	200	$3,600.00
Total Costs for Scanning				***$11,949.40***

Building and Construction Files - Main Office (3) (5) Drawer files cabinets

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	15	$15.00
Preparation of Files	Hourly	$18.0000	20	$360.00
Indexing of Files	Per File	$0.0484	100	$4.84
Boxing and Labeling	Per Hour	$18.0000	10	$180.00
Imaging of Files (Small Format)	Per Image	$0.0490	0	$0.00
Sorting of Blue Prints	Per Hour	$18.0000	20	$360.00
Imaging of Files (Large Format)	Per Image	$0.4840	550	$266.20
Quality Assurance	Per Hour	$18.00	10	$180.00
Total Costs for Scanning				***$1,366.04***

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Closed Construction Permits - Storage Room (10) Binders

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	2	$2.00
Preparation of Files	Hourly	$18.0000	20	$360.00
Indexing of Files	Per File	$0.0484	1,500	$72.60
Boxing and Labeling	Per Hour	$18.0000	10	$180.00
Imaging of Files (Small Format)	Per Image	$0.0490	4,050	$198.45
Sorting of Blue Prints	Per Hour	$18.0000	0	$0.00
Imaging of Files (Large Format)	Per Image	$0.4840	0	$0.00
Quality Assurance	Per Hour	$18.00	15	$270.00
Total Costs for Scanning				***$1,083.05***

Planning Board Files - Storage Room - Right Shelve

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	3	$3.00
Preparation of Files	Hourly	$18.0000	10	$180.00
Indexing of Files	Per File	$0.0484	500	$24.20
Boxing and Labeling	Per Hour	$18.0000	10	$180.00
Imaging of Files (Small Format)	Per Image	$0.0490	1,440	$70.56
Sorting of Blue Prints	Per Hour	$18.0000	0	$0.00
Imaging of Files (Large Format)	Per Image	$0.4840	780	$377.52
Quality Assurance	Per Hour	$18.00	10	$180.00

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Total Costs for Scanning				***$1,015.28***

Building Files - Roll Drawings - Storage Room and Main Floor - (4) Bins

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	3	$3.00
Preparation of Files	Hourly	$18.0000	10	$180.00
Indexing of Files	Per File	$0.0484	28	$1.36
Boxing and Labeling	Per Hour	$18.0000	5	$90.00
Imaging of Files (Small Format)	Per Image	$0.0490	0	$0.00
Sorting of Blue Prints	Per Hour	$18.0000	10	$180.00
Imaging of Files (Large Format)	Per Image	$0.4840	560	$271.04
Quality Assurance	Per Hour	$18.00	10	$180.00
Total Costs for Scanning				***$905.40***

DRAFT

Planning Board; Board of Adjustment: Clerk Minute Books

Service	Unit	Unit Cost	Estimated Volume	Total
Pickup and Delivery	Per Pickup And Delivery	$1.0000	24	$24.00
Preparation of Files	Hourly	$18.0000	150	$2,700.00
Indexing of Files	Per File	$0.0484	3,000	$145.20
Boxing and Labeling	Per Hour	$18.0000	100	$1,800.00
Imaging of Files (Small Format)	Per Image	$0.0490	42,200	$2,067.80
Sorting of Blue Prints	Per Hour	$18.0000	0	$0.00

Imaging of Files (Large Format)	Per Image	$0.4840	0	$0.00
Quality Assurance	Per Hour	$18.00	150	$2,700.00
Reassembly of Documents	Per Hour	$18.00	80	$1,440.00
Total Costs for Scanning				***$10,877.00***

Total Cost:	$39,774.67

Acceptance and Authorization

The terms and conditions of the **Professional Services Agreement** apply in full to the services and products provided under this Statement of Work.

IN WITNESS WHEREOF, the parties hereto each acting with proper authority have executed this Statement of Work, under seal.

Borough of Watchung, NJ:

Full name

Title

Signature

Date

Foveonics Document Solutions:

Full name

Title

Signature

Date

DRAFT

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.

DRAFT

_____
Christine B. Ead, Council Member

_____
Ronald Jubin, Ph. D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: B. HANCE, L. MONETTI

ACCESS AND INDEMNIFICATION AGREEMENT
BETWEEN
ROUND TOP SWIM & TENNIS CLUB
AND
THE BOROUGH OF WATCHUNG

THIS AGREEMENT entered into on this 27th day of March, 2023 by and between the Round Top Swim & Tennis Club, Inc. (hereinafter referred to as "Round Top"), located at 106 Mount Horeb Road, Warren, New Jersey, 07059 and the Borough of Watchung (hereinafter referred to as "Borough" or Watchung"), located at 15 Mountain Boulevard, Watchung, New Jersey, 07069 (also known collectively as the "Parties").

WHEREAS, the Borough of Watchung through its Recreation Department operates a summer day camp to its residents and children from surrounding communities from June 26, 2023 to August 4, 2023, (hereinafter referred to "Watchung Summer Camp"); and

WHEREAS, Round Top is a private membership club which owns approximately fourteen (14) acres of property with various different recreational facilities and features located on it in Warren Township (hereinafter referred to as "Property"); and

WHEREAS, Round Top has offered to the Borough of Watchung the non-exclusive use of its property and facilities for the operation of the Watchung Summer Camp at a cost of fifty dollars ($50.00) per week for each participant enrolled in the Watchung Summer Camp during that week (hereinafter referred to as "Round Top Fee"); and

WHEREAS, some of the Round Top members participate in the Watchung Summer Camp program and to offset the cost to the Borough and for the Watchung Summer Camp to Round Top's membership, Round Top has agreed to waive the Round Top Fee for its members; and

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WHEREAS, the Parties have determined that it is in their mutual best interest to enter this agreement setting forth the terms and condition of the Borough's use of the Property.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements contained herein, the parties stipulate and agree as follows:

1. **Access to Property.** Round Top shall provide the Borough of Watchung Recreation Department non-exclusive access to its property and facilities on all weekdays, Monday through Friday, 9:00 a.m. through 4:00 p.m., from June 26, 2023 to August 4, 2023 in order for the Borough to organize and operate a summer day camp.

2. **Watchung Summer Camp.** The Borough will have complete and full responsibility to organize, promote, enroll participants and operate the Watchung Summer Camp, including, but not limited to the employment and management of all necessary camp personnel and issues, camp management, camp supplies and the overall supervision and safety of the camp participants, except for issues pertaining to the pool, swimming and lifeguard safety.

3. **Watchung Camp Counselors.** The Borough, through its Recreation Department, shall ensure all camp counselors are trained as necessary. The Recreation Department will ensure all camp leadership staff are fully trained in first aid, CPR and any other skills necessary to maintain a safe environment for all. The Recreation Department shall arrange that at least one such trained camp leader will be on site at all times that the campers are present. Camp counselors will receive first aid training as well as policies and procedures training and a copy of the Round Top Rules and Regulations prior to the start of Watchung Summer Camp.

4. The Watchung Summer Camp counselors will be responsible for the supervision and safety of the Watchung Summer Campers during camp, except during swim time. During times when the Watchung Summer Camp have

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access to the swimming pool, the Round Top Lifeguards shall be primarily responsible for the Watchung Summer Campers in the swimming pool and the Watchung Summer Camp Counselors' responsibility shall be secondary. Notwithstanding, the Watchung Summer Camp Counselors shall assist the Round Top Lifeguard in the oversight of all Watchung Summer Campers.

5. The Recreation Department shall distribute to all Watchung Summer Campers, through their parents and/or guardians, the Round Top Rules and Regulations and advise all enrollees of the necessity of compliance.

6. **Round Top Lifeguards.** Round Top will employ and provide a sufficient number of lifeguards to be located at the pool through its management company during designated pool hours. Lifeguards shall monitor and take all necessary action to ensure pool safety. Round Top Lifeguards shall have the ability to take all action necessary to ensure that pool safety, including but not limited to coordinating disciplinary measure with Watchung Summer Camp Counselors.

7. **Pool Rules, Management and Lifeguards.** All Watchung Summer Campers shall comply with the Rules and Regulation of the Round Top Club and follow the direction of lifeguards and pool management. The lifeguards, in their discretion and in consultation with the Watchung Summer Camp Counselors, may restrict the pool to adult swim for a 30-minute session no more than once every 90 minutes. Watchung Summer Campers will not be provided access to the Pool prior to 11:00 a.m. daily, unless they are given permission by the lifeguard and/or they are part of the swim team. However, at no point in time shall Watchung Summer Campers be provided access to the Pool during times for which there are no, or not a sufficient enough, Round Top Lifeguard available and present.

8. **Designated Representatives.** The Borough of Watchung and Round Top shall designate a specific individual to be the representative of each party to oversee the terms and conditions of this Agreement. The Designated

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Representative shall meet weekly to evaluate and discuss all issues pertaining to the Watchung Summer Camp's use of the Property.

9. In the event of any disturbances either among Watchung Summer Campers or between Watchung Summer Campers and Round Top members, the issue must be evaluated and resolved in an expeditious fashion by the Designated Representatives. In the event that, a Watchung Summer Camper violates the rules and regulations of Round Top on more than one occasion and/or causes repeat disturbances, Round Top may revoke permission for said camper to utilize the premises upon written notice to the Watchung Recreation Department.

10. It shall be a policy of the Watchung Summer Day Camp that campers that harass, bully or intimidate other campers or Round Top members will be dismissed from the Watchung Summer Camp Program with only one warning allowed, unless the offense is egregious or physical, then no warning shall be afforded and the Watchung Summer Camper may be removed with no monetary refund of the weekly compensation from Round Top to the Borough upon notice to the Designated Representative for the Borough of Watchung.

11. **Identification of Watchung Summer Campers.** Watchung Recreation Department shall, at its own cost and expense, provide Watchung Summer Campers with wristbands, t-shirts or other identification of the Watchung Summer Campers are recognizable to Round Top Staff.

12. **Round Top Compensation.** Round Top will be compensated fifty dollars ($50.00) per week or ten dollars ($10.00) per day for the three (3) day week of July 4th for each Watchung Camper enrolled in that week based upon the records of the Watching Summer Camp, regardless of weather or attendance of the camper. Round Top agrees to waive the Round Top Fee for any Watchung Summer Camp enrollee who is a Round Top member, in exchange for the Borough providing a discount of $50.00 for Round Top member's enrollment in the Watchung Summer Camp.

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Upon request, enrollment records relating to the number of enrollees may be shared and discussed by the Designated Representatives during their weekly meeting. The Borough shall make a final payment to Round Top within thirty (30) days of the conclusion the Watchung Summer Camp.

13. The Parties shall ensure, at their own cost and expense, that all of its respective employees have completed a criminal history background check, and neither party shall employ any individuals who have been convicted of a crime of the first or second degree or any crime identified in *N.J.S.A.* 18A:6-7.1. Round Top agrees to perform only such background checks contemplated by this paragraph that are consistent with applicable federal, state and local law and to obtain all individual authorizations required for such checks and provide all required notices.

14. Round Top acknowledges and agrees to full compliance with all current and newly imposed safety and precautionary measures, guidelines and regulations established by the State of New Jersey and the local boards of health relating to COVID-19, including but not limited to the State of NJ, COVID-19 Outdoor Pool Standards.

15. **Return of Property.** At the conclusion of the Watchung Summer Camp, all property and grounds shall be returned to its original state prior to the commencement of camp activities excluding ordinary wear and tear.

16. **Indemnification.** The Borough of Watchung will defend, hold harmless and indemnify Round Top from and for any and all payments, expenses, costs, reasonable attorney's fees, (including fees incurred in enforcing Watchung's obligations under this paragraph) and from and for any and all claims and liability for losses or damage to property or injuries to persons occasioned wholly or in part by or resulting from any acts or omissions by Watchung, or Watchung 's agents, employees, guests, licensees, invitees, camp participants, or for any cause or reason whatsoever arising out of or by reason of the use of the Round Top premises by Watchung. Round Top will defend, hold harmless and indemnify the Borough of Watchung, its

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Departments, employees, officials and agents from and for any and all payments, expenses, costs, reasonable attorney's fees, and from and for any and all claims and liability for losses or damage to property or injuries to persons occasioned wholly or in part by or resulting from any acts or omissions by Round Top, or Round Top's agents, employees, guests, licensees, invitees, contractors or for any cause or reason whatsoever arising out of or by reason of the use of the Round Top premises by Borough of Watchung.

17. **Insurance**. The Borough of Watchung shall procure liability insurance covering all camp activities, including but not limited to personnel and participants, with at least $3,000,000 of coverage per incident / $5,000,000 aggregate and provide a certificate showing Round Top as a named insured. Round Top shall procure liability insurance covering all camp activities, including but not limited to personnel and participants, with at least $3,000,000 of coverage per incident / $5,000,000 aggregate and provide a certificate showing the Borough of Watchung as a named insured.

18. **Miscellaneous.**

a. This Agreement shall be governed by and construed according to the laws of the State of New Jersey.
b. This is the entire contract between the parties. All previous communications between the parties, either oral or written, not contained herein are hereby withdrawn and annulled.
c. This Agreement may be modified only by a writing executed by the parties hereto.
d. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, personal representatives, successors and assigns in interest hereunder.
e. This Agreement may be signed in one or more counterparts (or with counterpart signature pages) which, taken together, shall constitute a fully executed Agreement and shall be considered a single document.
f. The captions in this Agreement are inserted for

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convenience of reference only and in no way define, describe or limit the scope or intent hereof of any of the provisions hereof.

g. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties. Should any provision of this Agreement be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

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ATTEST: **ROUND TOP SWIM & TENNIS CLUB, INC.**

LISA YOUNG PRESIDENT

ATTEST: **BOROUGH OF WATCHUNG**

_____ By:_____

_____

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.

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_____
Christine B. Ead, Council President

_____
Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: LM, PD, DPW

BOROUGH OF WATCHUNG RECREATION COMMISSION

FIELD AND FACILITY PERMIT APPLICATION

****Approval of Governing Body Required****

Applicant Name: Watchung Little League / Curt Dahl / President

Address: _____

Phone: _____ Email: _____

~~Name of Organization, Team, Club, Etc.~~ Watchung Little League

☐ Profit Entity ☒ Non-Profit Entity

FACILITY USE	FEES
***Pavilion Rental**	
☐ ~~Resident~~	~~$50.00 Per Event~~
☐ Non-Resident / Commercial	$100.00 Per Event
*☐ **Port-A-John Rental**	$150.00 (Includes Delivery)
***~~Mobus Field~~**	
☐ Sport and Organized Programs	$15.00 Per Person/Week
☐ Events (Non-Profit) - Resident	$50.00 Per Event
☐ Events (Non-Profit) - Non-Resident	$150.00 Per Event
***~~Gazebo~~**	
☐ Resident	~~$50.00 Per Event~~
☐ Non-Resident	~~$100.00 Per Event~~
***Seniors Room**	
☐ Residents/Non-Profit	No Charge
☐ Profit Organizations	$25.00 Per Hour / $100.00 Minimum
*☐ **Police Security**	$107/hour per Officer

* Request For Fee Waive For permit P/S.

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All Watchung Based Non-Profit Sports Programs, Government or School Based Events and Non-Profit Fund-Raising Events: Free of Charge **except** as required by the Borough Administrator to cover out-of-pocket costs for any applicable expenses. All fees include removal of bagged garbage and access to electricity, if needed.

Location Requested and Detailed Description of Event: Little League opening day parade, April thru November Monday - Friday 3:00 - 8:30pm Saturday + Sunday 8am - 6pm Including Softball Game After Youth Games with FIRE, Rescue, Police + Council + DPW

Dates: Saturday, April 29, 2023 Through November 2023 Times: _____

Rain Date: _____

BOROUGH OF WATCHUNG RECREATION COMMISSION

THE FOLLOWING ITEMS MUST BE RECEIVED PRIOR TO AN APPROVAL OF A FIELD AND FACILITY PERMIT:

1. Signed Facility/Field Use Policies and Lease Agreement
2. Signed Hold-Harmless Agreement
3. Signed AED and Lightning Detection Form (On Phillip's Field)
4. Insurance Certificate (see checklist for requirements below)
5. Corporate or LLC Acknowledgment (When applicable)
6. A copy of the Rutgers's Certification Card(s) for coaches and assistant coaches.
7. A check made out to the Borough of Watchung when applicable.
8. A complete description of all activities being conducted including the number of participants

The Borough is requesting that all applications are received with **sufficient adequate notice** prior to a Council Meeting for processing. Meetings of the Governing Body are held twice a month. Please check the council meeting calendar online for the schedule. Thank you in advance for your cooperation during this process. Please contact the Clerk's Office or Linda Monetti, Recreation Coordinator (908) 756-0080 Ext. 210 or via lmonetti@watchungnj.gov with any additional questions.

Please Fax To (908) 757-7027 Or Mail To:

Borough of Watchung
Recreation Coordinator
15 Mountain Blvd.
Watchung, NJ 07069

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CHECKLIST FOR CERTIFICATE OF INSURANCE

- The "Insured" must read the same on **ALL** forms.
- The Insurance Company must be listed under "Insurer Affording Coverage".
- Type of insurance must be "Commercial or Business Liability". In the event of an individual, a home owner's insurance policy and/or umbrella policy is acceptable.
- The policy number and effective and expiration dates must be listed.
- The event or program must fall within the effective and expiration dates.
- The minimum limit of liability is $1,000,000 listed next to "Each Occurrence".
- Under "Description of Operations" The Borough of Watchung should be listed as additionally insured with respect to the event or program and the date(s).
- The event or program and dates must also be listed.
- The "Certificate Holder" should show "The Borough of Watchung 15 Mountain Blvd., Watchung, NJ 07069".

BOROUGH OF WATCHUNG RECREATION COMMISSION

FIELD AND FACILITY PERMIT APPLICATION
USE POLICIES AND LEASE AGREEMENT

General Information

To rent a facility or field, community organizations are required to complete a rental application and pay the appropriate fee (if applicable). No "Sub-leasing" of any kind from one sports group to another is permitted. All dates, times and fields must be approved by the Borough.

The Borough reserves the right to consider all rental requests and allocate rental time based on the number of requests and overall time requested. The Borough reserves the right to disapprove permits if it is determined that fields are deteriorating because of overuse.

Community members must be 21 years of age to sign a Field Use agreement or rent a field or facility. All applicants are required to provide one adult chaperone for each group of 10 youth in attendance under the age of 21 for all planned activities.

The Borough reserves the right to require the renter to provide police security, porta-johns and other requirements, as the specific situation may dictate.

All fees are to be paid in full two weeks prior to an approval unless other arrangements have been made with the Recreation Coordinator.

The Borough reserves the right to cancel practices/games due to weather conditions and/or field conditions.

Failure to abide by this policy can result in cancellation of your rental agreement.

Renter Responsibilities

Applicants requesting use of Watchung fields or facilities must observe the following guidelines and requirements:

1. The renter must leave the area, facility or equipment in a clean and orderly condition. All trash must be properly disposed.
2. **Prohibited Items:** Beer, wine, alcoholic beverages, firearms, tobacco and illegal drugs.
3. **Liability:** The Watchung Recreation Commission and the Borough of Watchung assume no liability for the renter's use of the equipment, field or facility. The applicant shall hold the Borough harmless from any claim or liability arising out of any activity or conduct of the renter while using the equipment, field or facility in question. Applicants are required to supply general liability insurance that covers the Borough with limits of $1,000,000.00 combined single limit with an aggregate of $2,000,000.00. A certificate of insurance, must be filed with the Borough at least 5 (five) days prior to the use of the Boroughs field or facility.
4. **Governmental Boards and Agencies:** Facilities are available at no charge to official government boards and agencies for events in the public interest when not otherwise in conflict with this policy.

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5. **Damages/ Security:** An additional security deposit **may** be required for certain types of activities for the purpose of additional cleaning, security, and/or other costs of the Borough caused by the use. Any and all damages to the facilities, equipment, and other Borough property, while being used by the renter, will be the responsibility of the renter and payable in full to the Borough of Watchung. Payment will include the costs of all labor, materials, and supplies to repair or replace the damage to facilities. The Recreation Commission reserves the right to decline renting to patrons who have incurred damages to Borough property in previous rentals.
6. **Policy of Non-Discrimination:** The Borough of Watchung facilities are available on a non-discriminatory basis. Appropriate activities need to accommodate individuals regardless of age, sex, race, color, religion, national origin, physical or mental disabilities, or marital status. The Borough of Watchung does not discriminate based on disability in admission, access, treatment or employment in its programs or activities.
7. **ADA Statement:** Although specific programs for persons with disabilities are limited, the Borough of Watchung is committed to providing equal access to programs and facilities for these individuals. Reasonable accommodation and support can be requested to provide access to desired programs and activities. Requests should be made at least 10 (ten) days in advance. In addition, where a need is demonstrated and resources are available every reasonable effort will be made to establish specific programs for persons with disabilities.

The individual signing this lease agreement is responsible for ensuring that all policies included in this agreement are followed. The individual signing this agreement hereby represents that he/she is authorized to sign on behalf of the entity/organization. The representative should notify us immediately if there are any maintenance or safety issues or damage to the fields that need to be addressed. Please sign below to confirm that you have received a copy of the Facility/Field Use Policy and Lease Agreement and agree to abide by these policies.

Curt Dahl 3/20/23

Print Name Date

Signature

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BOROUGH OF WATCHUNG RECREATION COMMISSION

HOLD-HARMLESS AGREEMENT

1. "I / WE" "ME / MY /OUR" shall mean one of the following:
   a. AN INDIVIDUAL: Name: _____ **OR**
   b. ORGANIZATION: Name: _____ **OR**
   c. CORPORATION or LLC: Name: Watchung Little League
2. "YOU/YOUR/YOURSELF" shall mean the municipal corporation known as the **Borough of Watchung** and the **Borough of Watchung Recreation Commission**, its public officials, members, agents, servants, employees, or contractors.
3. **General Information: Per Field and Facility Permit Application Attached**
4. I sign this Hold-Harmless as MY voluntary act and by this act agree to hold YOU harmless and indemnify YOU from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity I will be holding as described in the Field and Facility Permit Application, on the date(s) listed.
5. I state that the activity listed in the Field and Facility Permit Application will not include the consumption of alcoholic beverages, but should any person described in Paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.
6. I state that the activity listed in the Field and Facility Permit Application will include the consumption of alcoholic beverages, if previously approved by the Borough, and that because of such consumption I have the following additional duties to perform for YOU related to the use of the site listed above:
   a. That I am solely responsible for the dispensing and consuming of alcohol, including the prudent and responsible dispensing and consuming of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above; (b) to acknowledge by the signing of this Hold-Harmless that you have no authority, control, or participation in the dispensing or consuming of alcohol on the site and date listed above and that I will take no step(s), action(s), or measure(s) to convey the idea that YOU in any way have promoted, assisted, or participated in the dispensing and consuming of alcoholic beverages on the site and date listed above;(c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on your

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property;(d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.

7. I also shall provide you with a Certificate of Insurance and that I shall provide same as soon as practicable and not less than 5 (five) business days before the date of the planned activity. Said insurance shall be written with a company maintaining a rating of at least "A-" according to A.M. Bests. Said policy shall be in an amount of not less than one million dollars ($1,000,000) per occurrence ($3,000,000 per occurrence if liquor is being served or consumed). It is understood YOU will be listed as an additional insured on that policy and Certificate of Insurance. If I, as an Individual, am holding a private, personal event, I shall provide YOU with a copy of My Homeowners or Condo or Renters or Personal Excess Liability policy declarations page with personal liability coverage of not less than one million dollars ($1,000,000) each occurrence.
8. (Applicable to Corporation/Entities/Organizations Only) I also agree that I am obligated to reimburse YOU for all reasonable attorney's fees incurred by YOU to enforce the terms of this Hold-Harmless or to defend YOURSELF against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by ME or at MY sole cost and expense pursuant to this Hold-harmless.
9. **LEGAL SIGNATURES:**

Signature on behalf of "I/WE/ME/MY/OUR":

Individual_____ Date: 3/20/23

on behalf of Watchung Little League
Organization or Corporation or LLC or other entity

And

(IF REPRESENTING AN ORGANIZATION, CORPORATION, LLC, ETC.)

I hereby certify that I am an Authorized Agent of this Organization and fully qualified to sign this Hold-Harmless Agreement on behalf of said Organization.

Print Name and Title: Curt Dahl Date: 3/20/23

Signature: _____

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BOROUGH OF WATCHUNG RECREATION COMMISSION

LIGHTNING PREDICTION SYSTEM (THORGUARDIAN)

APPLICABLE FOR PHILLIPS FIELD ONLY

The Borough of Watchung has an automatic lightning prediction and warning system in continuous use referred to as the Thorguardian. **This unit is located at the top of the Snack Shack at Phillip's field.** The sensor monitors energy as far as 15 miles and evaluates the potential for lightning within an area of approximately 2 miles in radius. When the unit senses a hazardous condition, the system automatically provides both audible and visual alerts. When a dangerous condition exists a warning blast will occur and the amber light will flash.

THE FIELDS MUST BE CLEARED IMMEDIATELY WHEN THE SOUND ALARMS

The light will continue to flash until the dangerous condition no longer exists.

Please review the following safety points with your organization leaders and participant:

1. Do Not seek shelter under a tree
2. Do Not seek shelter on the snack shack deck
3. Do Not seek shelter in a dugout by a metal fence

The Thorguardian prediction system is only a supplementary source of guidance. Should thunderstorm conditions develop, and the system is not activated, use good judgment and seek shelter.

Curt Dahl 3/20/23

Sign Print Date

Organization/Entity: Watchung Little League

I have read and understand the above information; I will explain the function of lightning prediction system and review the safety points with all coaches, supervisors, parents and participants involved in my program, event or activity.

AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

The Borough of Watchung has an Automated External Defibrillator (AED) on site at **Phillips Field.**

The AED is located on the south side of the snack shack at **Phillips Field Sports Complex.**

The Borough of Watchung and the Watchung Recreation Commission recommends that the use of the AED be administered by a certified individual.

Each youth sports organization will ensure that the AED status indictor is Green prior to field use. If the status indicator is RED, call TEAM LIFE, INC @ (732) 946-4243 or (888) 466-8686 (phone numbers are listed on the AED unit).

Curt Dahl 3/20/23

Sign Print Date

I have read and understand the above information. I will explain the function of the AED system and review the Safety points with all coaches, supervisors, parents and participants involved in my program, event or activity.

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BOROUGH OF WATCHUNG RECREATION COMMISSION

PANDEMIC ACKNOWLEDGMENT AND WAIVER OF LIABILITY
FIELD AND FACILITY PERMIT APPLICATION

Background and Purpose

The Borough of Watchung and the Borough of Watchung Recreation Commission (hereinafter jointly and separately referred to herein as the "Borough of Watchung") offer use of its fields, parks and facilities to the public for a variety of indoor and outdoor physical, social and educational programs and activities, including competitive and non-competitive sports and sporting events, organized leagues, day camps, games, and instructional/training programs and camps (collectively referred to hereinafter as the "Field and Facility Use"). The Borough of Watchung fields, parks and facilities are public and semi-public places that are accessible to large numbers of people on a daily basis.

Due to the ongoing COVID-19 pandemic, and until further notice, any individual or entity wishing to rent or otherwise utilize the fields, parks and facilities of the Borough of Watchung (the "Applicant") is required to complete, sign and return this PANDEMIC ACKNOWLEDGEMENT AND WAIVER OF LIABILITY. It shall be the sole responsibility of the Applicant for use of the Borough field, park and/or facility for any Field and Facility Use to obtain the required insurance policies as set forth in the Field and Facility Permit Application. Permission to access/rent any Borough of Watchung field, park or facility for a Field and Facility Use is expressly conditioned on such individual or entity completing this Pandemic Acknowledgment and Waiver of Liability. The individual or entity shall not permit any individual's participation or attendance in the Field and Facility Use without being included in this Pandemic Acknowledgement and Waiver of Liability.

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Acknowledgement and Waiver

"I / WE" "ME / MY /OUR" shall mean one of the following:

a. AN INDIVIDUAL: Name: _____ **OR**

b. ORGANIZATION: Name: _____ **OR**

c. CORPORATION or LLC: Name: Watchung Little League

I/WE acknowledge and agree that I/WE have been provided with, read and fully understand: (i) the Center for Disease Control's ("CDC") and the New Jersey Department of Health's ("NJDOH") information and guidelines for preventing/protecting against, and recognizing the signs and symptoms of, infection for SARS-CoV-2 (the virus that causes COVID-19) and the related illnesses and medical conditions called COVID-19 and Multisystem Inflammatory Syndrome in Children ("MIS-C") (collectively the "PANDEMIC ILLNESSES"); and the Borough of Watchung "COVID-19 Operational Plan."

I/WE further acknowledge that the Pandemic Illnesses: (1) are highly contagious and may cause serious permanent bodily injury, including death, of healthy persons of all ages; (2) are subject to changing recommendations on limiting risk of exposure and spread; (3) remain prevalent throughout New Jersey; (4) are highly likely to spread to persons

in direct contact with or in close proximity to (within about 6 feet) an infected person; (5) believed by the CDC/NJDOH to spread by droplets produced into the air when an infected person coughs, sneezes, talks or otherwise moves air out through their nose and mouth, and from touching surfaces on which droplets containing the virus exist.

I/WE further acknowledge that attending or participating in any Facility and Field Use on a Borough field, park or facility poses an inherent and heightened risk of exposure, infection and bodily injury from the PANDEMIC ILLNESSES regardless of preventative measures taken by the Borough of Watchung.

I/WE acknowledge and agree to voluntarily assume all risks that I/WE, and our participant(s) may be exposed to or infected by these PANDEMIC ILLNESSES by attending or participating in any Facility and Field Use; and that such exposure or infection may result in personal injury, illness, permanent disability, and death. I/WE understand that the risk of becoming exposed to or infected by these PANDEMIC ILLNESSES at a Borough of Watchung field, park or facility may result from the actions, omissions or negligence of myself and others, including, but not limited to the Borough of Watchung's officials, officers, employees, and volunteers; and other participants/attendees of the Facility and Field Use.

I/WE, on behalf of ourselves, and our participant(s) the Facility and Field Use, voluntarily agree to assume all of the foregoing risks, and do accept sole and complete responsibility for any and all injuries, damage(s) and other losses, including for all bodily injuries, disabilities, permanent disabilities, deaths, illnesses, damages, losses, claims, demands, liabilities, medical treatment and expenses, attorney fees, costs of suit and/or expenses of any kind that is incurred in connection with attending or participating in any Facility and Field Use at a Borough of Watchung field, park or facility.

I/WE, on behalf of myself/ourselves, and the Facility and Field Use participant(s), HEREBY RELEASE, COVENANT NOT TO SUE, DISCHARGE, WAIVE AND HOLD HARMLESS THE BOROUGH OF WATCHUNG, THE BOROUGH OF WATCHUNG RECREATION COMMISSION, AND EACH OF THE BOROUGH OF WATCHUNG'S OFFICIALS, OFFICERS, EMPLOYEES AGENTS, VOLUNTEERS AND REPRESENTATIVES FOR AND FROM ANY AND ALL CLAIMS, DAMAGES, DEMANDS, LOSSES, LIABILITIES, ACTIONS, COSTS AND EXPENSES OF ANY KIND ARISING OUT OF OR IN ANY WAY RELATING TO THE ACCIDENTAL AND/OR NEGLIGENT EXPOSURE TO THESE PANDEMIC ILLNESSES FROM ATTENDING OR PARTICIPATING IN ANY FACILITY AND FIELD USE AT A BOROUGH OF WATCHUNG FIELD, PARK OR FACILITY.

By signing this agreement, I/WE further acknowledge that I/WE have read and discussed with the FACILITY AND FIELD USE PARTICIPANT(S) the provisions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY and the dangers and risks associated with attending and/or participating in any Facility and Field Use at a Borough of Watchung field, park or facility; the PARTICIPANT(S) fully understand(s) and appreciate(s) these dangers and risks;

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and the PARTICIPANT(S) voluntarily wishes to participate and otherwise attend the Facility and Field Use at a Borough of Watchung field, park or facility.

This ACKNOWLEDGMENT AND WAIVER OF LIABILITY does not supersede, circumvent, or cancel Borough of Watchung Recreation Department's Main Participation Agreement or Rules and Regulations.

If any part of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY is found by a court of competent jurisdiction to be invalid, the remainder of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY shall nevertheless remain in full force and effect and the offending provision or provisions severed here from.

I/WE, have read and accept the terms and conditions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY, and acknowledge and agree that it shall, to the fullest extent allowed by law, be effective upon me and the PARTICIPANT(S) of the Facility and Field Use at a Borough of Watchung field, park or facility.

Authorized Signature — Date: 3/20/23

Watchung Little League

Name of Organization, Corporation or other Entity

DRAFT

WATC-18

OP ID: WK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 03/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
RPS Bollinger Sports & Leisure
PO Box 1322
Morristown, NJ 07960
Will Krouslis

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : *Markel Insurance Company	38970
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Watchung Baseball Association
dba Watchung Little League
PO Box 7403
Watchung, NJ 07069

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR	X		8502AH007591-10	04/01/2023	04/01/2024	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
A	X Incl Participants			8502AH007591-10	04/01/2023	04/01/2024	MED EXP (Any one person)	$ 5,000
A	X Sexual Abuse			8502AH007591-10	04/01/2023	04/01/2024	PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 3,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 1,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO			8502AH007591-10	04/01/2023	04/01/2024	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$ 1,000,000
	X EXCESS LIAB / CLAIMS-MADE			4602AH007592-10	04/01/2023	04/01/2024	AGGREGATE	$ 1,000,000
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Accident Insurance			4102AH007590-10	04/01/2023	04/01/2024	Med Max:	100,000
	Full Excess						Ded:	250

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Coverage is provided under this policy only for sponsored/supervised activities of the named insured for which a premium has been paid. The Borough of Watchung is added as additional insured.

CERTIFICATE HOLDER

WATCH3-

The Borough of Watchung
15 Mountain Blvd.
Watchung, NJ 07069

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

DRAFT

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WATC-18

OP ID: WK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 03/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
RPS Bollinger Sports & Leisure
PO Box 1322
Morristown, NJ 07960
Will Krousis

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: *Markel Insurance Company	38970
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Watchung Baseball Association
dba Watchung Little League
PO Box 7403
Watchung, NJ 07069

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR	X		8502AH007591-10	04/01/2023	04/01/2024	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
A	X Incl Participants			8502AH007591-10	04/01/2023	04/01/2024	MED EXP (Any one person)	$ 5,000
A	X Sexual Abuse			8502AH007591-10	04/01/2023	04/01/2024	PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 3,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 1,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO			8502AH007591-10	04/01/2023	04/01/2024	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$ 1,000,000
	X EXCESS LIAB / CLAIMS-MADE			4602AH007592-10	04/01/2023	04/01/2024	AGGREGATE	$ 1,000,000
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Accident Insurance			4102AH007590-10	04/01/2023	04/01/2024	Med Max:	100,000
	Full Excess						Ded:	250

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Coverage is provided under this policy only for sponsored/supervised activities of the named insured for which a premium has been paid. The Certificate holder is named additional insured.

CERTIFICATE HOLDER

WATC2--

Watchung Board of Education
50 Valleyview Rd.
Watchung, NJ 07069

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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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.

DRAFT

_____
Christine B. Ead, Council President

_____
Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: RECREATION
C: LM, PD, DPW

BOROUGH OF WATCHUNG RECREATION COMMISSION

FIELD AND FACILITY PERMIT APPLICATION

****Approval of Governing Body Required****

Applicant Name: Vondre (Vonnie) Mott

Address [redacted] Watchung

Phone: [redacted] Email: vondremott@gmail.com

Name of Organization, Team, Club, Etc. Garden Club of Watchung

☐ Profit Entity ☒ Non-Profit Entity

FACILITY USE	FEES
***Pavilion Rental**	
☐ Resident	$50.00 Per Event
☐ Non-Resident / Commercial	$100.00 Per Event
*☐ **Port-A-John Rental**	$150.00 (Includes Delivery)
***Mobus Field**	
☐ Sport and Organized Programs	$15.00 Per Person/Week
☐ Events (Non-Profit) - Resident	$50.00 Per Event
☐ Events (Non-Profit) - Non-Resident	$150.00 Per Event
***Gazebo**	
☐ Resident	$50.00 Per Event
☐ Non-Resident	$100.00 Per Event
***Seniors Room**	
☐ Residents/Non-Profit	No Charge
☐ Profit Organizations	$25.00 Per Hour / $100.00 Minimum
*☐ **Police Security**	$107/hour per Officer

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All Watchung Based Non-Profit Sports Programs, Government or School Based Events and Non-Profit Fund-Raising Events: Free of Charge **except** as required by the Borough Administrator to cover out-of-pocket costs for any applicable expenses. All fees include removal of bagged garbage and access to electricity, if needed.

Location Requested and Detailed Description of Event: Best Lake parking lot Annual plant sale of plants grown in our gardens. It is our largest fundraiser

Dates: May 13, 2023 Times: 8:00 - 1:30

Rain Date: May 20, 2023

BOROUGH OF WATCHUNG RECREATION COMMISSION

THE FOLLOWING ITEMS MUST BE RECEIVED PRIOR TO AN APPROVAL OF A FIELD AND FACILITY PERMIT:

1. Signed Facility/Field Use Policies and Lease Agreement
2. Signed Hold-Harmless Agreement
3. Signed AED and Lightning Detection Form (On Phillip's Field)
4. Insurance Certificate (see checklist for requirements below)
5. Corporate or LLC Acknowledgment (When applicable)
6. A copy of the Rutgers's Certification Card(s) for coaches and assistant coaches.
7. A check made out to the Borough of Watchung when applicable.
8. A complete description of all activities being conducted including the number of participants

The Borough is requesting that all applications are received with **sufficient adequate notice** prior to a Council Meeting for processing. Meetings of the Governing Body are held twice a month. Please check the council meeting calendar online for the schedule. Thank you in advance for your cooperation during this process. Please contact the Clerk's Office or Linda Monetti, Recreation Coordinator (908) 756-0080 Ext. 210 or via lmonetti@watchungnj.gov with any additional questions.

Please Fax To (908) 757-7027 Or Mail To:

Borough of Watchung
Recreation Coordinator
15 Mountain Blvd.
Watchung, NJ 07069

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CHECKLIST FOR CERTIFICATE OF INSURANCE

- The "Insured" must read the same on ALL forms.
- The Insurance Company must be listed under "Insurer Affording Coverage".
- Type of insurance must be "Commercial or Business Liability". In the event of an individual, a home owner's insurance policy and/or umbrella policy is acceptable.
- The policy number and effective and expiration dates must be listed.
- The event or program must fall within the effective and expiration dates.
- The minimum limit of liability is $1,000,000 listed next to "Each Occurrence".
- Under "Description of Operations" The Borough of Watchung should be listed as additionally insured with respect to the event or program and the date(s).
- The event or program and dates must also be listed.
- The "Certificate Holder" should show "The Borough of Watchung 15 Mountain Blvd., Watchung, NJ 07069".

BOROUGH OF WATCHUNG RECREATION COMMISSION

FIELD AND FACILITY PERMIT APPLICATION
USE POLICIES AND LEASE AGREEMENT

General Information

To rent a facility or field, community organizations are required to complete a rental application and pay the appropriate fee (if applicable). No "Sub-leasing" of any kind from one sports group to another is permitted. All dates, times and fields must be approved by the Borough.

The Borough reserves the right to consider all rental requests and allocate rental time based on the number of requests and overall time requested. The Borough reserves the right to disapprove permits if it is determined that fields are deteriorating because of overuse.

Community members must be 21 years of age to sign a Field Use agreement or rent a field or facility. All applicants are required to provide one adult chaperone for each group of 10 youth in attendance under the age of 21 for all planned activities.

The Borough reserves the right to require the renter to provide police security, porta-johns and other requirements, as the specific situation may dictate.

All fees are to be paid in full two weeks prior to an approval unless other arrangements have been made with the Recreation Coordinator.

The Borough reserves the right to cancel practices/games due to weather conditions and/or field conditions.

Failure to abide by this policy can result in cancellation of your rental agreement.

Renter Responsibilities

Applicants requesting use of Watchung fields or facilities must observe the following guidelines and requirements:

1. The renter must leave the area, facility or equipment in a clean and orderly condition. All trash must be properly disposed.
2. **Prohibited Items:** Beer, wine, alcoholic beverages, firearms, tobacco and illegal drugs.
3. **Liability:** The Watchung Recreation Commission and the Borough of Watchung assume no liability for the renter's use of the equipment, field or facility. The applicant shall hold the Borough harmless from any claim or liability arising out of any activity or conduct of the renter while using the equipment, field or facility in question. Applicants are required to supply general liability insurance that covers the Borough with limits of $1,000,000.00 combined single limit with an aggregate of $2,000,000.00. A certificate of insurance, must be filed with the Borough at least 5 (five) days prior to the use of the Boroughs field or facility.
4. **Governmental Boards and Agencies:** Facilities are available at no charge to official government boards and agencies for events in the public interest when not otherwise in conflict with this policy.

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5. **Damages/ Security:** An additional security deposit **may** be required for certain types of activities for the purpose of additional cleaning, security, and/or other costs of the Borough caused by the use. Any and all damages to the facilities, equipment, and other Borough property, while being used by the renter, will be the responsibility of the renter and payable in full to the Borough of Watchung. Payment will include the costs of all labor, materials, and supplies to repair or replace the damage to facilities. The Recreation Commission reserves the right to decline renting to patrons who have incurred damages to Borough property in previous rentals.
6. **Policy of Non-Discrimination:** The Borough of Watchung facilities are available on a non-discriminatory basis. Appropriate activities need to accommodate individuals regardless of age, sex, race, color, religion, national origin, physical or mental disabilities, or marital status. The Borough of Watchung does not discriminate based on disability in admission, access, treatment or employment in its programs or activities.
7. **ADA Statement:** Although specific programs for persons with disabilities are limited, the Borough of Watchung is committed to providing equal access to programs and facilities for these individuals. Reasonable accommodation and support can be requested to provide access to desired programs and activities. Requests should be made at least 10 (ten) days in advance. In addition, where a need is demonstrated and resources are available every reasonable effort will be made to establish specific programs for persons with disabilities.

The individual signing this lease agreement is responsible for ensuring that all policies included in this agreement are followed. The individual signing this agreement hereby represents that he/she is authorized to sign on behalf of the entity/organization. The representative should notify us immediately if there are any maintenance or safety issues or damage to the fields that need to be addressed. Please sign below to confirm that you have received a copy of the Facility/Field Use Policy and Lease Agreement and agree to abide by these policies.

DRAFT

Vondre Mott — 3/14/2023

Print Name — Date

Vondre Mott

Signature

BOROUGH OF WATCHUNG RECREATION COMMISSION

HOLD-HARMLESS AGREEMENT

1. "I / WE" "ME / MY /OUR" shall mean one of the following:
   a. AN INDIVIDUAL: Name: _____ **OR**
   b. ORGANIZATION: Name: The Garden Club of Watchung **OR**
   c. CORPORATION or LLC: Name: _____
2. "YOU/YOUR/YOURSELF" shall mean the municipal corporation known as the **Borough of Watchung** and the **Borough of Watchung Recreation Commission**, its public officials, members, agents, servants, employees, or contractors.
3. **General Information: Per Field and Facility Permit Application Attached**
4. I sign this Hold-Harmless as MY voluntary act and by this act agree to hold YOU harmless and indemnify YOU from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity I will be holding as described in the Field and Facility Permit Application, on the date(s) listed.
5. I state that the activity listed in the Field and Facility Permit Application will not include the consumption of alcoholic beverages, but should any person described in Paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.
6. I state that the activity listed in the Field and Facility Permit Application will include the consumption of alcoholic beverages, if previously approved by the Borough, and that because of such consumption I have the following additional duties to perform for YOU related to the use of the site listed above:
   a. That I am solely responsible for the dispensing and consuming of alcohol, including the prudent and responsible dispensing and consuming of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above; (b) to acknowledge by the signing of this Hold-Harmless that you have no authority, control, or participation in the dispensing or consuming of alcohol on the site and date listed above and that I will take no step(s), action(s), or measure(s) to convey the idea that YOU in any way have promoted, assisted, or participated in the dispensing and consuming of alcoholic beverages on the site and date listed above;(c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on your

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property;(d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.

7. I also shall provide you with a Certificate of Insurance and that I shall provide same as soon as practicable and not less than 5 (five) business days before the date of the planned activity. Said Insurance shall be written with a company maintaining a rating of at least "A-" according to A.M. Bests. Said policy shall be in an amount of not less than one million dollars ($1,000,000) per occurrence ($3,000,000 per occurrence if liquor is being served or consumed). It is understood YOU will be listed as an additional insured on that policy and Certificate of Insurance. If I, as an Individual, am holding a private, personal event, I shall provide YOU with a copy of My Homeowners or Condo or Renters or Personal Excess Liability policy declarations page with personal liability coverage of not less than one million dollars ($1,000,000) each occurrence.
8. (Applicable to Corporation/Entities/Organizations Only) I also agree that I am obligated to reimburse YOU for all reasonable attorney's fees incurred by YOU to enforce the terms of this Hold-Harmless or to defend YOURSELF against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by ME or at MY sole cost and expense pursuant to this Hold-harmless.
9. **LEGAL SIGNATURES:**

Signature on behalf of "I/WE/ME/MY/OUR":

Individual Vondre Mott Date: 3/14/2023

on behalf of The Garden Club of Watchung

Organization or Corporation or LLC or other entity

And

(IF REPRESENTING AN ORGANIZATION, CORPORATION, LLC, ETC.)

I hereby certify that I am an Authorized Agent of this Organization and fully qualified to sign this Hold-Harmless Agreement on behalf of said Organization.

Print Name and Title: Vondre Mott Plant sale chair Date: 3/14/2023

Signature: Vondre Mott

DRAFT

BOROUGH OF WATCHUNG RECREATION COMMISSION

LIGHTNING PREDICTION SYSTEM (THORGUARDIAN)

APPLICABLE FOR PHILLIPS FIELD ONLY

The Borough of Watchung has an automatic lightning prediction and warning system in continuous use referred to as the Thorguardian. **This unit is located at the top of the Snack Shack at Phillip's field.** The sensor monitors energy as far as 15 miles and evaluates the potential for lightning within an area of approximately 2 miles in radius. When the unit senses a hazardous condition, the system automatically provides both audible and visual alerts. When a dangerous condition exists a warning blast will occur and the amber light will flash.

THE FIELDS MUST BE CLEARED IMMEDIATELY WHEN THE SOUND ALARMS

The light will continue to flash until the dangerous condition no longer exists.

Please review the following safety points with your organization leaders and participant:

1. Do Not seek shelter under a tree
2. Do Not seek shelter on the snack shack deck
3. Do Not seek shelter in a dugout by a metal fence

The Thorguardian prediction system is only a supplementary source of guidance. Should thunderstorm conditions develop, and the system is not activated, use good judgment and seek shelter.

_____

Sign Print Date

Organization/Entity: _____

I have read and understand the above information; I will explain the function of lightning prediction system and review the safety points with all coaches, supervisors, parents and participants involved in my program, event or activity.

AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

The Borough of Watchung has an Automated External Defibrillator (AED) on site at **Phillips Field.**

The AED is located on the south side of the snack shack at **Phillips Field Sports Complex.**

The Borough of Watchung and the Watchung Recreation Commission recommends that the use of the AED be administered by a certified individual.

Each youth sports organization will ensure that the AED status indictor is Green prior to field use. If the status indicator is RED, call TEAM LIFE, INC @ (732) 946-4243 or (888) 466-8686 (phone numbers are listed on the AED unit).

_____

Sign Print Date

I have read and understand the above information. I will explain the function of the AED system and review the Safety points with all coaches, supervisors, parents and participants involved in my program, event or activity.

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BOROUGH OF WATCHUNG RECREATION COMMISSION

PANDEMIC ACKNOWLEDGMENT AND WAIVER OF LIABILITY
FIELD AND FACILITY PERMIT APPLICATION

Background and Purpose

The Borough of Watchung and the Borough of Watchung Recreation Commission (hereinafter jointly and separately referred to herein as the "Borough of Watchung") offer use of its fields, parks and facilities to the public for a variety of indoor and outdoor physical, social and educational programs and activities, including competitive and non-competitive sports and sporting events, organized leagues, day camps, games, and instructional/training programs and camps (collectively referred to hereinafter as the "Field and Facility Use"). The Borough of Watchung fields, parks and facilities are public and semi-public places that are accessible to large numbers of people on a daily basis.

Due to the ongoing COVID-19 pandemic, and until further notice, any individual or entity wishing to rent or otherwise utilize the fields, parks and facilities of the Borough of Watchung (the "Applicant") is required to complete, sign and return this PANDEMIC ACKNOWLEDGEMENT AND WAIVER OF LIABILITY. It shall be the sole responsibility of the Applicant for use of the Borough field, park and/or facility for any Field and Facility Use to obtain the required insurance policies as set forth in the Field and Facility Permit Application. Permission to access/rent any Borough of Watchung field, park or facility for a Field and Facility Use is expressly conditioned on such individual or entity completing this Pandemic Acknowledgment and Waiver of Liability. The individual or entity shall not permit any individual's participation or attendance in the Field and Facility Use without being included in this Pandemic Acknowledgement and Waiver of Liability.

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Acknowledgement and Waiver

"I / WE" "ME / MY /OUR" shall mean one of the following:

a. AN INDIVIDUAL: Name: _____ **OR**

b. ORGANIZATION: Name: The Garden Club of Watchung **OR**

c. CORPORATION or LLC: Name: _____

I/WE acknowledge and agree that I/WE have been provided with, read and fully understand: (i) the Center for Disease Control's ("CDC") and the New Jersey Department of Health's ("NJDOH") information and guidelines for preventing/protecting against, and recognizing the signs and symptoms of, infection for SARS-CoV-2 (the virus that causes COVID-19) and the related illnesses and medical conditions called COVID-19 and Multisystem Inflammatory Syndrome in Children ("MIS-C") (collectively the "PANDEMIC ILLNESSES"); and the Borough of Watchung "COVID-19 Operational Plan."

I/WE further acknowledge that the Pandemic Illnesses: (1) are highly contagious and may cause serious permanent bodily injury, including death, of healthy persons of all ages; (2) are subject to changing recommendations on limiting risk of exposure and spread; (3) remain prevalent throughout New Jersey; (4) are highly likely to spread to persons

in direct contact with or in close proximity to (within about 6 feet) an infected person; (5) believed by the CDC/NJDOH to spread by droplets produced into the air when an infected person coughs, sneezes, talks or otherwise moves air out through their nose and mouth, and from touching surfaces on which droplets containing the virus exist.

I/WE further acknowledge that attending or participating in any Facility and Field Use on a Borough field, park or facility poses an inherent and heightened risk of exposure, infection and bodily injury from the PANDEMIC ILLNESSES regardless of preventative measures taken by the Borough of Watchung.

I/WE acknowledge and agree to voluntarily assume all risks that I/WE, and our participant(s) may be exposed to or infected by these PANDEMIC ILLNESSES by attending or participating in any Facility and Field Use; and that such exposure or infection may result in personal injury, illness, permanent disability, and death. I/WE understand that the risk of becoming exposed to or infected by these PANDEMIC ILLNESSES at a Borough of Watchung field, park or facility may result from the actions, omissions or negligence of myself and others, including, but not limited to the Borough of Watchung's officials, officers, employees, and volunteers; and other participants/attendees of the Facility and Field Use.

I/WE, on behalf of ourselves, and our participant(s) the Facility and Field Use, voluntarily agree to assume all of the foregoing risks, and do accept sole and complete responsibility for any and all injuries, damage(s) and other losses, including for all bodily injuries, disabilities, permanent disabilities, deaths, illnesses, damages, losses, claims, demands, liabilities, medical treatment and expenses, attorney fees, costs of suit and/or expenses of any kind that is incurred in connection with attending or participating in any Facility and Field Use at a Borough of Watchung field, park or facility.

I/WE, on behalf of myself/ourselves, and the Facility and Field Use participant(s), HEREBY RELEASE, COVENANT NOT TO SUE, DISCHARGE, WAIVE AND HOLD HARMLESS THE BOROUGH OF WATCHUNG, THE BOROUGH OF WATCHUNG RECREATION COMMISSION, AND EACH OF THE BOROUGH OF WATCHUNG'S OFFICIALS, OFFICERS, EMPLOYEES AGENTS, VOLUNTEERS AND REPRESENTATIVES FOR AND FROM ANY AND ALL CLAIMS, DAMAGES, DEMANDS, LOSSES, LIABILITIES, ACTIONS, COSTS AND EXPENSES OF ANY KIND ARISING OUT OF OR IN ANY WAY RELATING TO THE ACCIDENTAL AND/OR NEGLIGENT EXPOSURE TO THESE PANDEMIC ILLNESSES FROM ATTENDING OR PARTICIPATING IN ANY FACILITY AND FIELD USE AT A BOROUGH OF WATCHUNG FIELD, PARK OR FACILITY.

By signing this agreement, I/WE further acknowledge that I/WE have read and discussed with the FACILITY AND FIELD USE PARTICIPANT(S) the provisions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY and the dangers and risks associated with attending and/or participating in any Facility and Field Use at a Borough of Watchung field, park or facility; the PARTICIPANT(S) fully understand(s) and appreciate(s) these dangers and risks;

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and the PARTICIPANT(S) voluntarily wishes to participate and otherwise attend the Facility and Field Use at a Borough of Watchung field, park or facility.

This ACKNOWLEDGMENT AND WAIVER OF LIABILITY does not supersede, circumvent, or cancel Borough of Watchung Recreation Department's Main Participation Agreement or Rules and Regulations.

If any part of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY is found by a court of competent jurisdiction to be invalid, the remainder of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY shall nevertheless remain in full force and effect and the offending provision or provisions severed here from.

I/WE, have read and accept the terms and conditions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY, and acknowledge and agree that it shall, to the fullest extent allowed by law, be effective upon me and the PARTICIPANT(S) of the Facility and Field Use at a Borough of Watchung field, park or facility.

Vondra Mott
Authorized Signature

3/14/2023
Date

The Garden Club of Watchung
Name of Organization, Corporation or other Entity

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ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Arthur J. Gallagher Risk Management Services, Inc.
4000 Midlantic Drive Suite 200
Mount Laurel NJ 08054

CONTACT NAME: Wendy McKnight
PHONE (A/C, No, Ext): 732-837-9137 FAX (A/C, No):
E-MAIL ADDRESS: Wendy_McKnight@ajg.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Twin City Fire Insurance Company	29459
INSURER B : Hartford Casualty Insurance Company	29424
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED GARDCLU-01
The Garden Club of New Jersey
Attn : Treasurer
126 Ryders Lane
East Brunswick NJ 08816-1331

COVERAGES **CERTIFICATE NUMBER:** 2021337547 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			13SBANZ2197	6/30/2022	6/30/2023	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below.	N/A		13WBCAA5EUB	8/20/2022	8/20/2023	X PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$ 100,000
							E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Certificate Holder is insured under this policy with respect to their liability for Garden Club of New Jersey activities or activities they perform on Garden Club of New Jersey's behalf.
The certificate holder is insured under this policy with respect to their liability for The Garden Club of New Jersey activities or activities they perform on The Garden Club of New Jersey's behalf.
Regarding The Garden Club of Watchung, The Borough of Watchung is listed as additional insured in regards to the General Liability and in regards to the annual plant sale on May 13, 2023 with rain date of May 20, 2023. Site of sale: Best Lake parking lot, Valley Road, Watchung, NJ 07069.

CERTIFICATE HOLDER

Borough of Watchung
Recreation Department
15 Mountain Blvd.
Watchung NJ 07069

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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BOROGUH 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.

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Curt S. Dahl, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: FIRE COMPANY
C: FIRE DEPT., FINANCE,

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

DRAFT

ADOPTED: APRIL 6, 2023
INDEX: SALARIES,
C: B. HANCE, E. HORSFALL

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

DRAFT

ADOPTED: APRIL 6, 2023
INDEX: SALARIES,
C: B. HANCE, E. HORSFALL

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.

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Paul Fischer, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: APRIL 6, 2023
INDEX: APPOINTMENTS, PERSONNEL
C: FINANCE, ZONING,

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 ADMNISTRATOR, 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, 1979** and the **Borough of Watchung's** Mayor and Council **desires** to continue to meet the requirements of Title 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 delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

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

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s):

Repeal Borough of Watchung Municipal Code Chapter 22, Flood Damage Prevention and replace it with Chapter 22, Floodplain Management Regulations

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

(1) Protect human life and health.

(2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.

(3) Manage the alteration of natural floodplains, stream channels and shorelines;

(4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.

(5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.

(6) Contribute to improved construction techniques in the floodplain.

(7) Minimize damage to public and private facilities and utilities.

(8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.

(9) Minimize the need for rescue and relief efforts associated with flooding.

(10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.

(11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.

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

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than $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

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for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $2500 or up to a maximum penalty by a fine not exceeding $10,000 under N.J.S.A. 40:49-5.

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The **Borough of Watchung** was accepted for participation in the National Flood Insurance Program on December 4, 1979.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the **Borough of Watchung Business Administrator, Watchung Municipal Building, 15 Mountain Boulevard, Watchung, NJ 07069.**

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

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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	E
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	34035C0176	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
None as of the date of this ordinance	

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

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Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Studied Water	File Name	Map Number
Stony Brook West Branch Tributary	C0000024	5
Stony Brook West Branch Tributary	C0000025	4
Stony Brook West Branch	C0000026	3
Stony Brook West Branch	C0000026	3
Stony Brook West Branch	C0000027	2
Stony Brook	C0000028	1
Green Brook	C0000036	5
Green Brook	C0000037	4
Green Brook	C0000038	3
Green Brook	C0000039	2
Green Brook	C0000040	1
Passaic River	PRM00028	20A
Blue Brook	SUPPX002	B-1
Green Brook	Y0000005	4 of 6
Stony Brook	Y0000008	6 of 6

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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), 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

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ADMINISTRATOR

103.1 Floodplain Administrator Designation. The **Borough of Watchung, Borough Engineer** is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

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

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

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

(1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.

(2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

(3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.

(4) Determine whether additional flood hazard data shall be obtained or developed.

(5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.

(6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.

(7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

(8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.

(9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such

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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 feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

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

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

(1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or

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

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any

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development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section103.15.

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

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

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

> **103.10.1 Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

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

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

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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 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

(3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

(4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. 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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a 10-year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.

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

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

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

SECTION 104 PERMITS

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

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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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Flood Insurance Study, they shall be established in accordance with Section 105.2.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

(7) Extent of any proposed alteration of sand dunes.

(8) Existing and proposed alignment of any proposed alteration of a watercourse.

(9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

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

(1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.

(2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.

(3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

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

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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 practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.

(4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

(5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

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SECTION 106 INSPECTIONS

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

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

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

1) **Lowest floor elevation**. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.

4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

SECTION 107 VARIANCES

107.1 General. The zoning board shall hear and decide requests for variances. The **zoning board** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The zoning **board** has the right to attach such conditions to variances as it

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

(1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.

(2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

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

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

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

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

SECTION 201 DEFINITIONS

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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 equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

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

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

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

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and

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only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

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

AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

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

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

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

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

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

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

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

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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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b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

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

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

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

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

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

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

FLOOD OR FLOODING

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

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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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contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

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

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

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

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

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

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

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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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storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

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

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

a. **For other than new construction or substantial improvements, under the** Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

(1) All such proposals are consistent with the need to minimize flood damage.

(2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

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

(1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

(2) Residential building lots shall be provided with adequate buildable area outside the floodway.

(3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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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.

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SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

701.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and

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anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;

(4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;

(5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:

i. Specifically allowed below the Local Design Flood Elevation; and

ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

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

(7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

1) Construction and Elevation in A Zones not including Coastal A Zones.

a. No portion of a building is located within a V Zone.

b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.

c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

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d. All new construction and substantial improvements of non-residential structures shall:
   i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
   ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

   iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C.7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
   iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
   v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
   vi. Have openings documented on an Elevation Certificate; and
   vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

      1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
      2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
      3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

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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.

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SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways

shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

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

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

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

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

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

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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,

DRAFT

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 ADMNISTRATOR, 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.

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Christine B. Ead, Council President

_____
Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: SEWERS,
C: B.HANCE, C. TAYLOR,
R. LACOSTA,

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

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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

_____ By:_____
Edith Gil, Borough Clerk Ronald Jubin, Mayor

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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.

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Paolo Marano, Council Member

Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: POLICE, CODE
C: B.HANCE, A. HART,

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:**

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

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

*** 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:

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

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

§ 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

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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:

Edith Gil, Borough Clerk

APPROVED:

Ronald Jubin, Ph.D., Mayor

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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.

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Freddie Hayeck, Council Member

Ronald Jubin, Mayor

ADOPTED: APRIL 6, 2023
INDEX: REC, CODE
C: L.MONETTI

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 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.

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_____
Christine B. Ead, Council Members

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Ronald Jubin, Mayor

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