

TOWNSHIP COMMITTEE WORKSHOP MEETING – June 13, 2022 – 6:00 P.M.

Mayor Williams calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

Roll Call	Present/ Absent
Dr. Michael Brantley	_____
Keith Cafferty	_____
Robert Lane, Jr.	_____
Tassie D. York	_____
Nicholas Williams	_____

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Municipal Clerk.

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 6, 2022, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda is posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Committee Calendars
2. Capital Project Requests
3. Proposed Change To Ordinance Regulating Cannabis Taxation And Collection
4. Review Of Proposed Ordinance Amending Township Code §7-7.5 For Parking Time Limitation On Portion Of Main Avenue
5. Review Of Township Code In Relation To Short Term Rentals
6. Detention Basins

Res # 264 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

TOWNSHIP COMMITTEE MEETING – June 13, 2022 – 7:00 P.M.

Mayor Williams calls the meeting to order and asks the Clerk to call the roll:

Roll Call	Present/ Absent
Dr. Michael Brantley	_____
Keith Cafferty	_____
Robert Lane, Jr.	_____
Tassie D. York	_____
Nicholas Williams	_____

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 6, 2022, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, ordinances, and resolutions are posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of meeting of May 23, 2022.

PRESENTATION

- Proclamation for Kevin McHuen and Atlantic Club for their Joint Effort with the Recreation Department for the “Let’s Glow Event”
- Proclamation to Set May 2023 as “Let’s Move Together for a Healthier New Jersey” Month

COMMENTS FROM THE DAIS

Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

REPORT OF THE BUSINESS ADMINISTRATOR

The Business Administrator will report on capital projects and matters of general interest.

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

PUBLIC HEARING ON RECOMMENDATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

- Presentation of Project being recommended
- Public comments regarding recommendation of the project for submission for funding under the CDBG Program. The public will be permitted one visit to the Microphone with a limit of five minutes.

ORDINANCES - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.

PUBLIC HEARING AND FINAL ADOPTION ORDINANCES:

Ordinance No. 22-20 An Ordinance By The Committee Amending The Township Of Neptune Code Of Ordinances To Repeal Chapter 19; To Adopt A New Chapter 19; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date.

Explanatory Statement: Amending the Township of Neptune’s Code of Ordinances to repeal Chapter 19, adopt a new chapter 19 and include adoption of flood hazard maps, designate a floodplain administrator, provide for severability and an effective date.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

ORDINANCES FOR FIRST READING

Ordinance No. 22-21 An Ordinance To Of The Township Of Neptune To Amend And Supplement Chapter 23 Parks And Recreational Facilities By Amending Sections 1.1 “Locations Designated”, 1.2 “Permitting And Regulations”, 1.3 “Posting Of Rules And Regulations”, 1.5 “Use Of Sunshine Village Park, Jumping Brook Fields, Bert Willis Fields, Shark River Hills Field And Anthony C. Loffredo Fields.” 2.1 “Conduct”, 2.2 “Public Use And Availability Of Park And Recreation Areas” And 2.4 “Enforcement”

Explanatory Statement: This ordinance amends Chapter 23 Parks and Recreational Facilities to amend designated locations of parks, permitting and regulations to include safety requirements and address refuse, amend posting and regulations to include conduct regulations, amend Conduct to include additional rules and regulations deemed necessary and address enforcement and violations.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance No. 22-22 An Ordinance Of The Township Of Neptune To Amend And Supplement Chapter 21 Solid Waste Management By Amending 1.1 “Definitions”, 3.2 “Residential Garbage Collection”, 3.4 “Prohibited Materials”, And 3.5 “Bulky Items From Residential Use”

Explanatory Statement: This ordinance amends Chapter 21 Solid Waste Management to change the size of receptacles from 42-Gallon to 45 Gallon and to correct language throughout the ordinance to address the “lifting” of stated receptacles.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance No. 22-23 Capital Ordinance Providing For The Acquisition Of An Electric Powered Garbage Truck And The Acquisition And Installation Of Electric Charging Stations At The Department Of Public Works, By And In The Township Of Neptune, In The County Of Monmouth, State Of New Jersey; Appropriating \$500,000 To Pay For The Cost Thereof, Which Amount Will Be Funded By A \$476,966.16 Regional Greenhouse Grant Received Or Expected To Be Received From The New Jersey Department Of Environmental Protection And By \$23,033.84 From The Township’s General Capital Fund

Explanatory Statement: This Capital Ordinance appropriates the amount of \$500,000.00 (from a grant from NJDEP and from Township funds in the Capital Surplus Account in the General Capital Fund) for the acquisition of an Electric Powered Garbage Truck and the acquisition and installation of Electric Charging Stations at the Department of Public Works.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance No. 22-24 An Ordinance To Amend Volume I, Chapter Vii, Section 7-7 Of The Code Of The Township Of Neptune By Adding A No Parking Zone On Benson Ave.

Explanatory Statement: This ordinance will create a no parking zone to eliminate parking in proximity to residential driveways to allow for safe access.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance No. 22-25 An Ordinance Amending The Salary Range For Job Titles Of The Township Of Neptune And Repealing All Parts Of Previous Ordinances Inconsistent Herewith

Explanatory Statement: This ordinance amends the salary range assigned to Assistant Construction Official and Sewer Operator's License and confirms M.I.S. Manager position previously excluded from the ordinance, but presently held position.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

The Clerk announces that the Public Hearings on Ordinances will be held at the next Township Committee meeting on June 27, 2022.

CONSENT AGENDA

- Res # 265** Authorize Temporary Street Closing In Connection With National Night Out On August 2, 2022
- Res # 266** Authorize Temporary Street Closing In Connection With Shark River Beach & Yacht Club Fun Run On July 9, 2022
- Res # 267** Approve The Transfer Of Taxi Medallion License No. 47
- Res # 268** Approve The Transfer Of Taxi Medallion License No. 41
- Res # 269** Authorizing Certain Personnel Actions- Municipal Court
- Res # 270** A Resolution Of The Township Committee Waiving Municipal Portion Of Construction Permit Fees And Dumpster Fees For World Changers Rehabilitation Projects
- Res # 271** Authorize Temporary Street Closing In Connection With World Changer's Beach Party On July 13, 2022
- Res # 272** Authorize The Closing Of Streets And Temporary No Parking In Connection With The Ocean Grove Camp Meeting Association Festivals And Events
- Res # 273** Authorize The Submission Of A Project To The County Of Monmouth For Funding Under The Community Development Block Grant Program
- Res # 274** Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Release A Performance Bond Filed By Kimberly Galeota For Dumpster Permit At Block 233 Lot 19
- Res # 275** Authorizing Discharge Of Mortgage Held By Neptune Township On Property Located At 154 Myrtle Avenue, Neptune Township, New Jersey, Owned By Simar

L. Reid And Aatiyah Y. Reid

- Res # 276** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing A Chapter 159 Budget Amendment To Insert Revenue Received For The Fy2022 Clean Communities Grant
- Res # 278** Authorizing Proposed Site Modification To Cell Tower License Area For T-Mobile USA Tower LLC Wireless At 25 Neptune Blvd., Neptune Township, New Jersey 07753
- Res # 279** Place Lien On Various Properties
- Res # 280** Authorizing The Township Of Neptune To Accept Subordination Of Mortgage Between Alnisa & Marc Alston And Principal Financing Institution
- Res# 281** Authorizing Certain Personnel Actions- Recreation
- Res # 282** Resolution Authorizing The Supply And Installation Of Pump Level Controller And Starters For North Island Pump Station From Pumping Services Inc Under North Jersey Wastewater Cooperative Pricing System, Contract # B270-2 And B279-13 In An Amount Not To Exceed \$25,620.00
- Res # 283** Resolution Authorizing Agreement For Document Management For Records Retention And Disposal Initial Scanning And First Year Service From Foveonics Imaging Technologies Under New Jersey State Co-Op #65MCESCCPS, Contract # ESCNJ 16/17-48 In An Amount Not To Exceed \$210,000.00
- Res # 284** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing A Chapter 159 Budget Amendment To Insert Revenue Received For The Alcohol Education Rehabilitation And Enforcement Program
- Res # 285** Authorize Renewal Of Liquor Licenses For The 2022-2023 Licensing Year
- Res # 286** Authorize Renewal Of The Liquor License Held By Krenkel-Liquors, Inc. T/A Krenkel Liquors For The 2022-2023 Licensing Year
- Res # 287** Employ Special Law Enforcement Officers Class II In The Police Department On A Part-Time Basis
- Res # 288** A Resolution Accepting A Grant From The Equipment Modernization Program Through The New Jersey Department Of Environmental Protection
- Res # 289** Resolution To Authorize Township Labor Attorney To Represent The Township Of Neptune During The Fact-Finding State Of Contract Negotiations
- Res # 290** Authorize Payment of Bills

CONSENT AGENDA

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

SEPARATED RESOLUTIONS

- Res # 291** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Code and Construction

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Res # 292 A Resolution Of The Township Committee Of The Township Of Neptune
Authorizing Certain Personnel Actions- Emergency Medical Services

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Res # 293 A Resolution Of The Township Committee Of The Township Of Neptune
Authorizing Certain Personnel Actions- Department Of Public Works Seasonal

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

ADJOURNMENT

Offered by: _____ Seconded by: _____

Time adjourned: _____

**TOWNSHIP OF NEPTUNE
ORDINANCE 22-2**

**AN ORDINANCE BY THE COMMITTEE AMENDING THE TOWNSHIP OF
NEPTUNE CODE OF ORDINANCES TO REPEAL CHAPTER 19; TO ADOPT A
NEW CHAPTER 19; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A
FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND
AN EFFECTIVE DATE.**

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of Neptune 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 Neptune was accepted for participation in the National Flood Insurance Program on February 16, 1977 and the 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 Neptune 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 Neptune 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 Neptune 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 Committee of Township of Neptune that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

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

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s):
(CHAPTER 19 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 Township of Neptune (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 Neptune administer and enforce the State building codes, the Committee of the Township of Neptune does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000.00, 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 \$2000.00 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$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 Township of Neptune was accepted for participation in the National Flood Insurance Program on February 16, 1977.

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, 25 Neptune Blvd, Neptune, NJ, 07753.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions) dated September 25, 2009 and revised June 20, 2018 and June 15, 2022 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are September 9, 2009 and June 15, 2022 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
34025C0329	June 15, 2022	G	34025C0341	June 15, 2022	G
34025C0332	June 15, 2022	G	34025C0342	June 15, 2022	G
34025C0333	June 15, 2022	G	34025C0353	June 15, 2022	G
34025C0334	June 15, 2022	G	34025C0328	September 9, 2009	F
34025C0327	September 9, 2009	F	34025C0331	September 9, 2009	F

- 2) **Federal Best Available Information.** Township of Neptune 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.
- 3) **Other Best Available Data.** The Township of Neptune shall utilize groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Neptune. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. 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
Jumping Brook	00000045	20-F
Jumping Brook	00000046	21-E
Jumping Brook	00000048	21-F
Shark River	SUPPIX01	1
Shark River	SUPPIX02	2
Shark River	SUPPIX03	3
Shark River	SUPPIX04	4
Shark River	SUPPIX05	5
Jumping Brook	SUPPIX23	20a
Jumping Brook	SUPPIX24	21
Jumping Brook	SUPPIX25	22
Jumping Brook	SUPPIX26	23
Jumping Brook	SUPPIX27	24
Jumping Brook	O0000099p	01p

- 5) The most restrictive 0.2% annual chance (500 year) effective or preliminary FEMA flood study is adopted by this ordinance for consideration when establishing the Best Available Flood Hazard Data Area.

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 two feet 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 two 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 two 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 two feet 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 3 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 two feet of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the

building code to determine that such certifications and documentations are complete.

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

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

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

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

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

source, or

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

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

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

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

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require 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.

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

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

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

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

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

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

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard

zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

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

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

SECTION 107 VARIANCES

107.1 General. The Zoning Board of Adjustment shall hear and decide requests for variances. The Zoning 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 Zoning 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.
- (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 \$2000.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

201.2 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is

afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

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

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

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

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

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

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

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

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

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any

other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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

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

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

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

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

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

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

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

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

COASTAL A ZONE – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action

delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

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

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

CONDITIONAL LETTER OF MAP REVISION - 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.

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

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

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

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water

from any source. See "Flood or flooding."

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

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

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

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Zoning 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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of

a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

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

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

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

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

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

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

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

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

SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be in place 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 more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitat buildings.

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5 and FEMA Technical Bulletin 2
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

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

located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

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

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

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
- ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
- iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
- iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

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

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

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

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

801.7 Roads and watercourse crossings.

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

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

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

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

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

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-21**

**AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE TO AMEND AND SUPPLEMENT
CHAPTER 23 PARKS AND RECREATIONAL FACILITIES BY AMENDING SECTIONS 1.1
“LOCATIONS DESIGNATED”, 1.2 “PERMITTING AND REGULATIONS”, 1.3 “POSTING OF
RULES AND REGULATIONS”, 1.5 “USE OF SUNSHINE VILLAGE PARK, JUMPING BROOK
FIELDS, BERT WILLIS FIELDS, SHARK RIVER HILLS FIELD AND ANTHONY C.
LOFFREDO FIELDS.” 2.1 “CONDUCT”, 2.2 “PUBLIC USE AND AVAILABILITY OF PARK
AND RECREATION AREAS” AND 2.4 “ENFORCEMENT”**

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows: [Items removed have strikethroughs, additions are bold and underlined]

SECTION 1.

§23-1 Parks and Recreational Facilities

§23-1.1 Locations Designated

The following locations within the Township are designated as playfields and parks for recreational activities as hereinafter set forth:

	Park Name	Location
a.	Shark River Hills Field	Beverly Way
b.	Jumping Brook Field	Jumping Brook Road
c.	Anthony C. Loffredo Fields	West Bangs Avenue
d.	Bert Willis Fields	Old Corlies Avenue
e.	Sunshine Village Park	Monmouth Avenue
f.	Liberty Park Mini Park	Monroe Avenue
g.	Midtown Commons Park	West Lake Avenue
h.	West Grove Mini Park	Division Street
i.	Shark River Hills Memorial Park and Playground	South Riverside Dr.
j.	Pittenger Place Mini Park	Pittenger Place
k.	Mini Park at Trident	Hillview
l.	Hillview Mini Park	Hillview Drive and Hill Drive
m.	Central Avenue Mini Playground	Ocean Grove
n.	Volunteer Park	South Riverside Drive
o.	Bradley Park	Ridge Avenue
p.	Veterans Memorial Park	Old Corlies Avenue
q.	Marina Park	South Riverside Avenue and Beverly Way
r.	Gables Park	Corlies Avenue

In addition to the locations set forth herein, the provisions of this chapter shall apply to any and all open space owned by the Township including all areas identified in the Township's Roster of Open Space Inventory.

§ 23-1.2 Permitting and Regulations

The playfields and appropriate field permitting shall be under the supervision of the Recreation Director for the Township, hereinafter referred to as Director.

- a. Park hours: dawn to dusk; Township-controlled lighted fields permitted until 10pm. Neptune Township reserves the right to close the parks as necessary for health, safety or public welfare.
- b. **Neptune Township reserves the right to utilize park areas for Township programs which will limit access by the public for purposes other than the scheduled program.**

- c. Organized play on Playing Fields is approved by permit only through the Recreation Office.
- d. Pick-up play; to not include organized teams, organizations, or similar institution, is allowed, however, access and preference will be given to permitted play.
- e. No motorized or non-motorized vehicle of any description shall be permitted upon any portion of the playfields ~~unless authorized in writing by the Director.~~
- f. No motor vehicle shall be parked in the area of the playfields except at those places designated for parking.
- ~~g. No alcoholic beverages shall be permitted at any time within the perimeter of the Shark River Hills Field and Jumping Brook Field.~~
- h. No food or beverage shall be sold at the **parks** without first obtaining a mercantile license from the Township.

~~No recreational activity shall be permitted on Sundays on fields 1, 2, and 3 located at the Jumping Brook Fields. No persons shall be allowed at playfields and parks after sunset until the sunrise following.~~

- i. **Facilities are to be used at the participant's sole and exclusive risk; parks are not supervised**

§23-1.3 Posting of Rules and Regulations

The rules and regulations set forth in subsection 23-1.2 **and 23-2.1** shall be posted in **summary and reference** at each field.

§23-1.5 Use of Sunshine Village Park, Jumping Brook Fields, Bert Willis Fields, Shark River Hills Field and Anthony C. Loffredo Fields.

The scheduling and field use permitting of Sunshine Village Park, Jumping Brook Fields, Bert Willis Fields, Shark River Hills Field and Anthony C. Loffredo Fields shall be through the Recreation Department and shall be coordinated with the schedules of the appropriate youth sports organization under contract with the Township. These organizations include the Neptune Soccer Association, Neptune Little League and Neptune Fliers Youth Football & Cheer.

§23-2 USE OF PUBLIC PARKS AND RECREATIONAL AREAS

§23-2.1 Conduct

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

- a. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving materials, public utilities or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- b. Fail to cooperate in maintaining restrooms ~~and washrooms~~ in a neat and sanitary condition.
- c. Dig or remove any soil, rock, sand, stones, trees, shrubs, plants or other wood or, materials, or make any excavation by tool, equipment, or other means.

- d. Construct or erect any building or structure of whatever kind (whether permanent or temporary) or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
- e. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grassed areas, or in any other way injure the natural beauty or usefulness of any area.
- f. Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- g. Tie or hitch an animal to any tree or plant **or any structure.**
- h. Hurt, molest, kill, wound, trap, abuse, shoot, pursue or throw objects at, or have in his/her possession any animal, reptile or bird found within any park, nor shall their habitats be disturbed, except where specifically designated and permitted. No person shall purchase, sell, accept or give away any such animal, reptile, bird or eggs except as may be specifically provided for and permitted.
- i. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in any park or any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters.
- j. Have brought in, dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, garbage, refuse, or organic or inorganic solid liquid waste.
- k. Drive or park any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary parking areas by Township of Neptune.
- l. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas. No motor vehicle shall be parked in said park areas from one half hour after sunset until sunrise, except as otherwise permitted.
- m. Ride a bicycle **or any wheeled recreational device** without reasonable regard to the safety of others.
- n. Leave a bicycle **or any wheeled recreational device** lying on the ground or **pavement** or set against trees, or in any place or position where a person may trip over or be injured by it.
- o. Swim, bathe, or wade in any waters or waterways in any park, except in such waters and at such places as may be specifically designated for such activities.
- p. Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by Township of Neptune. Such activity shall be in accordance with applicable regulations as are now or will hereafter be adopted.
- q. Fish in any area **where** bathing is permitted.
- r. Shooting into **or within** park areas from beyond park boundaries is forbidden. No person shall carry or possess firearms of any description, spring-guns, bow and arrows, slings or any other forms of weapons or devices potentially inimical to wildlife or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, except as may be specifically permitted.

- s. Violate the regulation that use of ~~individual fireplaces together with~~ tables and benches follows the generally accepted rule of "first come, first served."
- t. Use any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
- u. Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon, or the like except in those areas designated by Township of Neptune for those purposes.
- v. Ride a horse except on designated bridle trails, where permitted. Horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.
- w. Bring alcoholic beverages or drink same at any time except in such areas and under such regulations as may be designated and permitted by Township of Neptune.
- x. Have in his/her possession, set or otherwise cause to explode, discharge, or burn, any fireworks, firecrackers, or explosives or flammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto.
- y. Be responsible for the entry of a dog or other domestic animal into areas clearly marked by Township of Neptune signs bearing the words "Domestic Animals Prohibited in this Area". All domestic animals in those areas where such animals are permitted shall be adequately restrained at all times.
- z. Solicit alms or contributions for any purpose, whether public or private except in such areas and under such regulations as may be designated and permitted by Township of Neptune.
- aa. Build, or attempt to build, a fire except in such areas and under such regulations as may be designated by Township of Neptune. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco, paper or other flammable material within any park or on any highways, roads, or streets abutting or contiguous thereto.
- bb. Gamble, participate in, or abet any game of chance except in such areas and under such regulations as may be designated by Township of Neptune.
- cc. Go onto the ice on any waters except such areas as are designated as skating areas and provided a safety signal is displayed.
- dd. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- ee. Expose, or offer for sale, any article or thing, nor place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is made for any permitted or licensed concessionaire acting by and under the authority and regulation of Township of Neptune.
- ff. Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect, or cause to be erected, any sign on any park lands or roads in any park.
- gg. Golf or engage in any activity that creates divots or damage to the surface of any ball field, park or recreational area.

- hh. Smoke, chew, or possess lighted cigarettes, pipes, cigars, electronic cigarettes, or any other type of tobacco and/or cannabis product.
- ii. Use or operate any grill including, but not limited to charcoal, propane, or electric grills.
- jj. Be in possession of any container made of glass.
- kk. Be in possession of or bring any type of balloon.
- ll. Be in possession of or bring any type of confetti, or material that will disperse on use or be thrown.
- mm. All refuse must be disposed of in receptacles provided by the Township for such purposes. If those receptacles are filled, refuse must be carried out of the park and disposed of appropriately.
- nn. While in the Skatepark and Pumptrack, all persons shall conduct themselves in a proper and orderly manner. The following rules of conduct must be followed in addition to all other park conduct regulations:
 - i. Park hours: dawn to dusk
 - ii. Facilities are to be used at the participant's sole and exclusive risk; parks are not supervised
 - iii. Use only un-motorized, wheeled, recreational devices with wheel base less than 20"
 - iv. Proper safety equipment, including but not limited to, helmets, knee pads and elbow pads are required.
 - v. Always inspect the area before use.
 - vi. Do not use if surface is wet, icy or snow covered.
 - vii. Food, beverages, and gum is prohibited.
 - viii. Possession of any container made of glass is prohibited.
 - ix. Be responsible; exercise common sense
 - x. Be respectful and courteous of others. Fighting and foul language is strictly prohibited.
 - xi. Personal Ramps, boxes, rails or other similar items are not permitted.
 - xii. All refuse must be disposed of in receptacles provided by the Township for such purposes. If those receptacles are filled, refuse must be carried out of the park and disposed of appropriately.
 - xiii. Do not willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving materials, public utilities or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

§23-2.2 Public Use and Availability of Park and Recreation Areas.

- a. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year **dawn to dusk; Township-controlled lighted fields permitted until 10pm.** The opening and closing hours for each individual park shall be posted therein for public information and shall be determined from time to time by resolution of Township of Neptune.
- b. No person shall, on the grounds of race, color, national origin, religion, age, sex, or handicap **or other protected** class be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in, any park facility, program, or activity.
- c. Discrimination on the basis of residence, including preferential reservation, membership, or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. ~~in any park.~~

§23-2.4 Enforcement

- a. The Township of Neptune or its designated agents shall, in connection with their duties imposed by law, diligently enforce the provisions of this section.
- b. The Township of Neptune or its designated agents shall have the authority to eject from the park area any person(s) acting in violation of this section.
- c. The Township of Neptune or the designated agents shall have the authority to seize and confiscate any property, thing, or device in the park, or used, in violation of this section.
- d. This section shall also be enforced by the Police Department of the municipality.
- e. **Any person, firm or corporation charged with violating any provision of this chapter, upon conviction in the Municipal Court, shall be liable to the penalty stated in Chapter 1, Section 1-5. Each violation of any provision of this chapter and each day that this chapter is violated, shall be deemed and taken to be a separate and distinct offense.**

SECTION 2.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5.

This Ordinance shall take effect upon its passage and publication according to law.

Motion/ Second	Roll Call To Adopt On First Reading					Adopted on First Reading Dated:
		YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					
	Nicholas Williams					
						_____ Gabriella Siboni, RMC Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading					Adopted on Second Reading Dated:
		YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					
	Nicholas Williams					
						_____ Gabriella Siboni, RMC Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-22**

**AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE TO AMEND AND
SUPPLEMENT CHAPTER 21 SOLID WASTE MANAGEMENT BY AMENDING 1.1
“DEFINITIONS”, 3.2 “RESIDENTIAL GARBAGE COLLECTION”, 3.4
“PROHIBITED MATERIALS”, AND 3.5 “BULKY ITEMS FROM RESIDENTIAL USE”**

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows: [Items removed have strikethroughs, additions are bold and underlined]

SECTION 1.

§ 21-1 **WORD USAGE.**

§ 21-1.1 **Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivation shall have the meanings given hereafter.

ASHES

Shall mean the residual from the burning of wood, coal, coke or other combustible materials.

BUILDING MATERIALS

Shall mean any material, such as lumber, brick (up to 2 x 2 x 2 in size), plaster, gutters (wood), roofing shingles (not asbestos), and no more than one (1) door or window, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

BUNDLES

Shall mean normally loose items such as newspaper, cardboard and branches, shall be collected if organized into bundles of not more than four (4) feet in length or fifty (50) pounds in weight. All bundles shall be tied with heavy twine, rope, wire, etc. "Bundles" shall be organized as to be conveniently **lifted** by one (1) person.

CONTAINER

See Receptacle.

COORDINATOR

Shall mean the Solid Waste, Recycling and Clean Community Coordinator for the Township of Neptune.

DEPARTMENT

Shall mean the Township of Neptune, Road, Sanitation, Recycling, Sewer, Building Maintenance, and/or Parks Departments.

DIRECTOR OF PUBLIC WORKS

Shall mean the Director of Public Works for the Township of Neptune.

GARBAGE

Shall mean all waste matters pertaining to the handling, storing, preparing and disposal of meat, fish, fowl, birds and vegetables in any form or forms, not described specifically. Fecal waste must be double bagged.

HAZARDOUS WASTE

Shall mean any waste or combination of wastes which pose a present or potential threat to human health, living organisms or the environment; any waste so designated by the United States Environmental Protection Agency or the New Jersey Commissioner of Environmental Protection Department; any materials described in Ordinance 1461 which is codified as Section 20-1 of these Revised General Ordinances.

HOSPITAL/RED BAG WASTE

Shall mean and include, but not be limited to, all instruments, supplies, containers, bandages, tubing, gloves, etc. used by health care practitioners and facilities as described in the New Jersey Department of Health regulations and New Jersey Law, Section 306 of the Manual of Standards for Hospital Facilities, and N.J.S.A. 2A:170-25.17.

INDUSTRIAL WASTE

Shall mean those materials and waste matters connected with industrial establishments within the Township and including, but not limited to, processed scrap metals, non-recyclable packing materials, certain hazardous and dangerous materials such as acids, paints, fluorescent tubes and more than two (2) forty-five (45) gallon receptacles of non-recyclable glass and materials.

MULTIPLE DWELLING COMPLEX

Shall mean any building or structure and land appurtenant thereto containing more than two (2) living units (such as townhouses, condo-minimums and apartment houses).

PERSON

Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

RECEPTACLE

Shall mean a container constructed of such material and in such a manner as to hold solid waste, recyclables, and garbage and other such items without breaking or collapsing. "Receptacles" shall have handles and covers so that contents therein are not exposed to the weather, animals and vermin. A disposable plastic bag shall constitute a "receptacle" except for the disposal of leaves if it is of sufficient strength to hold its contents without breaking when collected. The "receptacle" shall be of such a design and weight as to be able to be lifted by one (1) person. No "container" shall exceed **forty-five (45)** gallons in capacity nor weigh more than fifty (50) pounds when loaded. Commercial garbage receptacles and fifty-five (55) gallon drums are not acceptable as containers. Receptacles which, in the opinion of the Department, are badly broken or fail to meet the requirements of this chapter may be classified as "garbage" by the Supervisor of the Department.

RECYCLABLE MATERIALS

Shall mean all waste materials which have the ability to be returned, through processing, to their former or alternate use. Recyclable materials include, but are not limited to, the following:

- a. **ALUMINUM CANS** Shall mean and include such beverage or food containers constructed or fabricated of aluminum or its alloys.

- b. **BIMETAL CANS** Shall mean food and beverage containers which are composed of an aluminum top and steel sides and bottom.
- c. **COMMINGLED RECYCLABLE** Shall mean and refer to the mixing of glass bottles and jars, aluminum cans, tin cans and pourable plastic bottles in the same container.
- d. **CORRUGATED CARDBOARD** Shall mean and include Kraft corrugated which has a brown liner made from Kraft paper and regular corrugated which is gray or tan and is made from other types of paper such as newspaper.
- e. **DEMOLITION MATERIAL** Shall mean and include asphalt, concrete, wood waste, and another such waste material as associated with the razing of any building, structure or any part thereof.
- f. **GLASS** Shall mean and include all products made from silica or sand, soda ash and lime, the product being transparent or translucent and being used as packaging and commonly known as "glass".
- g. **HI-GRADE PAPER** Shall mean and include white and off-white stationery, photocopy and computer paper.
- h. **MIXED PAPER** Shall mean articles of paper such as, but not limited to, magazines, catalogs, envelopes, mail, school papers, office papers, real estate books, NCR paper, nonmetallic wrapping paper and newspaper inserts.
- i. **NEWSPAPER** Shall mean and include papers of the type commonly referred to as "newsprint" and distributed at periodic intervals, usually daily or weekly. Expressly excluded, however, are all magazines or other glossy surfaced periodicals and all other paper products, e.g., wrappings from food products.
- j. **POURABLE PLASTICS** Shall mean and include all beverage containers which are constructed of polyethylene teraphthalate or high density polyethylene (food, drink and laundry containers).
- k. **TIN CANS** Shall mean and include all food and beverage containers which are constructed of steel sides, tops and bottoms.
- l. **WASTE OIL** Shall mean and include used oil drained from automobiles, motorcycles and lawnmowers, etc.
- m. **YARD WASTE** Shall mean and include leaves, plant residue, and small tree limbs.

SINGLE RESIDENTIAL UNIT

Shall mean any dwelling place occupied by one (1) family.

SOLID WASTE

Shall mean all garbage and waste normally generated by the occupants of residential and other property, disposed of by private and/or public collection and defined as "solid waste" by the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-3). Items classified as recyclable shall be prohibited from being placed commingled with other materials. The Township of Neptune is licensed by Solid Waste permit to collect three (3) types of waste:

- a. Type 10, Municipal Waste: Residential, commercial and institutional solid waste generated within a community.
- b. Type 13, Bulky Waste: Large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as demolition or construction material, appliances (excluding Freon), and furniture.
- c. Type 23, Vegetative Waste: Includes, but is not limited to, tree limbs, branches, plants and flower residue, etc.

STREET

Shall mean any right-of-way, avenue, boulevard, road, parkway, viaduct, drive or other way which is:

- a. An existing State, county or municipal roadway; or
- b. Shown upon a plat approved by the Planning Board or Zoning Board of Adjustment and built in accordance with Township standards, and which may be either public or private; or
- c. Shown on a plat filed with the office of the County Clerk of the County of Monmouth prior to the creation of the Planning Board or Zoning Board of Adjustment of the Township of Neptune;
- d. Not dedicated, in whole or in part, as a parking area or driveway which provides access to any building or structures.

TOWNSHIP

Shall mean the Township of Neptune.

§ 21-3.2 Residential Garbage Collection.

Property owners and their agents, lessees, tenants or other occupants residing in residential dwellings who wish to have their solid waste disposed of by the Township shall:

- a. Place solid waste from their unit in appropriate containers, receptacles, and/or bundles as specified at the street curb if one exists or adjacent to but not on the street pavement if there is no curb. The number of containers, on each collection day, shall not exceed six (6) per single-residential unit or six (6) per multiple-dwelling unit provided; however, that there shall be allowed two (2) additional containers for each unit over three (3) units. Businesses will be allowed no more than six (6) receptacles on a single collection day. Each receptacle must not exceed **forty-five (45)** gallons in size or fifty (50) pounds in weight. The number of automated trash containers, on each collection day, shall not exceed three (3) ninety-five (95) gallon automated containers per single-residential unit or multiple-dwelling unit.
- b. Receptacles shall be placed as specified above beginning at dusk of the night preceding the scheduled collection day. All containers with solid waste and recyclables shall be placed at the curb by 6:00 a.m. of the collection day. All solid waste or recycling placed at the curb after collection has taken place will not be collected and must be removed from the curb until the following collection day. Solid waste receptacles shall be removed from the curb or pavement edge by 6:00 p.m. of the evening of the collection day and secured within three (3) feet of a

permanent structure on the property. If the receptacle cannot be secure in this manner, Public Works' written approval must be obtained.

- c. Properties shall be permitted to place solid waste for collection pursuant to this chapter, in accordance with a schedule approval by the Township of Neptune and on file in the office of the Clerk.
- d. The Department may permit additional receptacles to be placed, provided that special prior arrangements have been made with the Department.
- e. No collection of solid waste shall be accomplished on property outside of the dedicated public rights-of-way unless and until a release and a hold harmless and indemnification agreement between the property owner of record and the Township of Neptune shall be executed and in force. The owner of record shall also execute a license to the Township to permit access to the premises in question. Further, these premises shall only be served after the Public Works Department has deemed the roadway navigable and offers maneuverability to municipal equipment. It shall be the responsibility of the property owners and their agents, lessees, tenants or other occupants residing at said premises to maintain the roadway and vegetative overgrowth. Failure to meet these requirements will result in loss of services until such time that they are met as determined by the Public Works Department.
- f. The Public Works Department provides an eight (8) cubic yard container for residents of the Township that desire to clean up their properties. There is a fee associated with this service, and is established with the Township Committee and charged as the per day fee by the Department. The container is delivered to the resident requesting the same early in the morning and picked up the next succeeding business day. A running list on a first come first served basis is maintained and operated by the Department. The fee is raised from time to time to keep up with escalating landfill tipping costs. Prohibited materials, including but not limited to, tires, batteries, recycling materials, asbestos shingles and all hazardous waste materials shall not be placed in the canister.

§ 21-3.4 **Prohibited Materials.**

The following items are prohibited from being placed for collection:

- a. Construction materials, including, but not limited to, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc. Over two (2) **forty-five (45)** gallon receptacles not over fifty (50) pounds in weight.
- b. Bulk roof shingles.
- c. Hot ashes, stone macadam and blacktop. Concrete, concrete block over the size of 2 x 2 x 2 may be brought to the Township yard. Earth and dirt, not to exceed one (1) **forty-five (45)** gallon container, may be brought to the Township yard.
- d. Industrial waste, including, but not limited to, processed scrap materials, packing materials and certain hazardous and dangerous materials, such as acids, paints, fluorescent tubes, toxic materials and highly volatile or explosive matter, either in liquid, gaseous or solid form.
- e. Bulk automotive parts, including, but not limited to, transmissions, engines, rear ends, wheels, mufflers and other bulk items normally produced in quantity by vehicular repair operations over twenty-five (25) pounds and car parts with oil.

- f. Animal waste, droppings and feces unless double bagged.
- g. Surgical dressings, syringes and disposable hospital-type waste items, also known as red bag waste.
- h. New and used motor oils, petroleum based products, or antifreeze.
- i. Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection (NJDEP), adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended. Toxic chemicals commonly known as "commercial hazardous waste" and "household hazardous waste."
- j. Dead animals.
- k. Grass clippings.

§ 21-3.5 **Bulky Items from Residential Use.**

- a. Domestic or household bulky items, such as washing machines, dryers, dishwashers, stoves, household appliances, and other household furnishings, such as chairs, sofas, rugs, padding, etc., shall be placed at the curb for collection as specified by subsection **21-3.2b** and in accordance with the published collection schedule of the Township of Neptune. No bulky item shall be of weight or be of a size greater than four (4) cubic yards such that it cannot be **lifted** by two (2) persons.
- b. It shall be a violation of this chapter for any individual, association, partnership or corporation to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer or dishwasher or any other item of any kind which has an airtight door, with or without lock, without first removing said airtight door.
- c. It shall be a violation of this chapter for any individual, association, partnership or corporation to conduct a repair or salvage operation and use the services of the Township for solid waste collection.
- d. All Freon appliances, including, but not limited to, refrigerators, air conditioners, freezers and dehumidifiers, will be collected provided that twenty (\$20.00) dollars is paid in advance and the pickup is scheduled at the Public Works Department.
- e. The Public Works Department may permit additional bulky items to be placed, providing that special prior arrangements have been made with the department.

SECTION 2.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5.

This Ordinance shall take effect upon its passage and publication according to law.

Motion/ Second	Roll Call To Adopt On First Reading					Adopted on First Reading
		YAY	NAY	ABSTAIN	ABSENT	Dated:
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					_____
	Tassie D. York					Gabriella Siboni, RMC
	Nicholas Williams					Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading					Adopted on Second Reading
		YAY	NAY	ABSTAIN	ABSENT	Dated:
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					_____
	Tassie D. York					Gabriella Siboni, RMC
	Nicholas Williams					Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

**TOWNSHIP OF NEPTUNE
CAPITAL ORDINANCE NUMBER 22-23**

CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF AN ELECTRIC POWERED GARBAGE TRUCK AND THE ACQUISITION AND INSTALLATION OF ELECTRIC CHARGING STATIONS AT THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 TO PAY FOR THE COST THEREOF, WHICH AMOUNT WILL BE FUNDED BY A \$476,966.16 REGIONAL GREENHOUSE GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND BY \$23,033.84 FROM THE TOWNSHIP'S GENERAL CAPITAL FUND

WHEREAS, the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), wishes to undertake the acquisition of capital equipment consisting of the acquisition of an electric powered garbage truck and the acquisition and installation of electric charging stations at the Department of Public Works within the Township, all as shall be more particularly described in documents on file in the Office of the Clerk of the Township and by this reference incorporated herein (collectively, the "Capital Improvements"); and

WHEREAS, the cost of said Capital Improvements is estimated to be \$500,000; and

WHEREAS, the Township has received or is expected to receive a Regional Greenhouse Fund Grant from the New Jersey Department of Environmental Protection's Equipment Modernization Program in the amount of \$476,966.16 (the "NJDEP Grant") to finance a portion of the Capital Improvements; and

WHEREAS, the Township Committee desires to authorize the appropriation and expenditure of (i) the NJDEP Grant and (ii) the amount of \$23,033.84 from the Township's Capital Surplus Account in the General Capital Fund (the "Township Funds"), in order to finance the aforesaid Capital Improvements.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The recitals set forth in the preambles to this capital ordinance are fully incorporated by this reference as if set forth in full herein.

SECTION 2. The Capital Improvements or purposes described in Section 3 of this capital ordinance are hereby authorized as general capital improvements to be undertaken by the Township. There

is hereby appropriated the NJDEP Grant in the amount of \$476,966.16 and the Township Funds in the amount of \$23,033.84 for said Capital Improvements or purposes stated in Section 3 hereof.

SECTION 3. The Capital Improvements or purposes hereby authorized are for the acquisition of an electric powered garbage truck and the acquisition and installation of electric charging stations, including any equipment related thereto, at the Department of Public Works within the Township, in accordance with the Regional Greenhouse Grant Project, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. The expenditure of the NJDEP Grant and the Township Funds for the Capital Improvements or purposes set forth in Section 3 hereof is hereby authorized and approved. The Mayor, the Clerk, the Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement with the New Jersey Department of Environmental Protection or any other agreement necessary to undertake the Capital Improvements or purposes set forth herein and to effectuate any transaction contemplated thereby and hereby.

SECTION 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services, New Jersey Department of Community Affairs.

SECTION 6. Capitalized terms used herein and not otherwise defined, shall have the meanings ascribed to such terms in the preambles of this capital ordinance.

SECTION 7. This ordinance shall take effect in accordance with applicable New Jersey

law, including N.J.S.A. 40:49-1 et seq.

Motion/ Second	Roll Call To Adopt On First Reading	YAY	NAY	ABSTAIN	ABSENT	Adopted on First Reading Dated:
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					Gabriella Siboni, RMC
	Nicholas Williams					Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading	YAY	NAY	ABSTAIN	ABSENT	Adopted on Second Reading Dated:
	Dr. Michael Brantley					
	Keith Cafferty					
	Robert Lane, Jr.					
	Tassie D. York					Gabriella Siboni, RMC
	Nicholas Williams					Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING CAPITAL ORDINANCE AND SUMMARY

The capital ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey, on June 13, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, on June 27, 2022 at _:_ p.m. Information regarding remote access to the meeting may be found on the Township's website at www.neptunetownship.org. During the week prior to and up to and including the date of such meeting, copies of the full capital ordinance will be available at no cost and during regular business hours at the Office of the Clerk for the members of the general public who shall request the same. The summary of the terms of such capital ordinance follows:

- Title:** CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF AN ELECTRIC POWERED GARBAGE TRUCK AND THE ACQUISITION AND INSTALLATION OF ELECTRIC CHARGING STATIONS AT THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 TO PAY FOR THE COST THEREOF, WHICH AMOUNT WILL BE FUNDED BY A \$476,966.16 REGIONAL GREENHOUSE GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND BY \$23,033.84 FROM THE TOWNSHIP'S GENERAL CAPITAL FUND
- Purpose(s):** The Capital Ordinance appropriates and authorizes the amount of \$500,000 to finance the acquisition of an electric powered garbage truck and the acquisition and installation of electric charging stations, including any equipment related thereto, at the Department of Public Works within the Township
- Appropriation and Grant:** \$500,000, consisting of (i) a Regional Greenhouse Fund Grant received or expected to be received from the New Jersey Department of Environmental Protection's Equipment Modernization Program in the amount of \$476,966.16, and (ii) the amount of \$23,033.84, which amount is from the Township's Capital Surplus Account in the General Capital Fund

GABRIELLA SIBONI,
Clerk of the Township of Neptune

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
CAPITAL ORDINANCE NOTICE OF FINAL PASSAGE AND SUMMARY

The capital ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey on June 27, 2022. Copies of the full capital ordinance are available at no cost and during regular business hours at the Office of the Clerk of the Township for members of the general public who request the same. The summary of the terms of such capital ordinance follows:

- Title:** CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF AN ELECTRIC POWERED GARBAGE TRUCK AND THE ACQUISITION AND INSTALLATION OF ELECTRIC CHARGING STATIONS AT THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 TO PAY FOR THE COST THEREOF, WHICH AMOUNT WILL BE FUNDED BY A \$476,966.16 REGIONAL GREENHOUSE GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND BY \$23,033.84 FROM THE TOWNSHIP'S GENERAL CAPITAL FUND
- Purpose(s):** The Capital Ordinance appropriates and authorizes the amount of \$500,000 to finance the acquisition of an electric powered garbage truck and the acquisition and installation of electric charging stations, including any equipment related thereto, at the Department of Public Works within the Township
- Appropriation and Grant:** \$500,000, consisting of (i) a Regional Greenhouse Fund Grant received or expected to be received from the New Jersey Department of Environmental Protection's Equipment Modernization Program in the amount of \$476,966.16, and (ii) the amount of \$23,033.84, which amount is from the Township's Capital Surplus Account in the General Capital Fund

GABRIELLA SIBONI,
Clerk of the Township of Neptune

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on June 13, 2022 at _:_ p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Township and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2022.

(SEAL)

GABRIELLA SIBONI,
Clerk of the Township of Neptune

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on June 27, 2022 at _:_ p.m. at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Township and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2022.

(SEAL)

GABRIELLA SIBONI,
Clerk of the Township of Neptune

CLERK'S CERTIFICATE

I, GABRIELLA SIBONI, DO HEREBY CERTIFY that I am the Clerk of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the capital ordinance introduced on June 13, 2022 and finally adopted on June 27, 2022.

2. After introduction, the capital ordinance was published as required by law in the _____ (name of the newspaper) on June __, 2022.

3. Following the passage of the capital ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the public place in the principal municipal building of the Township at the place where public notices are customarily posted, a copy of said capital ordinance or a summary thereof and a notice that copies of the capital ordinance would be made available to the members of the general public of the Township who requested copies up to and including the time of further consideration of the capital ordinance by the governing body. Copies of the capital ordinance were made available to all who requested same.

4. After final passage, the capital ordinance was duly approved by the Mayor of the Township on _____, 2022 and was duly published as required by law in the _____ (name of the newspaper) on _____, 2022.

5. The capital ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this capital ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Township is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2022.

(SEAL)

GABRIELLA SIBONI,
Clerk of the Township of Neptune

ORDINANCE NO. 22-24

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON BENSON AVE.

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.7 – Parking Prohibited at All Times on Certain Streets, is hereby amended by adding the following:

Name of Street	Side	Location
Benson Avenue	East	Starting 43 feet north of the north east corner of Benson Avenue and Heck Avenue. The no parking will continue and stop 98 feet from the north east corner of Benson Avenue and Heck Avenue.
Benson Avenue	East	Starting 50 feet north of the north east corner of Benson Avenue and Abbott Avenue. The no parking will continue and stop 68 feet of the northeast corner of Benson Avenue and Abbott Avenue.

SECTION 2

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

Motion/ Second	Roll Call To Adopt On First Reading	Adopted on First Reading
	YAY NAY ABSTAIN ABSENT	Dated:
	Dr. Michael Brantley Keith Cafferty Robert Lane, Jr. Tassie D. York Nicholas Williams	_____ Gabriella Siboni, RMC Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading	Adopted on Second
	YAY NAY ABSTAIN ABSENT	Reading Dated:
	Dr. Michael Brantley Keith Cafferty Robert Lane, Jr. Tassie D. York Nicholas Williams	_____ Gabriella Siboni, RMC Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-25**

**AN ORDINANCE AMENDING THE SALARY RANGE FOR JOB TITLES OF THE
TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES
INCONSISTENT HEREWITH**

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The salary ranges for all existing job titles in the Township of Neptune are hereby amended and established as follows:

<u>Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Assistant Construction Official	\$ 15,000.00	\$ 85,000.00
M.I.S. Manager	\$ 56,000.00	\$ 65,000.00
Sewer Operator's License	\$ 7,500.00	\$ 20,000.00

SECTION 2. This ordinance shall take effect upon publication in accordance with law

SECTION 3. The salary for each position named above shall be established within the aforesaid ranges by adoption of a contract with employees of AFSCME Local 1844, AFSCME Local 2792, the Neptune Township Management and Department Heads Association, P.B.A. Local #74, F.O.P. Local #19 or by individual contract for employees not represented by a bargaining unit.

SECTION 4. That all ordinances or parts of ordinances of the Township of Neptune, including Ordinance No. 22-13 in its entirety, in conflict or inconsistent with this ordinance are hereby repealed.

Motion/ Second	Roll Call To Adopt On First Reading	YAY	NAY	ABSTAIN	ABSENT	Adopted on First Reading Dated:
	Dr. Michael Brantley Keith Cafferty Robert Lane, Jr. Tassie D. York Nicholas Williams					_____ Gabriella Siboni, RMC Township Clerk

Motion/ Second	Roll Call To Adopt On Second and Final Reading	YAY	NAY	ABSTAIN	ABSENT	Adopted on Second Reading Dated:
	Dr. Michael Brantley Keith Cafferty Robert Lane, Jr. Tassie D. York Nicholas Williams					_____ Gabriella Siboni, RMC Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-264**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AUTHORIZING
THE DISCUSSION OF MATTERS IN A CLOSED SESSION PURSUANT TO THE STATUTORY EXCLUSIONS
OF N.J.S.A. 10:4-12**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

WHEREAS, the matters to be discussed relate to a statutorily excluded topic pursuant N.J.S.A 10:4-12(b) 1-9, specifically:

- Attorney- client privilege;
- X Employment and personnel;
- Imposition of civil penalty;
- Investigation;
- Leasing or acquisition of property;
- Pending or anticipated litigation;
- Privacy;
- Public Safety;
- Educational matter;
- Contract Negotiation

Description of matter:

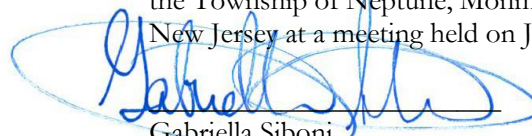
1. Personnel
 - o DPW, EMS

WHEREAS, this may be disclosed to the public at a time when the necessity for confidentiality no longer exists, or within six months or less from the date hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune as follows:

1. That the Township Committee shall retire into executive session where the public shall be excluded and where said matters shall be discussed.
2. That the Township Committee shall reconvene in public session upon conclusions of the discussions.
3. That the minutes of this executive session shall be closed from public inspection and shall so remain until the reason for confidentiality ceases to exist, or upon formal action by the Township Committee at an official meeting.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on June 13, 2022


 Gabriella Siboni
 Township Clerk

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-265**

**AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH NATIONAL
NIGHT OUT ON AUGUST 2, 2022**

WHEREAS, the National Night Out event will be held on Tuesday, August 2, 2022; and,

WHEREAS, the Police Department has recommended the temporary closure of a portion of Atkins Avenue for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Atkins Avenue between Embury Avenue and Highway 33 shall be closed to vehicular traffic and designated as no parking on Tuesday, August 2, 2022 between the hours of 2:00 p.m. to 9:00 p.m.; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close said street; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, Sgt. MacConchie, Director of Public Works, and District #1 Fire Official.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-266****AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH SHARK RIVER BEACH & YACHT CLUB FUN RUN ON JULY 9, 2022**

WHEREAS, the Shark River Beach & Yacht Club is holding its annual Fun Run for children on a portion of South Riverside Drive on July 9, 2022; and,

WHEREAS, the Police Department has recommended that a portion of South Riverside Drive be temporarily closed for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that South Riverside Drive between The Plaza and Sylvan Drive shall be closed to vehicular traffic on July 9, 2022 between the hours of 5:30 PM to 7:00 PM; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close this portion of the street and all appropriate cross streets; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, and Director of Public Works.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-267

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 47

WHEREAS, Hamilton Grant of King Verc, LLC is the owner of Neptune Township Taxi Medallion No. 47; and,

WHEREAS, Hamilton Grant of King Verc, LLC has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Brian Downey of BD One Transportation, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallions License No. 47 to Brian Downey of BD One Transportation, LLC; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-268****APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 41**

WHEREAS, Gurkiran Kaur of Sohal Z Management, LLC is the owner of Neptune Township Taxi Medallion No. 41; and,

WHEREAS, Gurkiran Kaur of Sohal Z Management, LLC has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Brian Downey of BD One Transportation, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallions License No. 41 to Brian Downey of BD One Transportation, LLC; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-269****AUTHORIZING CERTAIN PERSONNEL ACTIONS- MUNICIPAL COURT**

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Ashley Neptune	Municipal Court	Violations Clerk	\$30,139.38	5/31/2022

TOWNSHIP OF NEPTUNE**RESOLUTION 22-270****A RESOLUTION OF THE TOWNSHIP COMMITTEE WAIVING MUNICIPAL PORTION OF
CONSTRUCTION PERMIT FEES AND DUMPSTER FEES FOR WORLD CHANGERS
REHABILITATION PROJECTS**

WHEREAS, this summer, World Changers will again be performing rehabilitation projects that require construction permits and dumpsters; and,

WHEREAS, World Changers is a non-profit volunteer organization providing home improvement projects at various locations throughout the Township; and,

WHEREAS, the Township Committee desires to authorize a waiver of the construction permit and dumpster fees associated with these projects,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby waives the municipal portion of the construction fee permits and all dumpster fees for repairs being performed by World Changers for the reasons as stated herein; and,

BE IT FURTHER RESOLVED, that this resolution does not waive the requirement to obtain applicable construction permits and the performance of construction inspections; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official and Community Programs Coordinator.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-271****AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH WORLD CHANGER'S BEACH PARTY ON JULY 13, 2022**

WHEREAS, this summer, World Changers will again be performing rehabilitation projects that require construction permits and dumpsters; and,

WHEREAS, World Changers is a non-profit volunteer organization providing home improvement projects at various locations throughout the Township; and,

WHEREAS, World Changers will participate in the Annual Beach Party at the Ocean Grove Beach on July 13, 2022; and,

WHEREAS, the Police Department has recommended that a portion of Ocean Avenue be temporarily closed for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ocean Avenue between Atlantic to Seaview shall be closed to vehicular traffic on July 13, 2022 between the hours of 3:00 PM to 6:00 PM; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close this portion of the street and all appropriate cross streets; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, and Director of Public Works.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-272****AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING IN CONNECTION WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION FESTIVALS AND EVENTS**

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled a slate of activities in Ocean Grove for the calendar year; and,

WHEREAS, it is necessary to designate temporary no parking and street closures for these events; and,

WHEREAS, the Police Department has reviewed and approved these closures; and,

WHEREAS, the events will be held to the extent permitted by public health emergency orders and executive orders in effect at the time of each event,

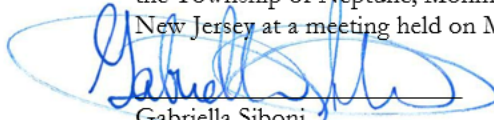
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that temporary street closures and posting of temporary no parking be and are hereby in connection with the Ocean Grove Camp Meeting Association events in 2022 contingent upon the ability to hold such events in light of the on-going public health emergency:

A. Annual Craft Fair

- 1) To take effect June 17th at 9:00PM to June 18th at 6:00PM
 - i. Temporary Parking Prohibition on Ocean Pathway, both sides of the street
 - ii. Temporary Parking Prohibition on Beach Avenue, both sides of the street between Ocean Pathway West and Ocean Pathway East
 - iii. Temporary Parking Prohibition on Central Avenue, both sides of the street between Ocean Pathway West and Ocean Pathway East
 - iv. Temporary Parking Prohibition on Ocean Avenue, west side of the street between Ocean Pathway West and Ocean Pathway East
 - v. Road Closures along the sections of temporary parking prohibition.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. MacConchie, Director of Public Works, Ocean Grove Fire Inspector, and Ocean Grove Camp Meeting Association.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on May 9, 2022



Gabriella Siboni
Township Clerk

TOWNSHIP OF NEPTUNE

RESOLUTION 22-273

**AUTHORIZE THE SUBMISSION OF A PROJECT TO THE COUNTY OF MONMOUTH
FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Township seeks to receive funding for an infrastructure project through the Community Development Block Grant Program; and,

WHEREAS, the Township has fulfilled the notice requirements of the required meetings; and,

WHEREAS, the Township Committee has conducted the required public hearing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes submission of the project entitled **ADA and Accessibility Improvements at the intersection of Anelve Avenue, Oxonia Avenue and Asbury Avenue – CR16** for funding under the FY2019 Community Development Block Grant Program; and,

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-274**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING THE RELEASE A PERFORMANCE BOND FILED BY KIMBERLY
GALEOTA FOR DUMPSTER PERMIT AT BLOCK 233 LOT 19**

WHEREAS, on May 6, 2022, Kimberly Galeota filed Performance Bond No. 107609957, written by the Travelers Casualty and Surety Company of American in the amount of \$3,300.00, guaranteeing dumpster permit at Block 233 Lot 19, and;

WHEREAS, the Code and Construction Department has certified that the dumpster/pod have been removed in a satisfactory manner as of May 24, 2022 and said performance guarantee can be released; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee with the Township be and is hereby authorized to be released.

**TOWNSHIP OF NEPTUNE
RESOLUTION NO. 22-275**

**AUTHORIZING DISCHARGE OF MORTGAGE HELD BY NEPTUNE TOWNSHIP ON
PROPERTY LOCATED AT 154 MYRTLE AVENUE, NEPTUNE TOWNSHIP, NEW JERSEY,
OWNED BY SIMAR L. REID AND AATIYAH Y. REID**

WHEREAS, the Township of Neptune is the owner and holder of a certain promissory note totaling \$400,000.00, secured by a certain mortgage for such sum made by TRF DP Ridge Avenue, LLC to the Township dated February 19, 2009 and recorded April 8, 2009 in Mortgage Book 8766, Page 4660 on property located in the Ridge Avenue Redevelopment Area; and

WHEREAS, originally said note and mortgage required a principal payment in the sum of \$14,285.71 by unit owners purchasing 28 residential units of the 58 unit project as determined and as defined in a certain Redevelopment Agreement as amended and dated as of February 11, 2008 between the Township and TRF DP Ridge Avenue, LLC, which loan imposed upon each buyer was raised to \$20,000.00 by Resolution #12-65, approved by the Township Committee on January 9, 2012, reducing the Redeveloper's obligation to the Township by \$114.29 for each unit from the original obligation; resulting in each purchaser paying a secondary mortgage held by the Township in the amount of \$20,000.00 in the Ridge Avenue Redevelopment Area also known as Schoolhouse Square, which had to be paid off by the unit owner to the Township upon the sale of the property or the refinancing of the first mortgage or the repayment in full of the note secured by the first mortgage; and

WHEREAS, the Township has been advised that Mr. and Mrs. Reid, owners of property subject to the secondary mortgage of \$20,000.00, at 154 Myrtle Avenue, Neptune Township, New Jersey are in the process of selling the aforesaid property and seek to discharge the aforesaid mortgage by paying the \$20,000.00 due and owing.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Neptune that the governing body hereby authorizes the discharge of a secondary mortgage held by Neptune Township with Simar L. Reid and Aatiyah Y. Reid, entered into on October, 2012 in the amount of \$20,000.00 and recorded in the Clerk's Office of Monmouth County on October 19, 2012 in Book 8977, Page 1763, upon receipt by the Township of \$20,000.00 per a secondary Promissory Note entered into between the aforesaid parties on October 15, 2012 in the amount of \$20,000.00 to be repaid to the Township upon sale of the property at 154 Myrtle Avenue, Neptune Township, New Jersey, Block 197.05, Lot 13, without interest per Paragraph 3 of the Promissory Note dated October 15, 2012, and per Paragraph 4 of the aforesaid Promissory Note requiring release of the second mortgage upon payment of the principal in full.

BE IT FURTHER RESOLVED, the Township Committee hereby authorizes the Township Attorney, Gene J. Anthony, Esq. to prepare the necessary Discharge of Mortgage, and obtain the necessary execution by the Mayor and Clerk or whoever is required to do the same by authority.

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-276**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING A CHAPTER 159 BUDGET AMENDMENT TO INSERT REVENUE
RECEIVED FOR THE FY2022 CLEAN COMMUNITIES GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue for any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and;

WHEREAS, the Township received \$69,169.02 for 2022 Clean Communities Grant and wishes to amend its 2022 budget to include this amount as revenue, and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 in the sum of received \$69,169.02 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

FY2022 Clean Communities Grant for received \$69,169.02

BE IT FURTHER RESOLVED, that a like sum of received \$69,169.02 and the same is hereby appropriated under the caption of:

Additional Appropriations Offset by Revenues:

FY2022 Clean Communities Grant for received \$69,169.02

TOWNSHIP OF NEPTUNE**RESOLUTION #22-278****AUTHORIZING PROPOSED SITE MODIFICATION TO CELL TOWER LICENSE AREA FOR T-MOBILE USA TOWER LLC WIRELESS AT 25 NEPTUNE BLVD., NEPTUNE TOWNSHIP, NEW JERSEY 07753**

WHEREAS, a cell tower facility and monopole was constructed in 2008 per a Lease Agreement of 2007 between Neptune Township and Omnipoint Communications, Inc., later supplemented by an Agreement of August 9, 2007 with T-Mobile USA Tower LLC and including space on the aforesaid tower for use by the Township of Neptune; and

WHEREAS, T-Mobile USA Tower LLC was located on the aforesaid cell tower and received a license space for its equipment, as well as an equipment and storage area; and

WHEREAS, by letter of June 6, 2022 through agent, Crown Castle for T-Mobile USA Tower LLC, a request was made to the Township of Neptune to modify the telecommunications site by removing equipment, set forth more fully in drawings and plans submitted and reviewed by the Township Attorney and Engineer; and

WHEREAS, pursuant to the Lease Agreement, modifications can be undertaken and not unreasonably withheld by the Township where said modifications do not go beyond the leased area or affect other vendors on the tower; and

WHEREAS, it appears from a review of the drawings and plans that the requested modification is legally appropriate, and approved by the Township Engineer, and that the Township should consent to the same.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Neptune, County of Monmouth and State of New Jersey, that per the request of Crown Castle, located at 3025 Highland Parkway, Suite 400 Downers Grove, IL 60515, dated June 6, 2022, agent for T-Mobile USA Tower LLC, the Township Committee of the Township of Neptune does hereby authorize the modification of wireless communication equipment at the cell tower located at 25 Neptune Blvd., Neptune Township, New Jersey 07753 with regard to the leased area utilized by T-Mobile USA Tower LLC and authorizes the Mayor to authorize said modification by execution of a consent letter, a true copy of which is attached hereto as Exhibit A.

TOWNSHIP OF NEPTUNE**RESOLUTION #22-279****PLACE LIEN ON VARIOUS PROPERTIES**

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Director of Code Enforcement has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

Block	Lot	Address	Amount
514	16	45 Ridge Avenue	\$332.50

BE IT FURTHER RESOLVED that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

**TOWNSHIP OF NEPTUNE
RESOLUTION NO. 22-280**

**AUTHORIZING THE TOWNSHIP OF NEPTUNE TO ACCEPT SUBORDINATION OF
MORTGAGE BETWEEN ALNISA & MARC ALSTON AND PRINCIPAL FINANCING
INSTITUTION**

WHEREAS, Alnisa and Marc Alston, of 11 Murray Lane, Neptune, New Jersey 07753, through Neptune Township's Mt. Laurel Indigenous Housing Rehabilitation Program, executed a mortgage dated January 12, 2021; recorded on April 21, 2021 in Book 9503; Page 5800 in the Clerk's Office of Monmouth County in the amount of \$22,105.00; and

WHEREAS, Alnisa and Marc Alston are presently refinancing their existing principal mortgage, which includes the aforesaid Rehabilitation Mortgage of \$20,105.00, and needs the Township of Neptune to subordinate and postpone the Mt. Laurel repayment of mortgage, so as to allow refinancing of the primary mortgage on the subject property; and

WHEREAS, the authorization by the Mayor and Township Committee for this subordination or postponement of mortgage is subject to all rules and regulations and conditions for subordination for a \$22,105.00 forgiveness loan.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Township of Neptune that the governing body hereby authorizes the execution by the Mayor and Clerk of a postponement or Subordination Agreement of a mortgage in the amount of \$22,105.00; previously given for purposes of rehabilitation of property located at 11 Murray Lane, Neptune, New Jersey 07753; previously recorded on April 21, 2022 in the Clerk's office of Monmouth County in Mortgage Book 9503; Page 5800, in the Clerk's office of Monmouth County.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-281

AUTHORIZING CERTAIN PERSONNEL ACTIONS- RECREATION

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Kaitlyn Rochelle	Recreation	Camp Director	\$23.00/ hr	May 1, 2022- August 14, 2022
Tom Shields	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Josiah Montgomery	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Mia Santiago Lorenzo	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Jariel Morales	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Fallon Oates	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Emily Flemming	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Lauren Freeman	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Amanda Thompson	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Hailee Carpenter	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Jane Cooper	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Justin Lucien-Keise	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Corey Saunders	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Lindsey Beattie	Recreation	Role Models	\$15.00/hr	June 21, 2022- August 12, 2022
Xander Denberg	Recreation	CITs (Role Models in Training)	No pay, Experience Only	
Alex Kleiberg	Recreation	CITs (Role Models in Training)	No pay, Experience Only	

TOWNSHIP OF NEPTUNE

RESOLUTION 22-282

RESOLUTION AUTHORIZING THE SUPPLY AND INSTALLATION OF PUMP LEVEL CONTROLLER AND STARTERS FOR NORTH ISLAND PUMP STATION FROM PUMPING SERVICES INC UNDER NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM, CONTRACT # B270-2 AND B279-13 IN AN AMOUNT NOT TO EXCEED \$25,620.00

WHEREAS, the Township of Neptune wishes to authorize the supply and installation of pump level controller and starters for north island pump station from Pumping Services Inc under North Jersey Wastewater Cooperative Pricing System, contract # B270-2 and B279-13 in an amount not to exceed \$25,620.00; and

WHEREAS, Pumping Services, Inc., having an address at 201 Lincoln Blvd, Middlesex, NJ 08846, has been awarded under North Jersey Wastewater Cooperative Pricing System , Contract #B270-2 and B279-13 for purposes of selling said equipment; and

WHEREAS, N.J.S.A.40A:11-12 permits the purchase of goods and services without advertising for bids when purchased under contract for goods or services entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

Now, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. The supply and installation of pump level controller and starters for north island pump station from Pumping Services Inc under North Jersey Wastewater Cooperative Pricing System, contract # B270-2 and B279-13 in an amount not to exceed \$25,620.00is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Public Works Director, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Public Works Director.

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the supply and installation of pump level controller and starters for north island pump station from Pumping Services Inc under North Jersey Wastewater Cooperative Pricing System, contract # B270-2 and B279-13 in an amount not to exceed \$25,620.00

Account Name	Account Number
Ordinance 21-33 Various Sewer Improvements	08-215-55-581-020

 Michael Bascom, Chief Financial Officer

 Date

TOWNSHIP OF NEPTUNE

RESOLUTION 22-283

RESOLUTION AUTHORIZING AGREEMENT FOR DOCUMENT MANAGEMENT FOR RECORDS RETENTION AND DISPOSAL INITIAL SCANNING AND FIRST YEAR SERVICE FROM FOVEONICS IMAGING TECHNOLOGIES UNDER NEW JERSEY STATE CO-OP #65MCESCCPS, CONTRACT # ESCNJ 16/17-48 IN AN AMOUNT NOT TO EXCEED \$210,000.00

WHEREAS, the Township of Neptune sought services for Agreement for Document management for records retention and disposal Initial scanning and first year service from Foveonics Imaging Technologies under New Jersey State Co-Op #65MCESCCPS, contract # ESCNJ 16/17-48 in an amount not to exceed \$210,000.00; and

WHEREAS, Foveonics Imaging Technologies, having an address at 99 Grayrock Rd #103, Clinton, NJ 08809, has been awarded under State Co-Op #65MCESCCPS, Contract# ESCNJ 16/17-48 for purposes of providing such services; and

WHEREAS, N.J.S.A.40A:11-12 permits the purchase of goods and services without advertising for bids when purchased under contract for goods or services entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

Now, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. The Agreement for Document management for records retention and disposal Initial scanning and first year service from Foveonics Imaging Technologies under New Jersey State Co-Op #65MCESCCPS, contract # ESCNJ 16/17-48 in an amount not to exceed \$210,000.00 State Co-Op #65MCESCCPS, Contract # ESCNJ 20/21-22 in an amount not to exceed \$37,000.00 is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Public Works Director, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Public Works Director.

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the Agreement for Document management for records retention and disposal Initial scanning and first year service from Foveonics Imaging Technologies under New Jersey State Co-Op #65MCESCCPS, contract # ESCNJ 16/17-48 in an amount not to exceed \$210,000.00

Account Name

American Rescue Plan

Ordinance 20-13 COVID Improv

Account Number

02-213-41-803-020

04-215-55-903-020

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-284**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING A CHAPTER 159 BUDGET AMENDMENT TO INSERT REVENUE
RECEIVED FOR THE ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT
PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue for any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and;

WHEREAS, the Township received \$4,737.97 for Alcohol Education Rehabilitation and Enforcement Program and wishes to amend its 2022 budget to include this amount as revenue, and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 in the sum of received \$69,169.02 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Alcohol Education Rehabilitation and Enforcement Program for received \$4,737.97

BE IT FURTHER RESOLVED, that a like sum of received \$4,737.97 and the same is hereby appropriated under the caption of:

Additional Appropriations Offset by Revenues:

Alcohol Education Rehabilitation and Enforcement Program for received \$4,737.97

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-285
AUTHORIZE RENEWAL OF LIQUOR LICENSES FOR THE 2022-2023 LICENSING YEAR**

WHEREAS, the following liquor licensees have completed the on-line Alcoholic Beverage Control renewal application, paid the required state and local fees, been reviewed by the Neptune Township Police Department, and has been issued a New Jersey State Sales Tax Clearance Certificate by the State Division of Taxation,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses, and Club Licenses in the Township of Neptune be and are hereby renewed for the period July 1, 2022 to June 30, 2023:

License Type	License Number	Name	Location
Club License	1334-31-029-003	Shark River Beach & Yacht Club, Inc.	360 South Riverside Drive
Club License	1334-31-032-001	Neptune Township American Legion Post #346	21 Gully Road
Club License	1334-31-035-001	Asbury Park- Wall Elks 128	3409 West Bangs Ave.
Plenary Retail Consumption	1334-32-002-006	Buy Rite	600 Essex Road
Plenary Retail Consumption	1334-32-014-012	ShopRite Liquors and Wines of Neptune	2200 Route 66
Plenary Retail Consumption	1334-32-020-007	Sunsets	302 South Concourse
Plenary Retail Consumption	1334-32-025-011	Delvetto's Pizza & Pub	3701 Route 33
Plenary Retail Consumption	1334-33-004-007	Ruby Tuesday	Inactive Pocket
Plenary Retail Consumption	1334-33-007-004	Sprengel's Sports Bar	2447 Route 33
Plenary Retail Consumption	1334-33-011-003	Headliner	1401 Route 35
Plenary Retail Consumption	1334-33-012-016	Crab Tales	3548 Route 66
Plenary Retail Consumption	1334-33-013-004	Il Posto	1129 5th Ave.
Plenary Retail Consumption	1334-33-019-008	Brickhouse Tavern	3655 Route 66
Plenary Retail Consumption	1334-33-021-005	Shore Lanes	701 Route 35
Plenary Retail Consumption	1334-33-023-009	MJs	3295 Route 66

Plenary Retail Consumption	1334-33-024-005	The Grand Tavern	1105 6th Ave.
Plenary Retail Consumption	1334-33-026-007	Jumping Brook Golf and Country Club	210 Jumping Brook Rd
Plenary Retail Consumption	1334-36-037-002	Residence Inn	230 Jumping Brook Rd.
Plenary Retail Consumption	1334-36-038-001	Hampton Inn & Suites	4 McNamara Way
Plenary Retail Distribution	1334-44-001-004	Rick's Wines & Liquor Store	2832 West Bangs Ave.
Plenary Retail Distribution	1334-44-006-005	Guys Package Store	1417 Corlies Ave.
Plenary Retail Distribution	1334-44-015-003	Discount Liquor Warehouse	1611 Asbury Ave.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed electronically with the Division of Alcoholic Beverage Control and in the file of each Licensee in the Office of the Municipal Clerk.

**TOWNSHIP OF NEPTUNE
RESOLUTION #22-286**

**AUTHORIZE RENEWAL OF THE LIQUOR LICENSE HELD BY KRENKEL-LIQUORS, INC.
T/A KRENKEL LIQUORS FOR THE 2022-2023 LICENSING YEAR**

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Plenary Distribution Consumption License known as 1334-44-009-005 be renewed to Krenkel-Liquors, Inc. t/a Krenkel Liquors, located at 700 Highway 35 for the 2022-2023 licensing year under the following conditions (continued from the prior licensing period):

1) There will be no ingress and egress for customers of the liquor store and the main food store within the building. The only ingress and egress of the liquor store will be from the outside of the building. Employees of Krenkel's may utilize a door, or common counter area only to be utilized by employees of Krenkel's, within the subject building for ingress and egress between the two businesses.

2) A surveillance camera will be installed on the outside of the building to monitor the package goods store. Alternatively, a camera installed on the inside of the store will suffice so long as it monitors the outside of the store.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control, Municipal Clerk and the License Holder.

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-287**

**EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS CLASS II IN THE POLICE
DEPARTMENT ON A PART-TIME BASIS**

WHEREAS, there is a need for Special Law Enforcement Officers Class II in the Police Department on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and applicants have been interviewed; and,

WHEREAS, the Chief of Police and Police Committee have made their recommendations; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed as part-time Special Law Enforcement Officers Class II, as indicated, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the required Special Law Enforcement Officer training at the Monmouth County Police Academy at an hourly rate of \$18.85 for Class II officers:

Sheena Benites	\$22.85/hour
Bryan Bolch	\$22.85/hour
Ryan Gallagher	\$22.85/hour

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Police Committee, Chief Financial Officer, Assistant C.F.O., and Human Resources.

TOWNSHIP OF NEPTUNE**RESOLUTION 22-288****A RESOLUTION ACCEPTING A GRANT FROM THE EQUIPMENT MODERNIZATION PROGRAM THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Whereas, Township of Neptune has applied for and has been awarded a grant in the amount of up to \$476,966.16 from the Equipment Modernization Program through the New Jersey Department of Environmental Protection which is using RGGI Funds for Diesel-to-electric on-road electrification projects.

Now, Therefore be it resolved, by the Mayor and Township Committee of the Township of Neptune that:

1. The above referenced grant is hereby accepted
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Public Works Director, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the New Jersey Economic Development Authority, Business Administrator, Chief Financial Officer and Harbor Master.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-289

**RESOLUTION TO AUTHORIZE TOWNSHIP LABOR ATTORNEY TO REPRESENT THE
TOWNSHIP OF NEPTUNE DURING THE FACT-FINDING STATE OF CONTRACT
NEGOTIATIONS**

WHEREAS, the Township of Neptune appointed Shain Schaffer as the Township Labor Attorney for the Year 2022 by Resolution 22-5; and

WHEREAS, The Township is in need of legal representation during the Fact-finding stage of negotiations between Township and AFCSME Blue and desires to retain Shain Schaffer to represent the Township of Neptune; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. Authorization of the Township Labor Attorney, Shain Schaffer to represent the Township of Neptune during the Fact-finding stage of negotiations is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Chief Financial Officer and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Public Works Director.

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the agreement to

Account Name

Legal OE

Account Number

02-201-20-155-020

 Michael Bascom, Chief Financial Officer

 Date

TOWNSHIP OF NEPTUNE**RESOLUTION #22-290****AUTHORIZE THE PAYMENT OF BILLS**

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

June 13, 2022 Bill List

Current Fund	\$ 1,798,481.58
Grant Fund	\$ 5,767.57
Trust Other	\$ 13,195.69
General Capital Fund	\$ 272,983.81
Sewer Operating Fund	\$ 314,002.06
Marina Operating Fund	\$ 21,034.41
Marina Capital Fund	\$ 10,480.00
Dog Trust	\$ 750.00
Library Trust	\$ 1,098.17
Bill List Total	\$ 2,437,793.29

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Assistant C.F.O.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-291

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- CODE AND CONSTRUCTION**

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Code and Construction	Director of Code and Construction		
	Code and Construction	Construction Official		

TOWNSHIP OF NEPTUNE

RESOLUTION 22-292

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- EMERGENCY MEDICAL SERVICES**

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Emergency Services	Per Diem Emergency Medical Technician	\$21.75/hr	6/13/2022
	Emergency Services	Per Diem Emergency Medical Technician	\$21.75/hr	6/13/2022

TOWNSHIP OF NEPTUNE

RESOLUTION 22-293

AUTHORIZING CERTAIN PERSONNEL ACTIONS- PUBLIC WORKS

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	DPW	Seasonal Employment	\$17.14/hour	June 1, 2022- October 14, 2022
	DPW	Seasonal Employment	\$17.14/hour	June 1, 2022- October 14, 2022
	DPW	Seasonal Employment	\$17.14/hour	June 1, 2022- October 14, 2022
	DPW	Seasonal Employment	\$17.14/hour	June 1, 2022- October 14, 2022
	DPW	Seasonal Employment	\$17.14/hour	June 1, 2022- October 14, 2022