



**AGENDA  
NEWTON TOWN COUNCIL  
REGULAR HYBRID MEETING  
SEPTEMBER 23, 2024  
7:00pm**

Please click this URL to join:

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**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- a. September 11, 2024, Regular Meeting
- b. September 11, 2024, Executive Session

**V. OPEN TO THE PUBLIC (3 minutes each)**

At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded. **Please identify yourself and spell your last name for the record.**

**VI. PRESENTATION**

- a. Tax Assessor's Office Overview

**VII. COUNCIL & MANAGER REPORTS**

- a. Town Manager Russo -
  - Proclamation – Prostate Cancer Awareness
  - Proclamation – Suicide Prevention Awareness Month
  - Proclamation – Liberty Towers 50<sup>th</sup> Anniversary
- b. Councilmember Dickson
- c. Councilmember Diglio
- d. Councilmember Teets
- e. Deputy Mayor Le Frois
- f. Mayor Couce

## VIII. ORDINANCE(S)

### a. Introduction

Ordinance 2024-28

An Ordinance Concerning Low-Speed Electric Scooters, Low-Speed Electric Bicycles, and Motorized Electric Bicycles, and Amending, Revising, and Supplementing the Code of the Town of Newton by Adding a New Section 307-17.4 to Chapter 307 of Said Code, Entitled "E-Bikes and E-Scooters"

Ordinance 2024-29

An Ordinance by the Mayor and Town Council Amending the Town of Newton Code to Repeal Chapter 120 – Flood Damage Prevention; to Adopt a New Chapter 120 – Flood Damage Prevention; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Provide for Severability and an Effective Date

Ordinance 2024-30

Bond Ordinance Providing a Supplemental Appropriation of \$100,000 for Installation of HVAC System at Town Hall in and by the Town of Newton, in the County of Sussex, New Jersey and Authorizing the Issuance of \$95,000 Bonds or Notes of the Town for Financing Part of the Appropriation

## IX. CONSENT AGENDA

All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

a. Resolution #240-2024\*

Approval of Kieffer Electric as the Electrical Services Contractor per Bid 9-2024

b. Resolution #241-2024\*

Authorizing the Award of the Bid for Municipal Building HVAC Upgrades to Iron Mountain Mechanical, LLC

c. Resolution #242-2024\*

Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Sussex Borough ACO Shared Service

d. Resolution #243-2024\*

Authorization to Provide for the Purchase of Road Salt and Snow Grit for the Department of Public Works for the Town of Newton

e. Resolution #244-2024\*

Refund Three Replacement Monthly Overnight Parking Passes

f. Resolution #245-2024\*

Town of Newton Certification of Annual Audit

g. Resolution #246-2024\*

Approve Bills and Vouchers

## X. OPEN TO THE PUBLIC (3 minutes each)

## XI. COUNCIL & MANAGER COMMENTS

**XII. EXECUTIVE SESSION**

- a. Resolution #224-2024

*(Carried from September 11, 2024)* A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

- i. Attorney-Client Privilege

**XIII. ADJOURNMENT**

Office of the Mayor

Newton, New Jersey

# Proclamation

## Prostate Cancer Awareness Month

**September 2024**

*WHEREAS, this year, approximately 299,010 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 35,250 will die this year from the disease – which is approximately one man every 15 minutes; and*

*WHEREAS, in New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed, and an estimated 730 deaths will occur in 2024; and*

*WHEREAS, men with relatives with a history of prostate cancer are twice as likely to develop the disease; and*

*WHEREAS, prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and*

*WHEREAS, if caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late stage prostate cancer the five-year survival rate is 31%; and*

*WHEREAS, all men are at risk for prostate cancer and we encourage the citizens of the Town of Newton to understand the importance of prostate awareness and screenings;*

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton does hereby proclaims the month of **September 2024** to be **PROSTATE CANCER AWARENESS MONTH** in the Town of Newton.

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

Attest: \_\_\_\_\_

Date: September 23, 2024

Office of the Mayor

Newton, New Jersey

# Proclamation

## Suicide Prevention Awareness Month

**September 2024**

*WHEREAS, September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness of suicide prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and*

*WHEREAS, suicidal thoughts can affect anyone regardless of age, gender, race, sexual orientation, income level, religion, or background; and*

*WHEREAS, suicide is the second leading cause of death among people aged 10 – 34 years of age, the fourth leading cause of death among people 35 – 54 years of age, and the eighth leading cause among people 55 to 64 years of age; and*

*WHEREAS, we encourage all residents to take the time to inquire as to the well-being of their family, friends, and neighbors and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, or hug can go a long way towards helping someone realize that suicide is not the answer;*

*NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim **September 2024** as **SUICIDE PREVENTION MONTH** and urge all residents to practice kindness and acceptance for one another.*

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

Attest: \_\_\_\_\_

Date: September 23, 2024

Office of the Mayor

Newton, New Jersey

# Proclamation

## Liberty Towers 50<sup>th</sup> Anniversary

**September 2024**

**WHEREAS**, the Newton Housing Authority was established by ordinance on April 14, 1969. Its work placed immediate emphasis on the growing need for affordable senior housing in the Town of Newton and greater Sussex County community; and

**WHEREAS**, to address this need, the Housing Authority designated a parcel of land on Liberty Street for what would become known as Liberty Towers. Situated in the heart of the Town of Newton's Historic District, it became the second high-rise building in the County. On September 11, 1974, Liberty Towers became the first public housing authority in Sussex County and to date, remains the only public housing authority in Sussex County; and

**WHEREAS**, since its construction, the role of Liberty Towers' in our community has continued to evolve. Partnerships with many nonprofit, government, and corporate organizations have assisted the Newton Housing Authority in identifying new ways to enhance the quality of life for its residents. With the support of its residents, staff, and volunteers, Liberty Towers has become one of the most desirable places to live in our community;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby recognize **LIBERTY TOWERS** and share in the celebration of their **50 YEAR ANNIVERSARY**.

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

Attest: \_\_\_\_\_

Date: September 23, 2024

# TOWN OF NEWTON

## ORDINANCE 2024-28

### AN ORDINANCE CONCERNING LOW-SPEED ELECTRIC SCOOTERS, LOW-SPEED ELECTRIC BICYCLES, AND MOTORIZED ELECTRIC BICYCLES, AND AMENDING, REVISING, AND SUPPLEMENTING THE CODE OF THE TOWN OF NEWTON BY ADDING A NEW SECTION 307-17.4 TO CHAPTER 307 OF SAID CODE, ENTITLED "E-BIKES AND E-SCOOTERS"

BE IT ORDAINED by the Town Council of the Town of Newton, as follows:

1. Chapter 307 of the "Code of the Town of Newton", which contains the general traffic requirements within the Town of Newton, is amended, revised, and supplemented to add thereto a new Section 307-17.4, entitled "E-Bikes and E-Scooters," which shall read as follows:

#### **Section 307-17.4. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycles Regulations.**

The purpose of this Section is to regulate low-speed electric scooters, low-speed electric bicycles, and motorized electric bicycles. This Section shall apply to all low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycle operations and the placement, operation, parking, and/or abandonment upon any street and/or public right of way within the Town.

#### **A. Definitions.**

As used in this Chapter, the following terms shall have the meanings herein or as set forth in N.J.S.A. 39:1-1 from time to time.

"Low-speed Electric Bicycle" means a two (2) or three (3)-wheeled vehicle with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts, which meets the requirements of one (1) of the following class designations:

1. "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.
2. "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

"Low-speed Electric Scooter" means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of nineteen (19) miles per hour.

"Motorized Electric Bicycle" means a bicycle that is powered by an electric drive motor and said bicycle is capable of a maximum speed of no more than twenty five (25) miles per hour on a flat surface or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of twenty (20) miles per hour with a maximum motor-powered speed of no more than twenty-eight (28) miles per hour on a flat surface. This term shall not include a low-speed electric bicycle or low-speed electric scooter as defined in this Section.

"Owner" means any company, entity, and/or individual that has ownership of a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle, including but not limited to a shared low-speed electric scooter, low-speed electric bicycle, and/or motorized electric bicycle.

"Private low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle" means any low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle owned and operated by a private individual.

"Shared low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle" means any low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle owned by a company authorized and permitted by the Town of Newton to offer low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycles to the public through a pay-per-ride rental or other rental for compensation on an hourly or other interval basis or subscription program.

"User" means any person who is operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle.

## **B. Application of State Motor Vehicle Laws to Electric Scooters and Electric Bicycles.**

Every person riding a low-speed electric scooter, low-speed electric bicycle, and/or motorized electric bicycle within the Town of Newton shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this State, including the provisions of Chapter 4 of Title 39 of the New Jersey Revised Statutes applicable to bicycles as defined in N.J.S. 39:4-10 and the traffic provisions of this Town Code applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of laws and/or ordinances which, by their very nature are inapplicable to such persons.

## **C. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle rules and regulations.**

The following rules and regulations shall pertain to low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycles and their operation within the Town:

### (1) Obedience to Traffic Control Devices.

- a. Any person operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall comply with all applicable New Jersey Statutes, including but not limited to Chapter 4 of Title 39 of the Revised Statutes, Rules and Regulations applicable to bicycles, as defined in N.J.S. 39:4-10.

- b. User Age Restrictions. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle operators shall follow manufacturer's recommendation regarding the age of the rider and/or user.
- c. Helmet Requirements. Users of Low-speed electric scooters and low-speed electric bicycles, under the age of seventeen (17), must wear a helmet pursuant to N.J.S.A. 39:40-10.1. All motorized electric bicycle operators must wear a helmet pursuant to N.J.S.A. 39:4-14.3g.
- d. Manner of Riding. No low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- e. Speed Restrictions. No person shall operate a low-speed electric scooter or low-speed electric bicycle at a speed greater than is reasonable and prudent under the conditions then and there existing, provided it shall not exceed nineteen (19) miles per hour. No person shall operate a motorized bicycle at a speed greater than is reasonable and prudent under the conditions then and there existing, provided it shall not exceed twenty (20) miles per hour or twenty-eight (28) for a class 3 motorized bicycle.

(2) Riding on Sidewalks.

- a. No person shall ride a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle upon a sidewalk.
- b. Any person traveling on the sidewalk with a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall dismount before entering the sidewalk throughway and walk the low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle along the sidewalk.
- c. No person shall start or stop a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle trip on the sidewalk.

(3) Carrying Articles. No person operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall carry any package, bundle, or article, or use any item, including but not limited to a cellular telephone or tablet, which prevents the user from keeping both hands upon the handlebars.

(4) Lamps and equipment on low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles.

- a. Low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front with a lamp emitting a red light visible from a distance of five hundred (500) feet to the rear.
- b. Low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles shall be equipped with a kickstand to prevent them from toppling over when parked.

- (5) Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle parking and placement.
- a. Private low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles are permitted to be secured at municipal bicycle racks for up to four (4) consecutive calendar days without being utilized.
  - b. Private low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles may be attached or secured to a bicycle rack. No person shall attach or secure a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle to any fixed object not suited for such parking or typically used for bicycle parking.
  - c. Low-speed electric scooters and low-speed electric bicycles shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings, and/or racks.
  - d. No person or owner shall leave a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle lying on or standing upon the sidewalk or any portion of the Town's right-of-way so as to hinder or impede pedestrian access.
- (6) Abandonment of low-speed electric scooters.
- a. It shall be unlawful for any person, user, or owner to abandon any low-speed electric scooter within the Town.
  - b. A low-speed electric scooter may be deemed abandoned by the Town if:
    - i. It has been parked for a period of forty-eight (48) or more consecutive hours, except in a designated bicycle or low-speed electric scooter racks and/or approved marked areas;
    - ii. It appears visually to be in a state of prolonged disuse, such as but not limited to that it has deflated tires, damaged or missing battery or equipment making it inoperable, accumulated debris; or
    - iii. It is parked, placed, or left on a roadway or in any public right-of-way in violation of this Chapter.
  - c. In the event that a low-speed electric scooter is deemed to be abandoned, as defined herein, the Town's Department of Public Works, the Town Police Department, or the Town Department of Code Enforcement shall have the authority to seize and impound same pursuant to this section and remove the same from any public place.
- (7) Shared low-speed electric scooter rental restriction. A shared low-speed electric scooter user shall be the same person who made the rental reservation. No person shall rent a shared low-speed electric scooter for another user.

- (8) Low-speed electric scooter charging. No low-speed electric scooter battery shall be recharged in the public right-of-way or from a vehicle parked in the public right-of-way, without prior written authorization from the Town.
- (9) Low-speed electric scooter and low-speed electric bicycle disposal. All low-speed electric scooters and low-speed electric bicycles and/or the batteries or electronics thereof shall be disposed of in a manner in accordance with State and Federal regulations as they relate to hazardous materials disposal.
- (10) All operators of low-speed electric scooters shall certify once at the time of purchase or after completing a low-speed electric scooter program prior to riding that they have read Title 39 of the New Jersey Statutes and all of the provisions of this Ordinance herein governing low-speed electric scooter use.

**D. Voluntary personal scooter registration.**

Any resident of the Town that desires to voluntarily register their privately owned personal low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle may do so with the Newton Police Department.

**E. Violations and penalties.**

1. Except as detailed below, in the event that any user or owner violates any of the terms of this section, the violator shall be subject to a fine in the Municipal Court of the Town of Newton in an amount of One Hundred (\$100.00) Dollars for a nonmoving violation. No court appearance shall be required for this violation.
2. If the offense involves a moving violation under Title 39 of the laws of the State of New Jersey, including violations of the bicycle helmet requirement under N.J.S.A. 39:4-10.2, then the violation shall be subject to such Title 39 penalties as are therein provided for such offenses as determined by the Municipal Court Judge.
3. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this Chapter shall be liable to a penalty of not more than One Hundred (\$100.00) Dollars or imprisonment for a term not exceeding fifteen (15) calendar days or both.

**NOW, THEREFORE BE IT FURTHER ORDAINED, THAT:**

1. **Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.
2. **Repealer.** All Ordinances or parts of Ordinances or Resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.
3. **Effective Date.** This Ordinance will take effect after publication and passage according to law.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on September 23, 2024. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on October 16, 2024 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

# TOWN OF NEWTON

## ORDINANCE 2024-29

**AN ORDINANCE BY THE MAYOR AND TOWN COUNCIL AMENDING THE TOWN OF NEWTON CODE TO REPEAL CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDE 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 Town of Newton, 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 Town of Newton was accepted for participation in the National Flood Insurance Program on April 18, 1983 and the Mayor and Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

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

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton that the following floodplain management regulations are hereby adopted.

**SECTION 1.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 120 – Flood Damage Prevention adopted by the Town Council of the Town of Newton on August 22, 2011 by Ord. No. 2011-14.

## **§120-1 SCOPE AND ADMINISTRATION**

**§120-1.1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Town of Newton (hereinafter "these regulations").

**§120-1.2 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 §120-2.

**§120-1.3 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:

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

**§120-1.4 Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Town of Newton administer and enforce the State building codes, the Mayor and Town Council of the Town of Newton does hereby acknowledge 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.

**§120-1.5 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 §120-3.14.

**§120-1.6 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.

**§120-1.7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**§120-1.8 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 \$1,250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

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

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation,

shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance but shall be calculated separately from the fine imposed for the violation of the ordinance.

**§120-1.8.1 Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**§120-1.9 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.

## **§120-2 APPLICABILITY**

**§120-2.1 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.

**§120-2.2 Establishment of Flood Hazard Areas.** The Town of Newton was accepted for participation in the National Flood Insurance Program on April 18, 1983.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires 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 fifty 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 Town Construction Official located at 39 Trinity Street, Newton, NJ 07860.

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

- A. **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, Sussex County, New Jersey (All Jurisdictions)" dated September 29, 2011 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top-level document (appendix map) effective date is September 29, 20211 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34037C0284	09/29/11	E	34037C0303	09/29/11	E
34037C0292	09/29/11	E	34037C0311	09/29/11	E

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

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of this date.			

- C. **Other Best Available Data.** The Town of Newton shall utilize high water elevations from flood events, groundwater flooding areas, studies by Federal or State agencies, or other information deemed appropriate by the Town of Newton. 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 §120-2.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

- D. **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 §120-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Moores Brook	PKT00011	MB-1
Paulins Kill	PKT00022	PK-10

**§120-2.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in §120-2.2, 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, 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:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in §120-2.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. 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 fifty acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - (5) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - (5) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to §120-5.2C.
- C. AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number

specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.

- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- E. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot [or higher standard feet] of freeboard in accordance with ASCE 24.

### **§120-3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**§120-3.1 Floodplain Administrator Designation.** The Town Engineer of the Town of Newton is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees in consultation with the Newton Town Manager.

**§120-3.2 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 §120-7 of these regulations.

**§120-3.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**§120-3.4 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in §120-2 of these regulations.
- B. 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.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.

- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to §120-3.14 of these regulations.
- G. 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.
- H. 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 §120-7 of these regulations.
- I. 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 six (6) months of such data becoming available.
- J. 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).
- K. Inspect development in accordance with §120-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with §120-7 of these regulations.
- M. Cite violations in accordance with §120-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Newton have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in §120-2.2.

**§120-3.5 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.

**§120-3.6 Other permits.** It shall be the responsibility of the Floodplain Administrator to assure 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.

**§120-3.7 Determination of Local Design Flood Elevations.** If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design of 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 §120-2.2 and §120-2.3, respectively. This information shall be provided to the Construction Official and documented according to §120-3.14.

**§120-3.8 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.

**§120-3.9 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.

**§120-3.10 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.

**§120-3.10.1 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.

**§120-3.11 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.

**§120-3.11.1 Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating 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.

**§120-3.12 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. 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.

**§120-3.13 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:

- A. 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.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in §120-1.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. 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.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage
- E. Notify the applicant in writing when it is determined the work constitutes substantial improvement or repair of substantial damage and compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**§120-3.14 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.

**§120-3.15 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.

## **§120-4 PERMITS**

**§120-4.1 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.

**§120-4.2 Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. 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.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in §120-5 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

**§120-4.3 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.

**§120-4.4 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.

**§120-4.5 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.

## **§120-5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**§120-5.1 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:

- A. 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.
- B. 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 § 120-5.2.
- C. Where the parcel on which the proposed development will take place will have more than fifty 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 § 120-5.2C of these regulations.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. 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.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. Floodproofing certifications, 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 the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

**§120-5.2 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:

- A. 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.
- B. 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.
- C. 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.

**§120-5.3 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:

- A. 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 §120-5.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. 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.

- C. 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 §120-5.4 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.
- D. 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).

**§120-5.4 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.

## **§120-6 INSPECTIONS**

**§120-6.1 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.

**§120-6.2 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.

**§120-6.3 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.

- A. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in §120-15.2 shall be submitted to the Construction Official on an Elevation Certificate.
- B. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in

§120-15.2.

- C. **Final inspection.** Prior to the final inspection, certification of the elevation required in §120-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

**§120-6.4 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.

## **§120-7 VARIANCES**

**§120-7.1 General.** The Town Land Use Board shall hear and decide requests for variances. The Town Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in §120-7.5, the conditions of issuance set forth in §120-7.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Town Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**§120-7.2 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.

**§120-7.3 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 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.

**§120-7.4 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 §120-5.3A of these regulations.

**§120-7.5 Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. 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.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. 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.
- J. 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.

**§120-7.6 Conditions for issuance.** Variances shall only be issued upon:

- A. 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.
- B. 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.
- C. 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.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. 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.

## §120-8 VIOLATIONS

**§120-8.1 Violations.** Any development in any flood hazard area that is being performed without an issued permit or 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, 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.

**§120-8.2 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.

**§120-8.3 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.

**§120-8.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 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.

## §120-9 DEFINITIONS

**§120-9.1 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.

### §120-9.2 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.

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

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

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

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

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

**DRY FLOODPROOFING** – A combination of measures that results in a non-residential

structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

**ELEVATED BUILDING** – A building that has no basement and 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 §120-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Mayor and Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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

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

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

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

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

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

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

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

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

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

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

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation 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.

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 Tax Assessor's office, 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 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 six (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 officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

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

**WATERCOURSE.** A river, creek, stream, channel, or other topographic feature in, on,

through, or over which water flows at least periodically.

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

## **§120-10 SUBDIVISIONS AND OTHER DEVELOPMENTS**

**§120-10.1 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:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric, and water systems are located and constructed to minimize or eliminate flood damage.
- C. 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.

**§120-10.2 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:

- A. 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.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

## **§120-11 SITE IMPROVEMENT**

**§120-11.1 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 §120-5.3(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 §120-5.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with §120-15.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**§120-11.1.1 Prohibited in floodways.** The following are prohibited activities:

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

**§120-11.2 Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**§120-11.3 Water facilities.** All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

**§120-11.4 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**§120-11.5 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**§120-11.6 Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

**§120-11.7 Hazardous Materials.** The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

## **§120-12 MANUFACTURED HOMES**

**§120-12.1 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).

**§120-12.2 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 §120-15.2.

**§120-12.3 Foundations.** All new, relocated, and replacement manufactured homes,

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

**§120-12.4 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.

**§120-12.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of §120-15.2.

**§120-12.6 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 §120-15.2 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 §120-15.2, 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).

## **§120-13 RECREATIONAL VEHICLES**

**§120-13.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in floodways.

**§120-13.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

**§120-13.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of §120-15.2 for habitable buildings and §120-12.3.

## **§120-14 TANKS**

**§120-14.1 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.

## **§120-15 OTHER DEVELOPMENT AND BUILDING WORK**

**§120-15.1 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:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of §120-5.3A of this ordinance when located in a regulated floodway;
- C. 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 §120-2.3;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to §120-2.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities be located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
  - (1) Specifically allowed below the Local Design Flood Elevation; and
  - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

### **§120-15.2 Requirements for Habitable Buildings and Structures.**

- A. Construction and Elevation in A Zones not including Coastal A Zones.
  - (1) No portion of a building is located within a V Zone.
  - (2) 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.
  - (3) All new construction and substantial improvement of any habitable building

(as defined in §120-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in §120-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

(4) All new construction and substantial improvements of non-residential structures shall:

(a) 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 §120-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

(b) 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.

(5) 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:

(a) 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;

(b) 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;

(c) Be constructed to meet the requirements of ASCE 24 Chapter 2;

(d) Have openings documented on an Elevation Certificate; and

(e) 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 wh. 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;

**§120-15.3 Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

**§120-15.4 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 §120-5.3A 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 six 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 §120-7.

**§120-15.5 Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks, and driveways that involve placement of fill in floodways shall meet the requirements of §120-5.3(1) of these regulations and N.J.A.C. 7:13.

**§120-15.6 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 §120-5.3A of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**§120-15.7 Roads and watercourse crossings.**

- A. 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.
- B. 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 §120-5.3A of these regulations.

## **§120-16 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**§120-16.1 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.

**§120-16.2 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.

**§120-16.3 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of §120-5.3A of these regulations.

## **§120-17 UTILITY AND MISCELLANEOUS GROUP U**

**§120-17.1 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 (1,829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks, and towers.

**§120-17.2 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 §120-2.3.

**§120-17.3 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 §120-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**§120-17.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with §120-15.2 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.

**§120-17.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in §120-2.3.

**§120-17.6 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 §120-2.3.

**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 2. 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 3. EFFECTIVE DATE.**

This Ordinance will take effect after publication and passage according to law.

### **NOTICE**

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on September 23, 2024. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on October 16, 2024 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

# TOWN OF NEWTON

## ORDINANCE 2024-30

### **BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR INSTALLATION OF HVAC SYSTEM AT TOWN HALL IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

#### SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$100,000, such sum includes \$5,000 from the capital improvement fund as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law").

#### SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$95,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

#### SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the installation of an HVAC system at Town Hall, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk (supplements Bond Ordinance 2024-11 and Bond Ordinance 2014-18).

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$95,000.

(c) The estimated cost of the Improvement is \$100,000 which amount represents the initial appropriation made by the Town.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Municipal Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9.

The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$95,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on September 23, 2024. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on October 16, 2024 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #240-2024

September 23, 2024 "Approval of Kieffer Electric as the Electrical Services Contractor per Bid 9-2024"

**WHEREAS**, there is a need for an electrical services contractor in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for electrical services under Bid 9-2024 duly advertised and received in a public manner on September 12, 2024 at 10:30A.M.; and

**WHEREAS**, Kieffer Electrical Services, 1 Wantage Ave Branchville, NJ has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, the Town of Newton Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Public Contracts Law (N.J.S..40A:11-1 et. Seq.);

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey as follows:

Kieffer Electric is authorized to enter a two (2) year contract from the date of this authorization to provide for electrical services with the following rates:

NAME OF BIDDER	Kieffer Electric, Inc.
<b>CATEGORY A NON PREVAILING WAGE</b>	
<b>Foreman</b>	
Standard	\$160.00
Overtime	\$218.00
Holiday and Sunday	\$292.00
<b>Journeyman</b>	
Standard	\$140.00
Overtime	\$195.00
Holiday and Sunday	\$261.00
<b>Bucket Truck</b>	
Standard	\$35.00
Holiday and Sunday	\$35.00

<b>CATEGORY B PREVAILING WAGE</b>	
<b>Foreman</b>	
Standard	\$160.00
Overtime	\$218.00
Holiday and Sunday	\$292.00
<b>Journeyman</b>	
Standard	\$140.00
Overtime	\$195.00
Holiday and Sunday	\$261.00
<b>Bucket Truck</b>	
Standard	\$35.00
Holiday and Sunday	\$35.00

**CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

\_\_\_\_\_  
Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #241-2024

September 23, 2024 "Authorizing the Award of the Bid for Municipal Building HVAC Upgrades to Iron Mountain Mechanical, LLC"

**WHEREAS**, there is a need for Municipal Building HVAC Upgrades in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for Municipal Building HVAC Upgrades on September 4, 2024; and

**WHEREAS**, Iron Mountain Mechanical LLC, 132 Mt. Pleasant Road, Columbia, NJ 07832 has provided the lowest bid in the amount of \$487,885.00 and deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, the Town of Newton Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq.);

**WHEREAS**, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey as follows:

The bid submitted by Iron Mountain Mechanical LLC, 132 Mt. Pleasant Road, Columbia, NJ 07832, in response to public invitation for bid for Municipal Building HVAC Upgrades in the amount \$487,885.00 is hereby awarded and the Newton Town Manager is authorized to effectuate any and all documents in furtherance of the bid.

### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

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Teresa A. Oswin, RMC  
Municipal Clerk



# TOWN OF NEWTON

## CERTIFICATION OF THE AVAILABILITY OF FUNDS

(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:345.1 et seq)

**THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:**

**RESOLUTION # 241-2024**

**APPROVING: Iron Mountain Mechanical, LLC**

**FOR THE PURPOSE OF: Municipal Building HVAC Upgrades.**

**IN THE AMOUNT OF: \$487,885.00**

**APPROPRIATED BY: Ord. 2024-11 \$333,963.00**

**Ord. 2024-18 \$79,391.02**

**And if Adopted Ord. 2024-30 \$74,530.98**

**DATED: THIS 23<sup>rd</sup> Day of September 2024**

**BY** \_\_\_\_\_

**THOMAS M. FERRY, CPA/RMA**

**CHIEF MUNICIPAL FINANCE OFFICER**



**TOWN OF NEWTON**

**RESOLUTION #242-2024**

**September 23, 2024** "Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Sussex Borough ACO Shared Service"

**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 and also approve the insertion of an item of appropriation of equal amount in the Budget of 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**, the Town of Newton has a signed Shared Service Agreement to supply Animal Control Services to the Borough of Sussex in the amount of \$12,000.00 and \$3,000.00 was anticipated in the 2024 Budget, therefore an additional amount of \$9,000.00 needs to be added to the 2024 Budget;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2024 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section D: Special Items of General Revenue Anticipated  
With Prior Written Consent of the Director of  
Local Government Services:  
Shared Service Agreements Off-set with Appropriation:  
Borough of Sussex – Animal Control Services ..... \$9,000.00

General Appropriations:

(A) Operations - Excluded from "CAPS"  
Shared Service Agreements:  
Borough of Sussex – Animal Control Services ..... \$9,000.00

**BE IT FURTHER RESOLVED**, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

**CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

\_\_\_\_\_  
Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #243-2024

**September 23, 2024** “Authorization to Provide for the Purchase of Road Salt and Snow Grit for the Department of Public Works for the Town of Newton”

**WHEREAS**, the Town of Newton may by Resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under the Sussex County Cooperative; and

**WHEREAS**, the Town of Newton Department of Public Works, has the need on a timely basis to purchase goods and services utilizing Sussex County Cooperative Contracts, duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7 et. Seq.; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-11, the County of Sussex Cooperative Purchasing has extended pricing authorized under the Cooperative for the following companies and pricing units:

**Rock Salt**

Morton Salt, Inc.  
444 West Lake Street,  
Suite 3000  
Chicago, IL

**Price Per Ton**

\$72.20

**WHEREAS**, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton, authorizes the Newton Town Manager and/ or his designee, to enter into a contract with approved Sussex County Cooperative Contracts extended to municipal units, pursuant to all conditions of the individual County Cooperative Contracts to wit: Morton Salt Inc. at the bid prices and conditions as awarded.

### **CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

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Teresa A. Oswin, RMC  
Municipal Clerk



# TOWN OF NEWTON

## CERTIFICATION OF THE AVAILABILITY OF FUNDS

(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:345.1 et seq)

**THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:**

**RESOLUTION # 243-2024**

**APPROVING: Morton Salt, Inc.**

**FOR THE PURPOSE OF: Purchase of Road Salt and Snow Grit  
through Sussex County Cooperative.**

**IN THE AMOUNT OF: Not to exceed \$58,000.00**

**APPROPRIATED BY: 2024 Current Fund Budget – Snow Removal  
Account Number 01-201-26-291-205**

**DATED: THIS 23<sup>rd</sup> Day of September 2024**

BY

**THOMAS M. FERRY, CPA/RMA**

**CHIEF MUNICIPAL FINANCE OFFICER**



## TOWN OF NEWTON

### RESOLUTION #244-2024

#### September 23, 2024 "Refund Three Replacement Monthly Overnight Parking Passes"

**WHEREAS**, On December 29, 2023, Joseph Marciano purchased an annual overnight parking pass for the year 2024 at the cost of \$300.00; and

**WHEREAS**, in September of 2024, Joseph Marciano reported that he had lost his annual pass and needed to purchase replacement passes for the remainder of the year; and

**WHEREAS**, Joseph Marciano purchased four overnight passes for September, October, November, and December at the cost of \$100.00; and

**WHEREAS**, on September 18, 2024, Joseph Marciano reported that he found his annual pass and requested a refund for the duplicate passes purchased;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that a refund be issued to Joseph Marciano, 33 Mill Street, Apartment 6U, Newton NJ 07860 for three replacement overnight passes in the amount of \$75.00, for the months of October, November, and December.

#### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #245-2024

September 23, 2024 "Town of Newton Certification of Annual Audit"

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 23, 2024.

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Teresa A. Oswin, RMC  
Municipal Clerk

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT**

GROUP AFFIDAVIT FORM  
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY  
COUNTY OF SUSSEX  
TOWN OF NEWTON

We, members of the Governing Body of the *Town of Newton*, in the County of Sussex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Town Council of the Town of Newton in the County of Sussex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2023.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

\_\_\_\_\_  
John-Paul E. Couce, Mayor

\_\_\_\_\_  
Helen R. Le Frois, Deputy Mayor

\_\_\_\_\_  
Matthew S. Dickson, Councilmember

\_\_\_\_\_  
Sandra Lee Diglio, Councilmember

\_\_\_\_\_  
Michelle J. Teets, Councilmember

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Teresa A. Oswin, RMC, Municipal Clerk

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.



## TOWN OF NEWTON

### RESOLUTION #246-2024

**September 23, 2024 "Approve Bills and Vouchers for Payment"**

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2023 and 2024 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### **CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at the regular meeting of said Governing Body conducted on Monday, September 23, 2024.

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Teresa A. Oswin, RMC  
Municipal Clerk

**List of Bills - CLEARING/CLAIMS**

Meeting Date: 09/23/2024 For bills from 09/12/2024 to 09/18/2024

Check#	Vendor	Description	Payment	Check Total
11592	89 - AIRMARK POOLS, INC.	PO 66332 Pool Chemicals and Materials	159.00	159.00
11593	3897 - AMAZON CAPITAL SERVICES	PO 65027 B: PD/DISPATCH SUPPLIES PARTICIPATING AG	225.93	225.93
11594	2164 - ANDOVER TOWNSHIP	PO 66351 24'/25' MUNICIPAL ALLIANCE MATCH	377.31	377.31
11595	4473 - AppColony Inc.	PO 65556 B: Scheduling & Time managing app for st	287.00	287.00
11596	4466 - ASAP MARKETING, LLC.	PO 66338 2024 Fall Public Newsletter Mailing	527.21	
		PO 66338 2024 Fall Public Newsletter Mailing	979.11	1,506.32
11597	3251 - BADGER METER, INC.	PO 66324 Annual License Service Agreement Sept 20	1,800.00	1,800.00
11598	300 - BRIGHTSPEED	PO 64939 B: LONG DISTANCE #499697313 (SPLIT INTO	58.60	
		PO 64953 B: LONG DISTANCE A/C #320421349 (SPLIT	58.15	
		PO 64954 B: LOCAL PHONE SVC A/C #310115975	1,266.80	
		PO 64954 B: LOCAL PHONE SVC A/C #310115975	2,012.09	
		PO 64993 B: WOODSIDE AVE PS A/C #3010395888 @ \$42	41.96	3,437.60
11599	4496 - BROWN KERRY	PO 66343 Center for Executive Leadership Class	300.00	300.00
11600	4588 - CARGO RAXX LLC	PO 66319 PD CHEVY TAHOE PKG Q#2069	892.95	892.95
11601	4706 - CARLUCCI, MICHAEL	PO 64923 B: MUNICIPAL JUDGE COVERAGE (N =\$39,417	3,707.27	3,707.27
11602	4762 - COVE PRODUCTS	PO 66359 ANIMAL KENNEL	2,650.16	2,650.16
11603	4069 - DELL MARKETING L.P.	PO 66033 Replacement PC for T. Oswin cust #367313	1,482.52	1,482.52
11604	106 - ELIZABETHTOWN GAS	PO 64957 B: NATURAL GAS	915.27	
		PO 64957 B: NATURAL GAS	154.04	1,069.31
11605	4775 - ENGIE POWER & GAS LLC #411330	PO 65993 B: NATURAL GAS	339.53	
		PO 65993 B: NATURAL GAS	63.70	403.23
11606	4385 - ERIC M. BERNSTEIN & ASSOCIATES, LLC.	PO 64961 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	877.50	
		PO 64961 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	6,493.50	
		PO 66340 HISTORIC COMM -AUG	494.00	7,865.00
11607	4164 - FAIL SAFE TESTING, LLC	PO 66353 ANNUAL FIRE PUMP PERFORMANCE TESTING	1,716.95	1,716.95
11608	225 - FEDERAL EXPRESS	PO 64982 B: EXPRESS MAILINGS acct #1344-0525-2	5.39	5.39
11609	1707 - PINKLE, DANIEL	PO 66341 REPAIR REIMBURSEMENT FOR AIRCRAFT OUTER	100.00	100.00
11610	3318 - FREDON ANIMAL HOSPITAL	PO 65078 B: VETERINARY SERVICES	233.51	
		PO 65078 B: VETERINARY SERVICES	230.70	464.21
11611	4724 - GANNETT NEW YORK/NEW JERSEY LOCALIQ	PO 64958 B: ADVERTISING ACCT #704136	62.93	
		PO 64958 B: ADVERTISING ACCT #704136	247.75	
		PO 64958 B: ADVERTISING ACCT #704136	133.98	444.66
11612	200 - GARDEN STATE LABORATORIES INC	PO 66323 WASTE & DRINKING WATER ANALYSIS July 202	1,935.00	1,935.00
11613	4506 - GLENN C KIENZ	PO 64929 B: 2024 PLANNING BOARD ATTORNEY (800/MNT	800.00	800.00
11614	4558 - GOVERNMENT FORMS & SUPPLIES	PO 66225 Dog / Cat Tags for 2025 cust #667642	413.00	413.00
11615	3804 - HAYDEE BALLESTER	PO 64928 B: COURT TRANSLATION	150.00	150.00
11616	1712 - HOLZHAUER & HOLENSTEIN, LLC	PO 66348 REVIEW COMMERCIAL REASSESSMENT	11,400.00	11,400.00
11617	272 - HOLZHAUER, SCOTT	PO 65004 B: QTRLY MILEAGE REIMB -Tax Assessor	136.00	136.00
11618	69 - INST FOR FORENSIC PSYCHOLOGY, INC.	PO 66339 PSYC EVAL FOR CANDIDATE	550.00	550.00
11619	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 65314 B: PLANNER	1,725.00	
		PO 66350 PLANNER -AUG	3,080.00	
		PO 66350 PLANNER -AUG	375.00	
		PO 66350 PLANNER -AUG	750.00	5,930.00
11620	113 - JCP&L	PO 64955 B: ELECTRIC	8,628.57	8,628.57
11621	4861 - KAYTEL ITURRALDE	PO 66360 REFUND LEAD LINE REPLACEMENT	9,275.00	9,275.00
11622	4658 - LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC.	PO 65870 B: 2024 PUBLIC DEFENDER (JULY-DEC) 1/2 Y	1,333.33	1,333.33
11623	3926 - MOTOROLA SOLUTIONS, INC.	PO 65766 "PD RADIOS - APX 4500/Enh SERIES	6,109.50	6,109.50
11624	170 - NEWTON BOARD OF EDUCATION	PO 65940 SCHOOL TAX (JULY-DEC) 2024 -	1,155,370.92	1,155,370.92
11625	240 - NEWTON FIRST AID SQUAD	PO 64930 B. 2024 CONTRIBUTION (\$25,000)	7,500.00	7,500.00
11626	2882 - ONE CALL CONCEPTS, INC.	PO 64960 B: ONE CALL MESSAGES	105.46	105.46
11627	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 64947 B: SLUDGE DISPOSAL A/C #12701 (\$102	5,103.00	5,103.00
11628	4656 - PAULUS, SOKOLOWSKI & SARTOR LLC	PO 64962 B: ALTERNATE SEWER ENGINEER (NOT TO EXCE	6,228.75	
		PO 65137 B - Pump Station Consolidation	2,827.50	
		PO 65411 SAND FILTER REHAB	4,715.00	
		PO 65709 MORRIS LK BLOWOFF DAM	410.00	
		PO 66247 SCADA/PLC REPLACEMENT PROJECT	400.00	
		PO 66345 ATS REPLACEMENT -AUG	13,734.08	28,315.33
11629	64 - FELLOW, HAROLD & ASSO, INC.	PO 64047 Fire House 1 Project	391.00	
		PO 64987 B: WATER ENGINEER (not to exceed \$55,000	2,308.00	
		PO 65643 GREEN ACRES ROSI SUBMISSION	142.00	
		PO 66358 ENGINEERING -JULY	2,318.88	

**List of Bills - CLEARING/CLAIMS**

Meeting Date: 09/23/2024 For bills from 09/12/2024 to 09/18/2024

Check#	Vendor	Description	Payment	Check Total
		PO 66358 ENGINEERING -JULY	2,047.75	7,207.63
11630	64 - FELLOW, HAROLD & ASSO, INC.	PO 66358 ENGINEERING -JULY	4,894.39	4,894.39
11631	2788 - PENTELEDATA	PO 64944 B: INTERNET -DPW & STP (2 modems)	159.95	
		PO 64944 B: INTERNET -DPW & STP (2 modems)	159.95	319.90
11632	4792 - PERIGO ANTHONY	PO 65002 B: QTRLY MILEAGE REIMB -/DEPUTY FIRE CH	238.00	238.00
11633	4126 - PROFESSIONAL CONSULTING INC.	PO 64963 B: SEWER ENGINEER (\$179/HR NOT TO EXCE	2,587.50	
		PO 66347 W/S ENGINEERING -AUG	5,912.50	8,500.00
11634	39 - QUILL CORPORATION	PO 64973 B: NPD OFFICE SUPPLIES	38.18	38.18
11635	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 64945 B: GAS ACCT #40382, Contract until 10/	9,610.79	9,610.79
11636	3660 - SCHENCK, PRICE, SMITH, & KING, LLP	PO 65032 B: TAX APPEAL ATTORNEY (\$160/HR NOT TO	1,264.73	1,264.73
11637	126 - SCMUA	PO 64977 B: TRASH/BRUSH/STREET SWEEPINGS REMOVAL	963.00	
		PO 64977 B: TRASH/BRUSH/STREET SWEEPINGS REMOVAL	1,492.50	2,455.50
11638	4644 - SIEGEL, STEVEN M.	PO 64925 B: PROSECUTOR (\$31,000 TWN/\$3,500 GR	2,875.01	2,875.01
11639	2257 - STAPLES	PO 64972 B: NPD OFFICE SUPPLIES	387.59	387.59
11640	4144 - SUBURBAN CONSULTING ENGINEERS, INC.	PO 64238 B.ENGINEERING MEMORY PARK INFRASTRUCTURE	2,154.52	
		PO 64513 MOORES BROOK DREDGING STORMWATER MANAGEM	362.50	
		PO 65639 ORD #2024-10 W/S VEHICLES	860.00	3,377.02
11641	3442 - SUNLIGHT GENERAL	PO 64996 B: ELECTRIC DPW/STP	1,042.85	
		PO 64996 B: ELECTRIC DPW/STP	563.59	1,606.44
11642	102 - SUSSEX CAR WASH INC	PO 64995 B: CAR WASHES	176.00	176.00
11643	2561 - SUSSEX COUNTY CHAMBER OF COMMERCE	PO 66335 SC Membership Renew acct #2898	232.05	
		PO 66335 SC Membership Renew acct #2898	124.95	357.00
11644	1029 - SUSSEX COUNTY CLERK'S ASSN	PO 66334 Seminar - September 18, 2024	15.00	15.00
11645	3863 - SUSSEX COUNTY COMM COLLEGE FOUNDATI	PO 66342 Two tickets to 10/16/24 event	130.00	
		PO 66342 Two tickets to 10/16/24 event	70.00	200.00
11646	3851 - THE CANNING GROUP, LLC.	PO 64927 B: 2024 QPA ANN \$8,500	708.33	708.33
11647	2880 - TRACTOR SUPPLY	PO 65026 B: ACO EQUIP	41.57	
		PO 65026 B: ACO EQUIP	34.97	76.54
11648	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 64943 B: LABOR ATTORNEY (\$170/HR NOT TO EXCE	153.00	153.00
11649	4152 - UNITED SITE SERVICES, INC	PO 64948 B: CHEMICAL WASTE REMOVAL WTP A/C #7473	553.70	
		PO 64949 B: SLUDGE REMOVAL STP A/C #74732 (\$1	9,298.80	9,852.50
11650	1280 - VERIZON WIRELESS, INC.	PO 65000 B: CELL PHONE ACCT #882571077-0001	139.86	
		PO 65000 B: CELL PHONE ACCT #882571077-0001	1,774.55	1,914.41
11651	2635 - W.B. MASON, INC.	PO 66344 Paper order - 2nd floor copier cust #c1	89.58	89.58
				-----
	TOTAL			1,328,267.46

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-166-05-000-001	INTERFUND RECEIVABLE - PARK AUTHORITY				38.01
01-201-20-100-200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	384.45			
01-201-20-105-200	HUMAN RESOURCE - OTHER EXPENSES	22.39			
01-201-20-120-200	TOWN CLERK'S OFFICE - OTHER EXPENSES	1,790.36			
01-201-20-121-200	ELECTIONS - OTHER EXPENSES	741.26			
01-201-20-130-200	FINANCE ADMINISTRATION - OTHER EXPENSES	22.40			
01-201-20-150-200	ASSESSMENT OF TAXES - OTHER EXPENSES	11,536.00			
01-201-20-155-200	LEGAL SERVICES - OTHER EXPENSES	11,619.58			
01-201-20-165-200	ENGINEERING - OTHER EXPENSES	1,498.50			
01-201-20-175-200	HISTORIC COMMISSION - OTHER EXPENSES	3,499.00			
01-201-21-180-200	PLANNING BOARD - OTHER EXPENSES	2,847.39			
01-201-25-240-200	POLICE DEPARTMENT - OTHER EXPENSES	6,793.08			
01-201-25-250-200	COMMUNICATIONS CENTER - OTHER EXPENSES	618.12			
01-201-25-255-200	FIRE DEPARTMENT - OTHER EXPENSES	1,954.95			
01-201-25-260-200	AID TO FIRST AID ORGANIZATION - OTHER EX	7,500.00			
01-201-26-298-200	STORMWATER/FLOOD CONTROL - OTHER EXPENSE	510.33			
01-201-26-305-200	RECYCLING/SANITATION - OTHER EXPENSES	936.00			
01-201-26-315-200	VEHICLE MAINTENANCE - OTHER EXPENSES	1,068.95			
01-201-27-340-200	ANIMAL CONTROL - OE	540.75			
01-201-28-371-200	SWIMMING POOL - OTHER EXPENSES	446.00			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-31-460-200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	23,807.25			
01-201-32-465-200	RECYCLING TAX (PL2007 c.311)O/S CAP	27.00			
01-201-42-108-100	INTERLOCAL - GREEN TWP COURT	4,207.26			
01-201-43-490-200	MUNICIPAL COURT - OTHER EXPENSES	150.00			
01-201-44-900-000	CAPITAL IMPROVEMENTS - OTHER EXPENSES	489.75			
01-207-55-000-000	DUE NEWTON BOE - SCHOOL TAX PAYABLE			1,155,370.92	
01-260-05-100	DUE TO CLEARING			0.00	1,238,419.70
<b>TOTALS FOR</b>	<b>CURRENT FUND</b>	<b>83,010.77</b>	<b>0.00</b>	<b>1,155,408.93</b>	<b>1,238,419.70</b>
02-213-41-000	RESERVE FEDERAL/STATE GRANTS			752.31	
02-260-05-100	Due to Clearing			0.00	752.31
<b>TOTALS FOR</b>	<b>STATE AND FEDERAL GRANTS</b>	<b>0.00</b>	<b>0.00</b>	<b>752.31</b>	<b>752.31</b>
04-215-55-908-000	ORD 2022-13 SIDEWALKS RT 206/WATER ST			1,402.01	
04-215-55-913-000	ORD 22-21 amendORD 20-10 MEM PK ORD 23-2 NJIB			2,154.52	
04-215-55-918-000	ORD 2023-7 VAR CAP IMP.			3,343.13	
04-215-55-926-000	ORD 2024-11 VAR CAP IMP			2,032.75	
04-215-55-930-000	ORD 2024-18 HVAC, SUPP ORD 24-11			133.98	
04-260-05-100	Due to Clearing			0.00	9,066.39
<b>TOTALS FOR</b>	<b>GENERAL CAPITAL</b>	<b>0.00</b>	<b>0.00</b>	<b>9,066.39</b>	<b>9,066.39</b>
08-215-55-910-000	ORD 2023-3 SPARTA AVE PS - NJIB			1,395.00	
08-215-55-911-000	ORD 2023-4 DIGESTER NJIB			757.50	
08-215-55-912-000	ORD 2023-8 WATER IMP NJIB			2,920.00	
08-215-55-913-000	ORD 2023-11 SEWER IMP. NJIB			22,516.58	
08-215-55-915-000	ORD 2023-14 W&S MAIN IMP. NEW HAMPS.ST FF			248.50	
08-215-55-916-000	ORD 2023-17 MORRIS LK GATE H. FF			410.00	
08-215-55-918-000	ORD 2024-8 VAR WS IMP.			142.00	
08-215-55-919-000	ORD 2024-9 VAR WS IMP. FF			11,203.38	
08-215-55-920-000	ORD 2024-10 VARIOUS WS VEHICLE ACQUISITIONS			860.00	
08-260-05-100	DUE TO CLEARING			0.00	40,452.96
<b>TOTALS FOR</b>	<b>WATER/SEWER UTILITY CAPITAL</b>	<b>0.00</b>	<b>0.00</b>	<b>40,452.96</b>	<b>40,452.96</b>
09-201-56-501-200	W&S OPERATING - TOTAL OTHER EXPENSES	35,762.94			
09-260-05-100	DUE TO CLEARING			0.00	35,762.94
<b>TOTALS FOR</b>	<b>WATER/SEWER UTILITY</b>	<b>35,762.94</b>	<b>0.00</b>	<b>0.00</b>	<b>35,762.94</b>
27-260-05-100	DUE TO CLEARING			0.00	3,063.16
27-288-56-100-000	RESERVE FOR ANIMAL CONTROL			3,063.16	
<b>TOTALS FOR</b>	<b>ANIMAL TRUST</b>	<b>0.00</b>	<b>0.00</b>	<b>3,063.16</b>	<b>3,063.16</b>
35-260-05-100	DUE TO CLEARING			0.00	750.00
35-296-56-001-000	RESERVES FOR COMMERCIAL DEVELOPMENT			750.00	
<b>TOTALS FOR</b>	<b>HOUSING TRUST</b>	<b>0.00</b>	<b>0.00</b>	<b>750.00</b>	<b>750.00</b>

Total to be paid from Fund 01 CURRENT FUND 1,238,419.70  
 Total to be paid from Fund 02 STATE AND FEDERAL GRANTS 752.31  
 Total to be paid from Fund 04 GENERAL CAPITAL 9,066.39  
 Total to be paid from Fund 08 WATER/SEWER UTILITY CAPITAL 40,452.96  
 Total to be paid from Fund 09 WATER/SEWER UTILITY 35,762.94  
 Total to be paid from Fund 27 ANIMAL TRUST 3,063.16  
 Total to be paid from Fund 35 HOUSING TRUST 750.00

1,328,267.46

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
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Checks Previously Disbursed

18008	ALL-STATE WELL TESTING SERVICES LLC	PO# 66333	SAMPLING/ANALYZING & REPORTING PFA	845.00	9/12/2024
42801	DISA GLOBAL SOLUTIONS	PO# 66310	Pre-Employment Screening - Sept 2	36.00	9/13/2024
240168	PAYROLL ACCOUNT		9/12 PAYROLL	227,322.01	9/12/2024
240229	PAYROLL ACCOUNT		9/12 GRANT PAYROLL	516.72	9/12/2024
240941	PAYROLL ACCOUNT		9/12 PAYROLL	48,327.55	9/12/2024
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				277,047.28	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	227,358.01	1,238,419.70	1,465,777.71
Fund 02 STATE AND FEDERAL GRANTS	516.72	752.31	1,269.03
Fund 04 GENERAL CAPITAL		9,066.39	9,066.39
Fund 08 WATER/SEWER UTILITY CAPITAL		40,452.96	40,452.96
Fund 09 WATER/SEWER UTILITY	49,172.55	35,762.94	84,935.49
Fund 27 ANIMAL TRUST		3,063.16	3,063.16
Fund 35 HOUSING TRUST		750.00	750.00
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BILLS LIST TOTALS	277,047.28	1,328,267.46	1,605,314.74
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