

Posted: 5/12/2023

Revised: 5/15/2023

**DRAFT**



**BOROUGH OF LONGPORT  
COMMISSION WORKSHOP MEETING**

**May 17, 2023**

**4:00 pm**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Ocean City Sentinel, The Press of Atlantic City, the Star Ledger and the Courier Post on May 12, 2023. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted.

Members of the public will have the option to listen to meeting audio only. *Remote public participation is not permitted.* The public can access meeting audio by calling:

United States (Toll Free): 1-877-309-2073

United States: +1 (646) 749-3129

And entering the access code: 464-810-189.

Or you can join from your computer, tablet or smartphone with the following link:  
<https://global.gotomeeting.com/join/464810189>. If you do not have the GoToMeeting Application, please access it with the following link:  
<https://global.gotomeeting.com/install/464810189>.

1. Meeting called to order/OPMA notice announced
2. Roll call taken
3. Emergency Exits
4. Municipal Administrator
5. Borough Solicitor
6. Borough Engineer
7. Mayor Russo
8. Commissioner Leeds
9. Commissioner Lawler
10. Municipal Clerk
11. Miscellaneous
12. Adjournment

Posted: 5/12/2023  
Revised: 5/15/2023

**THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION AT THE MAY 17, 2022 REGULAR COMMISSION MEETING:**

**BOROUGH OF LONGPORT  
COMMISSION MEETING AGENDA  
May 17, 2023**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Ocean City Sentinel, The Press of Atlantic City, the Star Ledger and the Courier Post on May 12, 2023. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted. Official Action May be Taken at this Meeting.

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- Flag Salute
- Meeting called to order- OPMA notice announced
- Roll Call
- Emergency exit announcement/Public Speaking time limit
- Approval of Minutes – April 19, 2023, Board of Commissioners Workshop and Regular Meeting. Minutes have been previously distributed for Commissioners' Review.
- **ORDINANCES – Second Reading/ Public Hearing:**
  - Public Comment – Limited to 3 minutes per person, please state your name and if you are a Longport resident for the record.
  - **O2023-10** – Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
  - **O2023-11** – An Ordinance Amending Part II Chapter 112-13
  - **O2023-12** – An Ordinance Amending Part 2 of Chapter 70
  - **O2023-13** – An Ordinance by the Board of Commissioners of the Borough of Longport Amending the Borough of Longport's Code of Ordinances to Repeal Chapter 99 Flood

Damage Prevention Ordinance Sections 99-1 through Sections 99-20; to Adopt a New Chapter 99 Sections 99-101 through Sections 99-1001; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date

- **ORDINANCES - Introduction and First Reading.** A Second Reading and Public Hearing is scheduled to be held on June 7, 2023, following the 4 pm workshop meeting for the following ordinances:
  - **O2023-14** – A New Ordinance Article II Chapter 85 – An Ordinance Regarding Electric Vehicles and Service Equipment
  - **O2023-15** – An Ordinance Amending Part II Chapter 136 1-7
  - **O2023-16** – An Ordinance Amending the Salaries, Wages and Compensation in Year 2023 for Seasonal Employees and Certain Temporary Employees
- **BUDGET PRESENTATION and PUBLIC HEARING** – Michael Garcia, CPA, RMA, of Ford-Scott Associates
- **RESOLUTIONS - Public Comment** – Limited to 3 minutes per person, please state your name and if you are a Longport resident for the record.
  - **R2023-62** – Authorizing the Budget to be Read by Title Only
  - **R2023-63** – A Resolution Authorizing Adoption of the Municipal Budget Year 2023
- **RESOLUTIONS – CONSENT AGENDA – Resolutions R2023-64 through R2023-76**

Public Comment – Limited to 3 minutes per person, please state your name and if you are a Longport resident for the record.

- **R2023-64** – Resolution of the Borough of Longport, County of Atlantic, State of New Jersey, Authorizing the Appointment of Christopher Hackett as Tax Assessor
- **R2023-65** – A Resolution Granting Covering of Borough Sidewalks for Outdoor Dining
- **R2023-66** – Resolution of the Borough of Longport, County of Atlantic, State of New Jersey, Authorizing a Veteran’s Disability Tax Exemption Pursuant to N.J.S.A. 54:4-3.30 on Block 111, Lot 10 – 23 N. 35<sup>th</sup> Avenue
- **R2023-67** – Establishment of an Emergency ‘No Parking’ Area for the Repaving of Atlantic Avenue between 22<sup>nd</sup> and 27<sup>th</sup> Avenues
- **R2023-68** – Authorizing a Water/Sewer Refund Due to Overpayment
- **R2023-69** – Authorizing a Tax Refund Due to Overpayment
- **R2023-70** – Supporting the Click It or Ticket Mobilization of May 22 – June 4, 2023
- **R2023-71** – Chapter 159 – Budget Insertion for NJ Click It or Ticket Grant
- **R2023-72** – A Resolution Authorizing the Borough to Enter into an Agreement with Hutchinson for an HVAC Maintenance Agreement
- **R2023-73** – Resolution Awarding Professional Service Contract – Municipal Advisor for Bond Anticipation Note Issue

- **R2023-74** – Authorizing a Non-Fair and Open Professional Services Contract with Remington & Vernick Engineers of Pleasantville, NJ for Professional Engineering Services for the Amherst Avenue Raised Crosswalks
- **R2023-75** – Resolution of the Borough of Longport, County of Atlantic, State of New Jersey, Authorizing a Borough Wide Yard Sale
- **RESOLUTION** - Public Comment – Limited to 3 minutes per person, please state your name and if you are a Longport resident for the record.
  - **R2023-76** – To Authorize the Convening of a Closed (Executive) Session to Discuss an Appeal of the Denial of a Vendor Certificate
- Bill List/ Financial Summary Report
- Municipal Administrator’s Report
- Borough Solicitor’s Report
- Borough Engineer’s Report
- Commissioners’ Reports
- Public Comment
- **RESOLUTION** - Public Comment – Limited to 3 minutes per person, please state your name and if you are a Longport resident for the record.
- **R2023-77** – Approving the Award of a License to Conduct Beach Vending Pursuant to the Terms and Conditions of Licensure and the Sealed Bid Established by Resolution 2023-26
- Adjournment

**BOROUGH OF LONGPORT**

**ORDINANCE #2023-10**

**ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Board of Commissioners of the Borough of Longport, Atlantic County find it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, welfare and safety of the citizens; and

WHEREAS, the Borough Commissioners hereby determine that a 3.5% increase in the budget for said year, amounting to \$67,581.31 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Commission hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Borough of Longport, County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Longport shall, in accordance with this ordinances and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$236,534.59 and that the CY 2023 municipal budget for the Borough of Longport be approved and adopted in accordance with this ordinance; and

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

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

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

Vote on First Reading: 4/19/2023

Publication Date: 4/29/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo	X		X			
Leeds			X			
Lawler		X	X			
XX-indicates vote      NV-not voting      AB. - Absent						

Vote on Second Reading: 5/17/2023

Publication Date:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Signature page for Ordinance 2023-10**

\_\_\_\_\_  
Monica Kyle, RMC, CMR  
Municipal Clerk

\_\_\_\_\_  
Mayor Nicholas Russo

\_\_\_\_\_  
Commissioner James P. Leeds, Sr.

\_\_\_\_\_  
Commissioner Daniel Lawler

This is a Certified True Copy of the Introduced Original Ordinance on File in the Municipal Clerk's Office.

DATE OF INTRODUCTION: 4/19/2023

\_\_\_\_\_  
Monica Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT**

**COUNTY OF ATLANTIC**

**ORDINANCE 2023-11**

**AN ORDINANCE AMENDING PART II CHAPTER 112-13**

**Borough of Longport Code Provision Chapter 112-13 is hereby amended as follows:**

§ 112-13 **Construction sites.**

[Amended 10-6-2010 by Ord. No. 2010-17]

It shall be unlawful for any property owner, agent, or contractor that is in responsible charge of a construction or demolition site to permit the accumulation of litter before, during, or after the completion of any construction or demolition project. Accordingly, it shall be the responsibility of any property owner, agent, or contractor in responsible charge of a construction or demolition site to comply with the following:

**A.**

Furnish containers adequate to accommodate flyable material or nonflyable debris and/or trash at areas on the construction or demolition site convenient to the active area of construction or demolition; and to maintain and empty said containers in such a manner and with such frequency as to prevent spillage or wind-driven transport of such material and/or debris.

**B.**

Erect a solid wood or plastic construction fence a minimum of two feet in height seated firmly on the existing grade about the entire perimeter of the construction site.

**C.**

Store all material, supplies, equipment, and machinery on the construction site with proper security lighting.

**D.**

Should portable toilets be utilized, said units shall be located fully within the construction fencing on such property with the entrance door to the unit facing away from the street right-of-way. Under no circumstances shall the unit be placed within any municipal or county street right-of-way.

Vote on First Reading 4/19/2023

Publication: 4/29/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X	X			
Leeds			X			
Lawler	X		X			
XX-indicates vote	NV-not voting	AB. - Absent				

DO NOT USE SPACE BELOW

OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE

COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Borough of Longport**

**Signature page for Ordinance 2023-11**

**Page 2 of 2**

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Monica Kyle, RMC, CMR

Municipal Clerk

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Mayor Nicholas Russo

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Commissioner James P. Leeds, Sr.

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Commissioner Daniel Lawler



**BOROUGH OF LONGPORT**

**COUNTY OF ATLANTIC**

**ORDINANCE 2023-12**

**AN ORDINANCE AMENDING PART 2 OF CHAPTER 70**

**Borough of Longport Code Provision Chapter 70-2 is hereby amended as follows:**

**§ 70-2 Certificate required.**

[Amended 11-20-2020 by Ord. No. 2020-08]

A certificate of land use compliance shall be required prior to the sale, transfer of title, conveyance of a majority interest in any entity which holds an interest in any real property located in the Borough on a property through an LLC or any other means, construction, reconstruction, remodeling or alteration of any structure in the Borough of Longport. In order for any such certificate to be issued in regard to the sale, transfer of title or conveyance of a majority interest in any entity which holds an interest in real property located in the Borough, the Building Inspector, or designated representative, must be provided with proof of the sale price of the property or interest conveyed, including, but not limited to, sales effectuated by the transfer of an interest in an LLC or other entity. [No Certificate shall be issued until a fire inspection is conducted as set forth in subsections A – D of this Section.

- A. A certificate of fire detector, carbon monoxide detector, and fire extinguisher compliance shall be required for the sale, transfer of title, or the conveyance of a majority interest in any entity which holds an interest in any real property located in the Borough. This provision does not apply to a newly constructed home or construction, reconstruction, remodeling or alteration which requires the issuing of a Certificate of Occupancy by the Building Inspector.
- B. A request for a fire inspection shall be made to the Building Department along with the payment of a fee of \$75.00 payable to "The Longport Bureau of Fire Prevention". The Building Department will, within the same business day, send a request to the Longport Bureau of Fire Prevention to conduct a fire inspection pursuant to applicable law.
- C. The Longport Bureau of Fire Prevention shall conduct a fire inspection within fourteen (14) days of receiving the request from the Building Department. The failure of the inspection to occur within fourteen (14) days does not eliminate the need for a fire inspection for the issuance of a Certificate.
- D. If the property fails inspection a request for re-inspection can be made to the Building Department along with the payment of a fee of \$35.00 payable to "The Longport Bureau of Fire Prevention". The Building Department will, within the same business day, send a request to the Longport Bureau of Fire Prevention to conduct a re-inspection pursuant to applicable law. The Longport Bureau of Fire Prevention shall conduct the re-inspection within fourteen (14) days of receiving the request from the Building Department. The failure of the inspection to occur within fourteen (14) days does not eliminate the need for a fire inspection for the issuance of a Certificate.]

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			X			
Leeds	X		X			
Lawler		X	X			
XX-indicates vote      NV-not voting      AB. - Absent						

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COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Borough of Longport**

**Signature page for Ordinance 2023-12**

**Page 2 of 2**

\_\_\_\_\_  
Monica Kyle, RMC, CMR

Municipal Clerk

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Mayor Nicholas Russo

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Commissioner James P. Leeds, Sr.

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Commissioner Daniel Lawler

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS  
OF The Borough of Longport**

**ORDINANCE NO. 2023-13**

**AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF LONGPORT AMENDING THE BOROUGH OF LONGPORT'S CODE OF ORDINANCES TO REPEAL CHAPTER 99 FLOOD DAMAGE PREVENTION ORDINANCE SECTIONS 99-1 THROUGH SECTIONS 99-20; TO ADOPT A NEW CHAPTER 99 SECTIONS 99-101 THROUGH SECTIONS 99-1001; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the Borough of Longport was accepted for participation in the National Flood Insurance Program on June 18<sup>th</sup>, 1971 and the Board of Commissioners of the Borough of Longport desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

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

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

**WHEREAS**, the Borough of Longport 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 Board of Commissioners of the Borough of Longport that the following floodplain management regulations are hereby adopted.

**SECTION 1. RECITALS.**

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

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 99 adopted 6/17-1987; amended in its entirety 8/22/2018

**SECTION 101 SCOPE AND ADMINISTRATION**

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

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

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

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

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

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

**101.6 Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur.

Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

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

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

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

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

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

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

## **SECTION 102 APPLICABILITY**

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

**102.2 Establishment of Flood Hazard Areas.** The Borough of Longport was accepted for participation in the National Flood Insurance Program on June 18<sup>th</sup>, 1971.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough of Longport 2305 Atlantic Ave Longport, NJ 08403 in the office of the Zoning Official.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Atlantic County, New Jersey (All Jurisdictions) dated August 28<sup>th</sup>, 2018 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is August 28<sup>th</sup>, 2018 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
<b>34001C0441 F</b>	<b>8/28/2018</b>	<b>E</b>			
<b>34001C0442 F</b>	<b>8/28/2018</b>	<b>E</b>			
<b>34001C0434 F</b>	<b>8/28/2018</b>	<b>E</b>			

- 2) **Federal Best Available Information.** The Borough of Longport 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
<b>34001C0434G</b>	<b>1/30/2015</b>		

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

- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such areas may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. **102.3 Establishing the Local Design Flood Elevation (LDFE).**

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

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

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus **four foot (4) of freeboard**; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot or higher standard feet of freeboard and any additional freeboard as required by ASCE 24-14; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus **four foot (4)** of freeboard and any additional freeboard as required by ASCE 24-14. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) A Zones – For Zone A on the municipality’s FIRM (or on preliminary elevation guidance from FEMA), the Local Design Flood Elevation is determined to be 3’ of Free Board to the bottom of the flooring system above the effective base flood elevation of the flood zone in which the property is located. All materials below the LDFE shall be water-resistant as defined in ASCE-24.
- 4) Coastal A and V Zones – For Coastal A and V Zones on the municipality’s FIRM (or on preliminary elevation guidance from FEMA), the Local Design Flood Elevation is determined to be 3’ of Free Board to the underside of the lowest horizontal structural member, above the effective base flood elevation of the flood zone in which the property is located. All materials below the LDFE shall be water-resistant as defined in ASCE-24.
- 5) 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 four (4) feet above the highest adjacent grade. (note Longport does not have any AO Zones)
- 6) 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 with an additional one (1) foot of freeboard or the Local Design Flood Elevation.

- 7) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional **two (2) foot** of freeboard.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

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

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

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

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

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



- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Longport have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

#### **103.5 Use of changed technical data.**

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

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

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

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

#### **103.8- Requirement to submit new technical data.**

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

#### **103.9- Activities in riverine flood hazard areas.**

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

#### **103.10-Floodway encroachment.**

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

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

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

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

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

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

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

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

(4).Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

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

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

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

## **SECTION 104 PERMITS**

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

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

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

- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

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

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

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

## **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

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

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

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

design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek

a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## **SECTION 106 INSPECTIONS**

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

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

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

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

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

**106.5 Enclosure Inspections.** In accordance with Section 801.2 properties subject to non-conversion agreements shall be inspected for compliance to those agreements at intervals determined by the

## **SECTION 107 VARIANCES**

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

**107.2 Historic structures.** A variance to the substantial improvement requirements of this ordinance is

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

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

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

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

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

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

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

premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## SECTION 108 VIOLATIONS

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

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

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

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

## SECTION 201 DEFINITIONS

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

### 201.2 Definitions

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

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

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

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

**AH ZONES**– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs)<sub>4</sub> 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 area mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **FLOOD OR FLOODING**

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

**FLOOD HAZARD AREA DESIGN FLOOD ELEVATION** – Per the FHACA, the peak water surface elevation

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

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

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

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

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

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

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

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

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

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

**HABITABLE BUILDING**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship,

community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

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

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

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

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

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

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

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

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

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

**LETTER OF MAP REVISION** - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood

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

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

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

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

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

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

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

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

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

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

trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

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

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

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

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

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

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

**RESIDENTIAL** – Pursuant to the ASCE 24:

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

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

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

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

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

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

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

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

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

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

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a five (5) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The period of



accumulation includes the first improvement or repair of each structure is permanent subsequent to the first date of construction. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

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

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

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

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

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

## **SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS**

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

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

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

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

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

#### **SECTION 401 SITE IMPROVEMENT**

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

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

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

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

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

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

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

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

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

**401.7 Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC

(N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

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

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

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

### **SECTION 501 MANUFACTURED HOMES**

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

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

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

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

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

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

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

### **SECTION 601 RECREATIONAL VEHICLES**

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

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

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

## **SECTION 701 TANKS**

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

## **SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK**

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

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

### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section

- 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
- ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
    2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
    - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
    - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
    - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
    - vi. Have openings documented on an Elevation Certificate; and
    - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
      - 1.The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
      - 2.The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
      - 3.The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
    - viii. Properties subject to Non-Conversion Agreements shall be subject to inspections by duly authorized agents of the Borough of Longport, at reasonable times and intervals as determined by the Borough. This may be in addition to, or concurrent with, other routine inspections performed by the Borough, including, but not limited to, zoning inspections during and post-construction, licensing inspections, fire inspections, and inspections upon transfer of ownership of the property. Properties subject to Non-Conversion Agreements shall be subject to inspections annually. For all properties subject to Non-Conversion Agreements, the annual inspection will be scheduled through the office of the Floodplain Administrator.

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

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member,

together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

- c. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
  - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
    2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
  - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
  - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
  - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
  - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and
  - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- (vi). Properties subject to Non-Conversion Agreements shall be subject to inspections by duly authorized agents of the Borough of Longport, at reasonable times and intervals as determined by the Borough. This may be in addition to, or concurrent with, other routine inspections performed by the Borough, including, but not limited to, zoning inspections during and post-construction, licensing inspections, fire inspections, and inspections upon transfer of ownership of the property. Properties subject to Non-Conversion Agreements shall be subject to inspections annually. For all properties subject to Nonconversion Agreements, the annual inspection will be scheduled through the office of the Floodplain Administrator.

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

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

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

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

**801.7 Roads and watercourse crossings.**

- (1) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

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

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

- (3) On-site filled or mound sewage systems.

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

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

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

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

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

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

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

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

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

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

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



Floodplain Administrator.

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

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

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

**SECTION 3. SEVERABILITY.**

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

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon passage.

Vote on First Reading: 4/19/2023

publication: 4/29/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			X			
Leeds	X		X			
Lawler		X	X			
XX-indicates vote      NV-not voting      AB. - Absent						

Vote on Second Reading/Public Hearing: 5/17/2023

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Borough of Longport**  
**Signature page for Ordinance 2023-13**  
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Monica Kyle, RMC, CMR  
Municipal Clerk

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Mayor Nicholas Russo

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Commissioner James P. Leeds, Sr.

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Commissioner Daniel Lawler

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC**

**ORDINANCE 2023-14**

**A NEW ORDINANCE ARTICLE II CHAPTER 85**

**An Ordinance Regarding Electric Vehicles and Service Equipment**

**A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

**Definitions**

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.

2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

## **B. Approvals and Permits**

An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

1. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
2. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Building Department shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Longport's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:

- a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

#### **D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
  - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
  - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements**

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to applicable law.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

## **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

### **2. Installation:**

- a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

### **3. EVSE Parking:**

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of The Borough of Longport Municipal Code. Signage indicating the penalties for violations shall comply with Section 5 below. Any



- vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

#### 4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5 below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with The Borough of Longport's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To

allow for maintenance and notification, the Borough of Longport shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

## 5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

## 6. Usage Fees

- a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be as set forth in Section 7 below.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in

accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

#### 7. Borough of Longport Municipal Public Charging Station

- a. The Borough is hereby authorized to create one or more locations to be designated as a charging station for electric-powered vehicles. Such vehicles must be registered as a motor vehicle with the State of New Jersey or another state of the United States.
- b. Parking in any such space or location shall be limited only to such electric-powered vehicle and only during the period of time when such vehicle is actually being charged. Upon completion of the charging of such vehicle, the vehicle shall be removed from the designated space or location by the owner, operator, or other person having custody thereof.
- c. Any vehicle which is not electrically powered, and any electrically powered vehicle which is not undergoing a charge, shall be prohibited from parking, stopping, or standing in such charging space or location. Any vehicle violating this requirement shall be subject to a violation and further subject to being towed at the expense of the owner.
- d. The initial fee for the use of the electric vehicle charging station shall be based on usage per kilowatt hour as set by resolution of Borough Commission on the recommendation of the Borough's Chief Financial Officer who is hereby designated as the Administrator of the Electric Vehicle Charging Program. Such fee may be changed, as necessary, by resolution of Borough Council adopted pursuant to Subsection e hereof.
- e. Borough Commission may, by resolution, make rules and regulations which interpret or amplify any provision of this section, including the creation of or change in specific locations or parking spaces for such electronic charging stations within the Borough and to fix, from time to time, the fees to be charged for such service, or for the purpose of administering the provisions of this chapter or making them more effective.

#### **SECOND: SEVERABILITY**

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

**THIRD: REPEAL OF PRIOR ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect after final passage and publication as provided by law.

Vote on First Reading: 5/17/2023

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
XX-indicates vote      NV-not voting      AB. - Absent						

Vote on Second Reading/Public Hearing: 6/7/2023

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Borough of Longport**

**Signature page for Ordinance 2023-14**

**Page 11 of 11**

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Monica Kyle, RMC, CMR  
Municipal Clerk

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Mayor Nicholas Russo

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Commissioner James P. Leeds, Sr.

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Commissioner Daniel Lawler

**BOROUGH OF LONGPORT**

**COUNTY OF ATLANTIC**

**ORDINANCE 2023-15**

**AN ORDINANCE AMENDING PART I I CHAPTER 136 1-7**

**Borough of Longport Code Provision Chapter 136 is hereby amended as follows:**

**Article I Registration**

[Adopted 5-1-1968]

**§ 136-1 ~~Compliance required.~~**

~~No apartment or dwelling in the Borough of Longport may be rented to, by or for the use of any group of persons if there are more than five persons in said group not related by blood or marriage, except as hereinafter provided in this article.~~ **[Intent and purpose.**

**The Borough of Longport has determined that it is in the interest of the health, safety and welfare of the citizens of the Borough and visitors to the Borough to provide for the registration of residential rental units within the Borough. The registration of such units will allow the Borough to carry out the required inspection of such units for the protection of persons and property. Furthermore, the registration of such units will assist in the consistent enforcement of Borough ordinances related to fire safety, zoning and construction code matters. There will also be an enhanced ability for public safety and first responders to efficiently and appropriately respond to emergencies at such residential rental units. The registration of such units is authorized by law and provides an additional mechanism for the Borough to minimize disturbances, damage and public expense from occasionally unruly tenants at such rental properties.]**

**§ 136-2 ~~When registration required.~~**

~~If any apartment or dwelling is rented by the owner or agent of the owner and the owner or agent knows or has reason to know that the apartment or dwelling will be occupied by a group of persons containing more than five persons not related by blood or marriage,~~ **[All rental properties and rental units contained therein and located within the Borough shall be required to be registered and inspected in accordance with the Borough Code. Long term rentals (defined as the rental of a property or unit for one year or more) shall require a Registration Certificate prior to the initial rental period and then annually by the Borough. Short term rentals (defined as any rental of a property or unit for less than one year) shall require a Registration Certificate prior to the initial**

rental period and then for each new period. No property or rental unit shall be rented for a period of less than fourteen (14) consecutive days. No rental property or rental unit shall be hereafter occupied unless such property complies with the provisions of this chapter.] the owner or agent must register said apartment or dwelling with the Borough Clerk of the Borough of Longport, in person or by mail within 24 hours after said apartment or dwelling is so rented. If the owner or agent does not know or have reason to know at the time of rental that the apartment or dwelling will be so occupied but later obtains information which gives him knowledge or reason to know that such is the case, the owner or agent of the owner must register said apartment or dwelling with the Borough Clerk of the Borough of Longport, in person or by mail, within 24 hours after receipt of said information.

§ 136-3 **Information to be furnished.**

**A.** At the time of registration as provided for in § 136-2, the owner or agent must furnish the following information to the Borough Clerk [Building Department] in writing:

- (1) The name and address of the owner of the apartment or dwelling.
- (2) The name and address of the agent of the owner, if any, who rented said apartment or dwelling. [The occupancy period of rental.]
- (3) The number of persons to occupy the apartment or dwelling as tenants and their names and addresses.
- (4) The name and address of an adult member of the group to whom the apartment or dwelling was rented, if any, who will be physically present in said apartment during the period of rental.
- (5) If there is no such adult member, the name and address of an adult person, being either the owner or agent of the owner, who will visit said apartment or dwelling at least twice each and every day during the period of rental and at any time as requested by the Police Department.

**B.** The above information shall be accompanied by a written statement that the adult person named under Subsection **A(4)** or **(5)** above will assume responsibility for promptly reporting any violation of the ordinances of the Borough of Longport or any other laws which said adult person knows or has reason to know occurred on the premises to the Police Department.

**C.** The above registration shall be executed under oath by the owner or agent of the owner and shall be accompanied by a registration fee of \$40.[25.00]

[**D.** The owner or agent of the owner must obtain a Certificate of Occupancy as set forth in Code § 136-9.

**E.** The owner or agent of the owner show a copy of a Certificate of Insurance showing no less than \$500,000.00 in liability insurance for rental property or no less than \$300,000.00 for multifamily home of four or fewer units one of which is owner occupied.]

**§ 136-4, Issuance of certificate of registration.**

Upon receipt of the written registration and fee referred to in § 136-3, the ~~Borough Clerk~~ [Building Department] shall issue to the owner or agent a certificate stating that the apartment or dwelling has been duly registered pursuant to the provisions of this article and may be occupied under the conditions set forth in this article. Said registration certificate shall not authorize the renting of rooms in an apartment or dwelling. A copy of said registration, together with a copy of this article, shall be posted during the period of rental in the apartment or dwelling which has been rented.

**§ 136-5 Revocation of certificate of registration.**

Any certificate of registration issued by the ~~Borough Clerk~~ [Building Department] pursuant to the provisions of § 136-4 may be suspended or revoked by the Board of Commissioners, after due notice and opportunity to be heard, upon proof that:

**A.** The adult person named under § 136-3A(4), if any, was not physically present on the premises during each day of rental, or the adult person named under § 136-3A(5) did not visit said premises at least twice during each day of rental and at anytime requested by the Police Department; or

**B.** The aforementioned adult person failed to report promptly to the Police Department of the Borough of Longport any violation of the ordinances of the Borough of Longport or other laws which said adult person knew or had reason to know occurred on the premises.

**§ 136-6 Unlawful occupancy.**

It shall be unlawful for any person to occupy, and for any owner or agent of the owner to permit any person to occupy, any apartment or dwelling which is required to be pursuant to the provisions of this article unless there is a valid outstanding certificate of registration with respect to said apartment.

**§ 136-7 Violations and penalties.**

[Amended 5-4-1983]

Any person, firm, association or corporation who shall violate any of the provisions of this article shall, upon conviction thereof before a proper officer having jurisdiction, be subject to a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both such fine and imprisonment. Each day a violation occurs or exists shall constitute a separate violation. [Each failure to obtain a new Certificate of Registration when required shall constitute a separate violation.]



## Article II Certificates of Occupancy

[Adopted 4-1-1987<sup>[1]</sup>]

[1] *Editor's Note: This ordinance superseded former Art. II, Certificates of Occupancy, adopted 6-19-1985.*

### § 136-8 **Enforcement.**

The Building Inspector or his designee inspector shall be hereby designated as the officer to exercise the powers prescribed by this article and to enforce the provisions thereof.

### § 136-9 **Certificate required.**

**A.** No owner or no person or entity on behalf of the owner of a dwelling unit, rooming unit, apartment or premises may rent to a tenant said premises unless a certificate of rental occupancy is previously issued by the Building Inspector [or a duly authorized delegate]. Such certificate shall state that the dwelling is fit for human habitation and is in compliance with all ordinances of the Borough of Longport and all applicable laws of the State of New Jersey.

**B.** No dwelling shall be occupied in whole or in part by any person or persons until the Building Inspector [or a duly authorized delegate] shall issue a certificate of rental occupancy. [For long term rentals (defined as the rental of a property or unit for one year or more) inspection shall be required prior to the initial rental period. If occupancy is continuous by the same renter then re-inspection shall be required every three years or upon change of occupancy. For short term rentals (defined as any rental of a property or unit for less than one year) inspection shall require annually.]

[C. The Building Inspector for the purposes of this provision may designate a "a duly authorized delegate" member of the Building Department to conduct inspections and issue a Certificate.]

### § 136-10 **Unfit dwellings.**

No certificate of rental occupancy shall be issued where an inspection discloses that the dwelling is unfit for human habitation or where conditions exist therein which are dangerous to the health, safety or welfare of the occupants thereof or of the residents of the municipality. Such conditions may include but are not limited to those which create a fire hazard, danger of accident or casualty, lack of adequate ventilation, lack of light or sanitary facilities, dilapidation, disrepair or structural defects, uncleanliness and the like.

§ 136-11 **Application and issuance.**

The Building Inspector [or a duly authorized delegate] shall cause to be prepared an appropriate form for application for a certificate of rental occupancy, which form shall be available to applicants at the office of the Building Inspector. It shall be the duty of the Building Inspector [or a duly authorized delegate] to conduct an inspection of the dwelling within 10 days of the date that the application is filed in the office of the Building Inspector. Thereafter, the Building Inspector [or a duly authorized delegate] shall issue a certificate of rental occupancy or notify the applicant, in writing, as to the reasons why such certificate has not been issued. However, failure of the Building Inspector [or a duly authorized delegate] to conduct his inspection within the time period stated herein shall not permit any applicant to rent any dwelling without the issuance of a certificate of rental occupancy.

§ 136-12 **Application fees; reinspection fee.**

[Amended 5-16-2001 by Ord. No. 2001-06; 12-17-2003 by Ord. No. 2003-17]

The fee for each application for a certificate of rental occupancy is \$75.

§ 136-13 **Construal of terms; determination of residency.**

A "dwelling," as that term is used in this article, shall not include any rental room or suite of rooms in a motel or hotel unless the room or suite rented in said hotel or motel shall contain eating and cooking facilities. For the purpose of determining residency, any person who sleeps upon the premises or generally dwells therein for one month or longer shall be considered to be residing in the premises.

§ 136-14 **Violations and penalties.**

Any person, firm or corporation who or which shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not to exceed \$250 or by imprisonment for a term not exceeding 30 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs and continues.

Vote on First Reading: 5/17/2023

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 <sup>st</sup> Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						

Leeds						
Lawler						
XX-indicates vote      NV-not voting      AB. - Absent						

Vote on Second Reading/Public Hearing: 6/7/2023

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
<b>COMMISSIONERS</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>NV</b>	<b>AB</b>
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. - Absent						

**Borough of Longport**

**Signature page for Ordinance 2023-15**

**Page 7 of 7**

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Monica Kyle, RMC, CMR

Municipal Clerk

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Mayor Nicholas Russo

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Commissioner James P. Leeds, Sr.

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Commissioner Daniel Lawler

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC  
ORDINANCE #2023-16  
AN ORDINANCE AMENDING THE SALARIES, WAGES AND  
COMPENSATION IN YEAR 2023 FOR SEASONAL EMPLOYEES AND  
CERTAIN TEMPORARY EMPLOYEES**

**WHEREAS**, the Borough of Longport has established the following salaries for specific employees;

**NOW THEREFORE**, the salaries are heretofore established for 2023 as follows:

**DEPARTMENT OF PUBLIC AFFAIRS AND PUBLIC SAFETY:**

Seasonal (Hourly)	
Recreation Supervisor	\$18.00 – \$ 25.00
Beach Tag Supervisor	\$12.93 – \$20.00
Beach Tag Inspectors	\$12.93
Tennis Court Attendants	\$12.93

**DEPARTMENT OF PUBLIC WORKS AND WATER/SEWER UTILITY:**

Seasonal Help\hourly	\$12.93 – \$20.00
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Seasonal employees will be engaged annually.

Seasonal employee working in classifications that are governed by an hourly rate range will be placed on that range by the concurrence of the responsible Commissioner.

Service as a tennis court attendant or beach tag inspector will be cumulative for purpose of determining years of Borough service.

Temporary part-time workers shall not be engaged for greater than 750 hours per year.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

1 <sup>ST</sup> READING / INTRODUCTION: 5/17/2023				PUBLICATION:		
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. – Absent						

2 <sup>ND</sup> READING/PUBLIC HEARING: 6/7/2023				PUBLICATION:		
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote      NV-not voting      AB. – Absent						

This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk's Office.

\_\_\_\_\_  
Monica Kyle, Municipal Clerk

**SIGNATURE PAGE FOR ORDINANCE 2023-16**

1st Reading/Introduction: 5/17/2023

Publication:

2<sup>nd</sup> Reading/Public Hearing: 6/7/2023

Publication:

\_\_\_\_\_  
Monica Kyle, RMC, Municipal Clerk

\_\_\_\_\_  
MAYOR NICHOLAS M. RUSSO

\_\_\_\_\_  
COMMISSIONER JAMES P. LEEDS, Sr.

\_\_\_\_\_  
COMMISSIONER DANIEL J. LAWLER

**BOROUGH OF LONGPORT  
RESOLUTION 2023-62  
AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Borough Clerk to persons requiring them; and

**WHEREAS**, these two conditions have been met:

**NOW, THEREFORE, BE IT RESOLVED** that the budget shall be read by title only.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC- Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF  
ADOPTION:

5-17-2023

/s/ Monica Kyle, Municipal Clerk

**BOROUGH OF LONGPORT  
RESOLUTION 2023-63  
A RESOLUTION AUTHORIZING ADOPTION OF THE MUNICIPAL BUDGET YEAR 2023**

**SECTION 2 - UPON ADOPTION FOR YEAR 2023**

Be It Resolved by the COMMISSIONERS RESOLUTION of the LONGPORT County of ATLANTIC BOROUGH that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 6,891,861.74 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ 808,023.00 (Item 5 Below) Minimum Library Tax

**RECORDED VOTE**  
(Insert last name)

Ayes	Nays	Abstained	
Absent			

SUMMARY OF REVENUES			
1. General Revenues			
Surplus Anticipated		08-100	\$ 1,205,000.00
Miscellaneous Revenues Anticipated		13-099	\$ 1,347,339.34
Receipts from Delinquent Taxes		15-499	\$ 90,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$ 6,891,861.74
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-195	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY	07-191	\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX		07-192	\$ 808,023.00
<b>Total Revenues</b>		13-299	\$ 10,342,224.08

Sheet 41

BOROUGH OF LONGPORT

INTRODUCED BUDGET

APRIL 19, 2023

I, **Monica Kyle, Municipal Clerk** of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on May 17, 2023, and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Borough Board of Commissioners.

**MONICA KYLE, RMC CMR, MUNICIPAL CLERK**

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 5-17-2023

/s/ MONICA A. KYLE, RMC



**BOROUGH OF LONGPORT  
RESOLUTION 2023-64**

**RESOLUTION OF THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF CHRISTOPHER HACKETT AS TAX ASSESSOR.**

WHEREAS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHEREAS, the current Tax Assessor is being re-appointed to their position; and

WHEREAS, IT IS THE DESIRE OF THE Mayor and Commissioners of the Borough of Longport to re-appoint Christopher Hackett for the term of office starting on July 1, 2023, which will grant the assessor tenure in his position, pursuant to N.J.S.A. 40A:9-146, for an annual salary determined yearly by salary ordinance;

WHEREAS, the assessor will hold public office hours on Wednesdays from 5:45 PM to 7:30 PM

NOW THEREFORE BE IT FURTHER RESOLVED, Resolution 2023-64 was duly adopted by the Board of Commissioners at a public meeting held on May 17, 2023, to re-appoint a part time Tax Assessor; and

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Administrator of the Municipality
4. Tax Assessor

I, Monica Kyle, Municipal Clerk of the Borough of Longport, do hereby certify that the foregoing resolution was duly adopted by the Board of Commissioners of the Borough of Longport at a public meeting held on May 17, 2023.

\_\_\_\_\_  
Monica Kyle, RMC, Municipal Clerk

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 5-17-2023

\_\_\_\_\_  
/s/ Monica Kyle, Municipal Clerk

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution**  
**2023-65**

**A Resolution Granting Covering of Borough Sidewalks for Outdoor Dining**

**WHEREAS**, Given the hardship the COVID-19 epidemic has caused the two restaurants in the Borough and the desire of the Governing Body to provide safe, but flexible dining options for said establishments.

**WHEREAS**, The COVID-19 health crisis while no longer a declared public emergency; still has impacted the two restaurants due to the concern of some patrons on close seating indoors.

**WHEREAS**, Outdoor dining is permitted by Borough Code Chapter 127 and the Governing Body, for the 2023 season only, wishes to continue to assist the two restaurants in the Borough.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Longport will permit the restaurants to put up a temporary tent and/or a covering over the sidewalk in front of the establishments as proposed by the restaurants at the April 2023 Commission Meeting Workshop Session. This proposed covering or tent is subject to the approval of the Chief of the Fire Department. This use is temporary and may be revoked at any time by the Borough Administrator. The restaurants must comply with all aspects of Borough Code 127 for outdoor dining including, but not limited to, arranging seating and any covering to allow for a pedestrian passageway as set forth in Code §127-4B(2).

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote      NV-Not Voting      AB-Absent      MOT-Motion      SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF  
 ADOPTION:  
 5/17/2023

\_\_\_\_\_  
 MONICA A. KYLE, RMC, Municipal Clerk

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2023-66**

**RESOLUTION OF THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY,**  
**AUTHORIZING A VETERAN’S DISABILITY TAX EXEMPTION PURSUANT TO N.J.S.A. 54:4-3.30 ON BLOCK**  
**111, LOT 10 23 N. 35<sup>TH</sup> Ave**

WHEREAS, N.J.S.A. 54:4-3.30, allows a Veteran’s Disability Tax Exemption for qualified Veterans; and

WHEREAS, The property owner of Block 111, Lot 10 properly applied for and was found qualified for a property tax exemption pursuant to N.J.S.A. 54:4-3.30 effective April 17,2023, and

WHEREAS; The Borough of Longport has determined that after April 17, 2023 property tax assessment should be canceled pursuant to N.J.S.A. 54:4-3.30(1a), assuming the property owner of Block 111 Lot 10 continues to qualify for the entire calendar year; and

WHEREAS, it is the desire of the Mayor and the Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey, to adjust the records of the Tax Collector’s Office in accordance therewith, which is the purpose of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey, as follows:

1. That the Mayor and the Board of Commissioners do hereby authorize the Tax Collector to cancel taxes on Block 111, Lot 10 23 N. 35<sup>th</sup> Ave as follows due to the fact that said property is exempt pursuant to N.J.S.A. 54:4-3.30(1a):

YEAR	AMOUNT
2023	\$827.62
<b>TOTAL</b>	<b>\$827.62</b>

2. That a certified copy of the resolution shall be forwarded to the Borough Tax Collector, Tax Assessor and Chief Financial Officer.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

I, Monica Kyle, Clerk of the Borough of Longport, do hereby certify that the foregoing resolution was duly adopted by the Longport Board of Commissioners at a meeting held on the 17th day of May, 2023

DATE OF ADOPTION:  
5/17/2023

\_\_\_\_\_  
/s/ MONICA A. KYLE, RMC, Municipal Clerk

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC  
STATE OF NEW JERSEY  
R2023-67**

**ESTABLISHMENT OF AN EMERGENCY 'NO PARKING' AREA FOR THE REPAVING OF  
ATLANTIC AVENUE BETWEEN 22<sup>ND</sup> AND 27<sup>TH</sup> AVENUES.**

**WHEREAS**, the Borough of Longport has recently completed a water, sewer, stormwater and other upgrades to this area;

**WHEREAS**, the final phase of the upgrades is the repaving of Atlantic Avenue; and

**WHEREAS**, in accordance with N.J.S.A. 39:197.3, a Municipality has the right to permit special traffic regulations when circumstances of this type dictate its necessity.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Borough of Longport that it hereinafter authorizes the following temporary special traffic regulations, including but not limited to the closing and detouring of traffic during repaving of Atlantic Avenue, to be implemented by the Longport Police Department in the Borough of Longport, Atlantic County, New Jersey:

**Starting at 8:00 am to 6:00 pm on June 12 through June 16th, 2023:**

**'No Parking'** on both sides of  
**Roadway**

**From**

**To**

Atlantic Avenue (both sides)

22<sup>nd</sup> Avenue

27<sup>th</sup> Avenue

**AND BE IT FURTHER RESOLVED** that prohibition of parking shall expire upon completion of the aforesaid event.

**Adopted: 5/17/2023**

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote			NV-Not Voting		AB-Absent	
SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

**DATE OF ADOPTION:** \_\_\_\_\_

5/17/2023

MONICA KYLE, RMC, MUNICIPAL CLERK

**I. Monica A. Kyle, RMC CMR**, Clerk of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and Commissioners held on April 19, 2023 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Board of Commissioners.

\_\_\_\_\_  
Monica A. Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT**

**RESOLUTION 2023-68**

**AUTHORIZING A WATER/ SEWER REFUND DUE TO OVERPAYMENT**

WHEREAS, the below listed overpayment for the year designated is held in reserve by the Borough of Longport; and

WHEREAS, the first half of the flat water/sewer fee for 2023 was paid once by the homeowner and once by Land Services, USA, creating an overpayment; and

WHEREAS, Paul Sacher, homeowner, has requested that the overpayment be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Borough of Longport that the following overpayment be refunded to Paul Sacher.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the Borough Clerk.

REFUND TO:	BLOCK	LOT	AMOUNT	YEAR
Paul Sacher	13	17	\$360.00	2023

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 5-17-2023

/s/ MONICA A. KYLE, RMC, Municipal Clerk

BOROUGH OF LONGPORT

RESOLUTION 2023-70

Supporting the *Click It or Ticket* Mobilization of May 22 – June 4, 2023

**Whereas**, there were 694 motor vehicle fatalities in New Jersey in 2022; and

**Whereas**, approximately 40% of the motor vehicle occupants killed in those traffic crashes were not wearing a seat belt; and

**Whereas**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**Whereas**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**Whereas**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 – June 4, 2023, in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

**Whereas**, the Division of Highway Traffic Safety has set a goal of further increasing the seat belt usage rate in the state from the current level of 93%; and

**Whereas**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**Therefore**, be is resolved that Borough of Longport Board of Commissioners declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 – June 4, 2023 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF ADOPTION: 5-17-2023

/s/ MONICA A. KYLE, RMC, Municipal Clerk

**BOROUGH OF LONGPORT**

**RESOLUTION #2023-71**

**CHAPTER 159-BUDGET INSERTION FOR NJ CLICK IT OR TICKET GRANT**

BE IT RESOLVED by the Board of Commissioners of the Borough of Longport that it hereby requests the Director of Local Government Services to approve the insertion of the following items of revenue in the year 2023 budget in the sum of:

**NJ Click It or Ticket It Grant \$3,500.00**

BE IT FURTHER RESOLVED that like sum of \$3,500.00 be and the same is hereby appropriated under the caption of:

**NJ Click It or Ticket It Grant \$3,500.00**

BE IT FURTHER RESOLVED that the above grant is from the State of New Jersey, Division of Highway Traffic Safety.

Adopted: 5/17/2023

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:  
5/17/2023

\_\_\_\_\_  
/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT**

**RESOLUTION 2023-72**

**A RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT WITH HUTCHINSON FOR AN HVAC MAINTENANCE AGREEMENT**

WHEREAS, pursuant to N.J.S.A. 40A: 11-1, the Borough of Longport has authority to enter into contracts for services with other entities; and

WHEREAS, the Borough of Longport desires to enter into a maintenance agreement with Hutchinson for preventative maintenance inspections of the HVAC system; and

WHEREAS, the Borough of Longport agrees to enter into a one year maintenance agreement with Hutchinson beginning April 1, 2023 in the amount of \$9,980.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Body of the Borough of Longport is hereby authorized to execute a contract with Hutchinson in the amount of stated above for a one year contract for the purpose of HVAC maintenance for the Borough of Longport.

**BE IT FURTHER RESOLVED** that a Certificate of Availability of Funds from the Municipal Chief Financial Officer is attached hereto.

I, **Monica Kyle, Municipal Clerk** of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on May 17, 2023 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Borough Board of Commissioners.

**MONICA KYLE, RMC, MUNICIPAL CLERK**

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:  
5/17/2023

**/s/ MONICA KYLE, RMC, MUNICIPAL CLERK**



**BOROUGH OF LONGPORT**

**RESOLUTION #2023-73**

**RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT**

**Municipal Advisor for Bond Anticipation Note Issue**

WHEREAS, the Borough of Longport has the need for a Municipal Advisor; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing June 1, 2023 to May 31, 2024, as follows:

Description of Professional Service:           Municipal Advisor

Name of Professional:                           Phoenix Advisors, LLC

Cost:    Not to exceed \$5,000.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough’s Chief Financial Officer is annexed hereto.

3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk’s Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

Adopted: 5/17/2023

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF ADOPTION:  
5/17/2023

\_\_\_\_\_  
/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2023-74**

**AUTHORIZING A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT  
WITH REMINGTON & VERNICK ENGINEERS OF PLEASANTVILLE, NJ  
FOR PROFESSIONAL ENGINEERING SERVICES FOR THE  
AMHERST AVENUE RAISED CROSSWALKS**

**WHEREAS**, the Borough of Longport has allocated capital improvement funding for improvements to recreation facilities; and

**WHEREAS**, the Borough desires to enter into a Professional Services Contract with **Remington & Vernick Engineers of Pleasantville, New Jersey** for **Professional Engineering Services** for the **Amherst Avenue Raised Crosswalks** pursuant to the provisions of NJSA 19:44A-20.5; and

**WHEREAS**, the Professional Services are outlined in a Proposal dated **May 11, 2023** and shall not exceed **\$17,000.00**; and

**WHEREAS**, the anticipated term of said Services is not for more than one year; and

**WHEREAS**, **Remington & Vernick Engineers** has previously completed and submitted a Business Entity Disclosure Certification which certifies that **Remington & Vernick Engineers** has not made any reportable contributions to a political or candidate committee in the Borough of Longport within the previous one year and, further, that this Contract will prohibit **Remington & Vernick Engineers** from making any reportable contributions through the term of this Contract; and

**WHEREAS**, the Municipal Administrator has reviewed said proposal and has recommended for its acceptance; and

**WHEREAS**, a Certificate of Availability of Funds has been issued by the Municipal Chief Financial Officer and is attached to this Resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Longport that it hereby accepts the Proposal dated **May 11, 2023** from **Remington & Vernick Engineers** for the **Amherst Avenue Raised Crosswalks** and hereby directs the Municipal Administrator to authorize **Remington & Vernick Engineers** to proceed with the work as outlined in said Proposal; and

**BE IT FURTHER RESOLVED** that a Notice of this Contract shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

**DATE OF ADOPTION:** \_\_\_\_\_

5/17/2023

/s/MONICA KYLE, RMC

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2023-75**

**RESOLUTION OF THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY,  
AUTHORIZING A BOROUGH WIDE YARD SALE**

WHEREAS, The Commissioners of the Borough of Longport wish to designate a single day in the Borough for homeowners to conduct yard sales.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey, as follows:

That the 3<sup>rd</sup> day of June, 2023 is hereby designated by the Borough of Longport as the day for a Borough wide yard sale and will note the date of the same on the Borough web site. All homeowners participating must comply with all Borough codes.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second						

I, Monica Kyle, Clerk of the Borough of Longport, do hereby certify that the foregoing resolution was duly adopted by the Longport Board of Commissioners at a meeting held on the 17th day of May, 2023.

DATE OF ADOPTION:  
5/17/2023

\_\_\_\_\_  
/s/ MONICA A. KYLE, RMC, Municipal Clerk

**Borough of Longport**

**Resolution 2023-76**

**TO AUTHORIZE THE CONVENING OF A CLOSED (EXECUTIVE) SESSION  
to Discuss an Appeal of the Denial of a Vendor Certificate**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into a Closed Session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Longport has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene on May 17, 2023;

**NOW THEREFORE BE IT RESOLVED** that the Board of Commissioners of the Borough of Longport will go into a closed session on May 17, 2023, for the following reasons as outlined in N.J.S.A. 10:4-12:

(3) material the disclosure of which constitutes an unwarranted invasion of individual privacy \*\*\*

(9) deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

**BE IT FURTHER RESOLVED** that the discussion conducted in this session be disclosed at such time as the need for confidentiality is no longer needed.

All resolutions or parts of resolutions inconsistent herewith are hereby repealed and this resolution shall take effect immediately.

COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.	
RUSSO							
LEEDS							
LAWLER							

X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:  
5/17/2023

\_\_\_\_\_  
/s/ Monica A. Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2023 -77**

**APPROVING THE AWARD OF A LICENSE TO CONDUCT BEACH VENDING PURSUANT TO THE TERMS AND CONDITIONS OF LICENSURE AND THE SEALED BID ESTABLISHED BY RESOLUTION 2023-26**

**WHEREAS**, at the properly advertised date and time of March 8, 2023 at 1:00 PM, the Borough received and read aloud one (1) bid; and,

**WHEREAS**, the apparent highest bidder, WC Ice Cream bid in the amount of Twenty Seven Thousand Dollars (\$27,000). WC Ice Cream will need to deposit the full amount of the bid with the Municipal Clerk by certified funds prior to vending on the beach

**WHEREAS**, the Police Department has completed its background check and denied the award of a Vendor Registration Certificate. Pursuant to Borough Code §132-9, WC Ice Cream appealed to the Borough Board of Commissioners who agreed to award the Vendor Registration Certificate; and,

**WHEREAS**, the Municipal Finance Officer and Municipal Administrator has reviewed the bid and is recommending award to WC Ice Cream for its total bid amount of **\$27,000**.

**NOW, THEREFORE, BE IT RESOLVED** by the Longport Borough Board of Commissioners that the aforementioned recommendation is hereby accepted and that said Governing Body hereby awards a license to conduct beach vending operations in accordance with the terms and conditions established under Resolution 2023-26.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	NV	AB	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

**Adopted:** May 17, 2023

I, **Monica Kyle** Municipal Clerk of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on May 17, 2023 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Borough Board of Commissioners.

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**MONICA A. KYLE, MUNICIPAL CLERK**