

**Caucus Meeting of the
Mayor and Common Council of Gloucester City
Monday, March 20, 2023 6:00 P.M.
313 Monmouth Street**

Agenda

1. **Call Meeting to Order:**
2. **Pledge of Allegiance:**
3. **Roll Call:** Baus, Berglund, Budesa, Johnson, Page, Timm and Mayor Baile
4. **Open Public Meetings Act Notice:** This meeting is being held in accordance with the New Jersey Open Public Meetings Act, otherwise known as the "Sunshine Law." It has been legally noticed in accordance with the law and copies have been given to those requesting the same.

Public Comment Period: The Governing Body, in accordance with P.L. 2002, c. 80, have adopted the following guidelines relative to the Public Comment Period (PCP) at Caucus, Work session, Special and Emergency Meetings of the Mayor and Common Council of Gloucester City: The PCP shall occur at the beginning of each meeting; it shall be no longer than one half-hour in length; every person wishing to speak may do so once during the period for no longer than five minutes. No changes have been made for the PCP of the regular monthly meetings. Our attorneys have advised us that we cannot prevent you from making remarks about our employees. They have requested that we advise you that our employees are not Public Officials and you are not immune from civil actions they may bring as a result of your remarks.

5. **Reports:**
 - I. **Engineer's Report:**
 - II. **Committees of Council:**
 - a) Celebrations:
 - b) Community Dev.:
 - c) Finance & Administration:
 - d) Fire:
 - e) Housing:
 - f) Licensing: Pine Grove Bingo 3-2-23, Raffle 8-2-23
 - g) Police:
 - h) Public Works/Water Dept:

6. **Resolutions for Discussion:**
 - R Resolution Authorizing Senior and Veteran Deductions
 - R Resolution to Adjustments to Various Tax Records
 - R Resolution to Correct Billing Charges on Utility Records
 - R Resolution Designating Handicapped Parking Space: Adding 312 Hunter Street
 - R Resolution Designating Handicapped Parking Space: Adding 631 Division Street
 - R Resolution Designating Handicapped Parking Space: Adding 316 Sherman Street
 - R Resolution Designating Handicapped Parking Space: Removing 100 S. Sussex Street
 - R Resolution Designating Handicapped Parking Space: Removing 628 Market Street

- R Resolution Approving Coin Toss for Gloucester City Little League
- R Resolution Approving Coin Toss for Gloucester City Lions Club
- R Resolution Authorizing the Amendment to the Shared Services Agreement by and between the Borough of Haddon Heights and the City of Gloucester City for Various Electrical Sub-Code and Construction Official Duties and Responsibilities in Accordance with N.J.S.A. 40A:65-1
- R Resolution Authorizing the Submission of a Grant Application by the Gloucester City Police Department to the U.S. Department of Justice, Office of Community Oriented Policing Services, Community Project Funding for the FY 2024 Security Camera and Technology Program in the Amount of \$800,000.00
- R Resolution to Award a Contract to Think Pavers Hardscaping, LLC for Hudson Street Sewer Rehabilitation
- R Resolution Authorizing Change Order No. 2 to the Contract Between Mount Construction for the Sussex Street Sewer Rehabilitation
- R Resolution Awarding a Contract to International Fireworks Manufacturing Co. for Extraordinary Unspecifiable Services
- R Resolution Authorizing Permit for Public Fireworks Display

7. Ordinances for Second Reading and Public Hearing (March 27, 2023):

O 01-2023 Ordinance of the City of Gloucester City, County of Camden and State of New Jersey Amending the Gloucester City Land Development Ordinance 36-96 to Provide for a Cannabis Establishment as a Conditionally Permitted Use Overlay Zone

O 02-2023 Ordinance of the City of Gloucester City, County of Camden and State of New Jersey to Amend and Supplement the Code of the City of Gloucester City, Entitled “Cannabis Municipal Tax” to Collect a Statutorily Authorized Two Percent (2%) Municipal Transfer Tax on Cannabis Sales by Class I, II and V License Holders and One Percent (1%) Municipal Transfer Tax on Cannabis Sales by Class III License Holders

O 03-2023 Ordinance Authorizing the Purchase of Certain Property Located at 534 Nicholson Road, in the City of Gloucester City, identified on the City Tax Map as Block 224, Lot 6, Subject to Certain Terms and Conditions, in Accordance with the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 ET SEQ.

O 04-2023 Ordinance Amending Ordinance 22-2019 and Replacing Chapter 86B, “Vacant Property Registration” of the City Code Regarding the Registration and Maintenance of Certain Properties

O 05-2023 Ordinance Rescinding Ordinance 26-2022 and Adopting a Redevelopment Plan Amendment for Block 48, Lots 2, 2.01 and 2.02 within the City of Gloucester City, County of Camden, State of New Jersey

O 06-2023 Ordinance Authorizing the Execution of an Operation and Easement Agreement

O 07-2023 Ordinance Amending Chapters 71, 86 and 90 of the Code of the City of Gloucester City

O 08-2023 Ordinance of the City of Gloucester City, County of Camden and State of New Jersey to Provide for a Cannabis Establishment as Conditionally Permitted Use Overlay Zone and Creating a Licensing Process

O 09-2023 Ordinance Amending and Supplementing the City of Gloucester City Development Ordinance to Codify and Implement the Provisions of the 2018 Master Plan Re-Examination Report and Other Legal Requirements and a Re-Codification of the Land Use Ordinance in General

O 10-2023 Ordinance Authorizing the Execution of an Encroachment Agreement

O 11-2023 Ordinance of the City of Gloucester City, County of Camden, State of New Jersey Amending and Supplementing Chapter 55 of the City Code Regarding the Requirement for Inspection of Lead Based Paint in Certain Residential Dwellings

O 12-2023 Ordinance Amending 87-61A Section of the Code Book, Permit Parking

Ordinance for First Reading on March 27, 2023:

O 13-2023 Ordinance for Adoption of the FloodPlain Management Regulations of the City of Gloucester City, Camden County, State of New Jersey

8. Correspondence:

a) From American Legion Post 135 – requesting approval for a donation bin to be placed on their property.

9. Adjournment:

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2022

RESOLUTION AUTHORIZING SENIOR AND VETERANS DEDUCTIONS

WHEREAS, the assessor's tax list book is closed for the current year; and

WHEREAS, after closing the records, the applications for several other property owners became complete and the assessor subsequently deemed them eligible and/or ineligible under the senior and veteran deductions, and

WHEREAS, these adjustments are due to income eligibility, death or moving into or out of the City of Gloucester, and

WHEREAS, these adjustments are noted as follows:

Deductions that need to be added (allowed):

Block/Lot	Address	Amount	Type	Year
28/5	136 N King	250.00	Senior Citizen	2023
239/13	107 Oxford	250.00	Senior Citizen	2023

Deductions that need to be removed (disallowed):

Block/Lot	Address	Amount	Type	Year
None at this time				

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the City of Gloucester City is authorized to make the adjustments to the tax records as noted and file the proper documentation accordingly.

Adopted by the Mayor and Common Council of Gloucester City, this 27th day of March, 2023.

Dayl R Baile, Mayor

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION TO ADJUSTMENTS TO VARIOUS TAX RECORDS

WHEREAS, there is a need to make necessary various billing adjustments on Tax Records; and

WHEREAS, the adjustments to be made include the following:

Block/Lot	Amount	Address	Issue
181/19	\$1131.56	466 Mercer	Online payment returned, payment removed
31/4	\$189.38	124 N Sussex	TD Bank returned check, payment removed
213.01/19	\$1014.28	33 Barnard	Owner paid twice in error, online payment removed
79/2	\$1102.15	426 Powell	Online payment returned, payment removed
176/13	\$1065.69	108 N Broadway	Online payment returned, payment removed
191/8.01	\$935.12	228 N Broadway	Online payment returned, payment removed

; and

WHEREAS, these billing adjustments were reviewed by the Finance Committee and they have recommended that these adjustments be approved.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the City of Gloucester City is authorized to make the adjustments to the tax records as noted and file the proper documentation accordingly.

Adopted by the Mayor and Common Council of Gloucester City, this 27th day of March, 2023.

Dayl R Baile, Mayor

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION TO CORRECT BILLING CHARGES ON UTILITY RECORDS

WHEREAS, there is a need to make necessary various billing adjustments on Utility Records, and

WHEREAS, the adjustments to be made include the following:

Block/Lot	ID	Address	Amount	Issue
75/10	11740	702 Market	572.00	Online payment returned, payment removed
82/38	13546	219-221 S Broadway	408.75	TD bank returned check, payment removed
230/10	33327	524 Jefferson	339.00	Online payment returned, payment removed
102/12	16762	310 Jersey	328.00	Online payment returned, payment removed
71/9	10810	312 Market	360.50	Online payment returned, payment removed
63/24	8722	223 Market	328.00	Online payment returned, payment removed
146/18	21402	524 Monmouth	164.50	Computer overestimated
272/10	41198	338 Maple	190.00	Online payment returned, payment removed

; and

WHEREAS, these billing adjustments were reviewed by the Finance Committee and they have recommended these adjustments be approved.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the City of Gloucester City is authorized to make the adjustments to the utility records as noted and file the proper documentation accordingly.

Adopted by the Mayor and Common Council of Gloucester City, this 27th day of March, 2023.

Dayl R. Baile, Mayor

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R -2023

RESOLUTION DESIGNATING HANDICAPPED PARKING SPACE
ADDING: 312 HUNTER STREET

WHEREAS, it is necessary to designate a handicapped parking space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197.5, and other statutory authority that the location designated on the attached Schedule A is hereby designated as a restrictive parking space for use by any person who has been issued a special vehicle identification card by the Division of Motor Vehicles.

No other person shall be permitted to park in these spaces. Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be subject to penalty pursuant to N.J.S.A. 39:4-197 (3)(c). This resolution is passed in conformance with the provisions of N.J.S.A. 39:4-197 (3)(c). Proper signs are to be erected regarding the said spaces.

SCHEDULE A

Joseph Ayres

312 Hunter Street

Dayl R. Baile, Mayor

Passed by Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R -2023

RESOLUTION DESIGNATING HANDICAPPED PARKING SPACE
ADDING: 631 DIVISION STREET

WHEREAS, it is necessary to designate a handicapped parking space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197.5, and other statutory authority that the location designated on the attached Schedule A is hereby designated as a restrictive parking space for use by any person who has been issued a special vehicle identification card by the Division of Motor Vehicles.

No other person shall be permitted to park in these spaces. Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be subject to penalty pursuant to N.J.S.A. 39:4-197 (3)(c). This resolution is passed in conformance with the provisions of N.J.S.A. 39:4-197 (3)(c). Proper signs are to be erected regarding the said spaces.

SCHEDULE A

Crystal Pelo

631 Division Street

Dayl R. Baile, Mayor

Passed by Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R -2023

RESOLUTION DESIGNATING HANDICAPPED PARKING SPACE
ADDING: 312 HUNTER STREET

WHEREAS, it is necessary to designate a handicapped parking space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197.5, and other statutory authority that the location designated on the attached Schedule A is hereby designated as a restrictive parking space for use by any person who has been issued a special vehicle identification card by the Division of Motor Vehicles.

No other person shall be permitted to park in these spaces. Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be subject to penalty pursuant to N.J.S.A. 39:4-197 (3)(c). This resolution is passed in conformance with the provisions of N.J.S.A. 39:4-197 (3)(c). Proper signs are to be erected regarding the said spaces.

SCHEDULE A

Jerome Brophy

316 Sherman Street

Dayl R. Baile, Mayor

Passed by Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION DESIGNATING HANDICAPPED PARKING SPACE:
REMOVING: 100 S. SUSSEX STREET

WHEREAS, it is necessary to designate a handicapped parking space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197.5, and other statutory authority that the locations designated on the attached Schedule A are hereby designated removed as restrictive parking spaces.

This resolution is passed in conformance with the provisions of N.J.S.A. 39:4-97(3)(c). Proper signs are to be removed regarding the said space.

SCHEDULE A

Rosmary Fox & Edward Swift

100 S. Sussex Street

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION DESIGNATING HANDICAPPED PARKING SPACE:
REMOVING: 628 MARKET STREET

WHEREAS, it is necessary to designate a handicapped parking space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197.5, and other statutory authority that the locations designated on the attached Schedule A are hereby designated removed as restrictive parking spaces.

This resolution is passed in conformance with the provisions of N.J.S.A. 39:4-97(3)(c). Proper signs are to be removed regarding the said space.

SCHEDULE A

Linda Garrison

628 Market Street

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION APPROVING COIN TOSS FOR
GLOUCESTER CITY LITTLE LEAGUE

WHEREAS, it has been requested by the Gloucester City Little League to hold a Coin Toss on April 14, 2023 for the benefit of their organization; and

WHEREAS, Gloucester City Little League has completed the proper application forms in their entirety and submitted the proper insurance certificate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, in the County of Camden, that the Gloucester City Little League be approved for a coin toss to be held on April 14, 2023 (locations attached).

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION APPROVING COIN TOSS FOR
GLOUCESTER CITY LIONS CLUB

WHEREAS, it has been requested by the Gloucester City Lions Club to hold a Coin Toss on March 31, 2023 for the benefit of their organization; and

WHEREAS, Gloucester City Lions Club has completed the proper application forms in their entirety and submitted the proper insurance certificate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, in the County of Camden, that the Gloucester City Lions Club be approved for a coin toss to be held on March 31, 2023 (locations attached).

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

5. This Resolution shall take effect immediately.

CITY OF GLOUCESTER CITY

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, RMC, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R -2023

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, BY THE GLOUCESTER CITY POLICE DEPARTMENT TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, COMMUNITY PROJECT FUNDING FOR THE FY 2024 SECURITY CAMERA AND TECHNOLOGY PROGRAM IN THE AMOUNT OF \$800,000.00

SCHEDULE I: RESOLUTION

WHEREAS, the City of Gloucester City desires to apply for and obtain a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, Community Project Funding for the FY 2024 Security Camera and Technology Program for an amount of \$800,000.00 for the purchase and installation of various security cameras throughout Gloucester City;

BE IT THEREFORE, RESOLVED,

- 1) that the City of Gloucester City does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the U.S. Department of Justice, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Gloucester City and the U.S. Department of Justice.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____	_____
(signature)	(signature)
_____	_____
Dayl R. Baile	Vanessa L. Little
_____	_____
Mayor	City Clerk

CERTIFICATION

I hereby certify this is a true and exact copy of a Resolution adopted by the Mayor and Common Council of the City of Gloucester this March 27, 2023.

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

**RESOLUTION TO AWARD A CONTRACT TO THINK PAVERS HARDSCAPING,
LLC FOR HUDSON STREET SEWER REHABILITATION**

WHEREAS, the City of Gloucester City has duly advertised for public bids for Hudson Street Sewer Rehabilitation; and

WHEREAS, plans and specifications were prepared by Pennoni Associates Inc. and may be found in the City Clerk's Office; and

WHEREAS, bids were taken on February 22, 2023 from four (4) bidders; and

WHEREAS, Pennoni Associates Inc. have reviewed the bids and recommends that a contract be awarded to:

Think Pavers Hardscaping, LLC– 125 Kings Highway, Mount Royal, NJ 08061
for Base Bid in the amount of \$565,516.00.00 with Base Bid plus Alt. 1 in the amount of
\$701,516.00; and

WHEREAS, funds are available for this project as evidenced by the attached Certificate of Availability of Funds; and

WHEREAS, this contract is contingent upon review by the City Solicitor.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Gloucester City, County of Camden, State of New Jersey that a contract be awarded to: Think Pavers Hardscaping, LLC-125 Kings Highway, Mount Royal, NJ 08061 for \$565,516.00 with a Base Bid plus Alt. 1 of \$701,516.00.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby directed to execute all documents necessary to effectuate this contract.

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT
BETWEEN MOUNT CONSTRUCTION FOR THE SUSSEX STREET SEWER
REHABILITATION

WHEREAS, a contract exists between Mount Construction and the City of Gloucester City for the Sussex Street Sewer Rehabilitation; and

WHEREAS, the cost of the original contract as awarded needs to be amended for final adjustment of as-built quantities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of Gloucester City, County of Camden, and State of New Jersey that the contract between Mount Construction and the City of Gloucester City for the Sussex Street Sewer Rehabilitation be amended:

Original Contract Amount:	\$498,270.00
Change Order #1 Increase	\$13,551.35
Adjusted Amount based on Change Order #2 Final	\$511,821.35

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little City Clerk

RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#R - 2023

RESOLUTION AUTHORIZING PERMIT FOR
PUBLIC FIREWORKS DISPLAY

WHEREAS, the Gloucester City Celebrations Committee wishes to hold a public fireworks display on June 24, 2023 at dusk with a rain date to be determined; and

WHEREAS, the location of the fireworks will be at the area of Water Street & Charles Street on the Gloucester City Waterfront; and

WHEREAS, a contract has been entered into with International Fireworks Mfg. Co. to operate the display and the operator has been approved by the Police Chief and Fire Chief of Gloucester City; and

WHEREAS, liability insurance has been posted in excess of \$5,000,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of Gloucester City that a permit be issued to conduct the public fireworks display to be held on June 24, 2023.

Dayl R. Baile, Mayor

Passed by the Mayor and Common Council of Gloucester City, New Jersey this 27th day of March, 2023.

Vanessa L. Little, City Clerk

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O - 2023**

**AN ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY AMENDING THE GLOUCESTER CITY LAND DEVELOPMENT
ORDINANCE §____ TO PROVIDE FOR A CANNABIS ESTABLISHMENT AS
CONDITIONALLY PERMITTED USE OVERLAY ZONE**

WHEREAS, the City of Gloucester City ("City") is a municipal entity organized and existing under the laws of State of New Jersey and located in Camden County; and

WHEREAS, in 2020 New Jersey voters approved Public Question No.1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law, P.L. 2021, c.16 known as the "New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act" ("CREAMMA"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession: and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries

WHEREAS, CREAMMA Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments, Cannabis distributors and Cannabis Delivery services, except for the delivery of Cannabis items and related supplies by a Cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their jurisdictional boundaries as follows:

- Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4: Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5: Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Mayor and Council of the City of Gloucester has determined that in light of the foregoing it is in the best interest of the City to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the Borough and health, safety and welfare of its residents and visitors.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

Section 1: Cannabis licensed businesses in Class 1 – 6 shall be conditionally permitted in the Business Industrial, Port Cargo Handling and Planned Port Industrial Development zones of Gloucester City. These businesses may include Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer and Cannabis Delivery as set forth and incorporated on the Zoning Maps attached hereto and made a part hereof. Furthermore, only cannabis licensed businesses in Class 5 shall be conditionally permitted in the RC & S – Retail Commercial and Service zone.

SECTION 2: Article III, §_____, entitled Definitions are amended to add the following:

Amend Section 3 – Definitions to include:

C-_: Cannabis - All parts of the plant *Cannabis saliva* and *Cannabis indica*, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:61-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

C-_: Cannabis Business - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act." (CREAMMA)

C-_: Cannabis Cultivator - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

C-_: Cannabis Delivery Service - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

C-_: Cannabis Distributor - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

C-_: Cannabis Establishment - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

C-_: Cannabis Establishment License - An establishment with one (1) or many of the licenses to operate as defined by the CREAMMA Act:

- Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4: Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5: Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

C__ : Cannabis Manufacturer - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

C-_: Cannabis Product - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

C-_: Cannabis Retailer - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

C-_: Cannabis Wholesaler - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

SECTION 3: Article IV, District Regulations, §_____, is hereby amended to include the following:

C. The Area and Bulk requirements specified in Article IV Section 1 for the Business Industrial, Retail Commercial and Service zone, Port Cargo Handling and Planned Port Industrial Development zones of Gloucester City shall apply to all new construction for licensed Cannabis Businesses (Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer and Cannabis Delivery) located in that zone.

The minimum square footage for structures for Cannabis Retailers located in the RCS zone shall be 2,500 square feet. Pre-existing, non-conforming lots for area and bulk requirements in these zones shall be evaluated on a case-by-case basis. The evaluation process requires site plan approval by the Gloucester City Planning Board. During the evaluation process, the Planning Board will consider the suitability of the site for class of the licensed cannabis business, as well as, the prerequisite site requirements to ensure that the location of the facility does not adversely impact surrounding properties. Due consideration shall be given to buffering and landscaping techniques as a means to accomplish this task.

No Cannabis Business shall be permitted within 250 feet of any church, school or day care facility, or recreation facility.

No Cannabis Business shall be permitted out the following locations:

- In the Retail Commercial and Service Zone: From the jurisdictional line of Gloucester City and Camden City, south, to a point to the northly right-of-way line of Essex Avenue, a distance of approximately two thousand six hundred feet (2,600') in a southerly direction.

- In the Retail Commercial and Service Zone: From the jurisdictional line of Gloucester City and the Borough of Brooklawn, north, to a point to the southern right-of-way line of George Street, a distance of approximately two thousand two hundred feet (2,200') in a northerly direction.

SECTION 4: Article IV, District Regulations. "BI - Business Industrial", § _____; Article V, NOTE 11, Planned Port Industrial Development District, § _____ and Article V, NOTE 12, Port Cargo Handling Zone, § _____ are hereby amended to include all Cannabis Businesses as a Conditional Use in the aforesaid zones, including all license types, subject to specific terms and conditions. The RC & S - Retail Commercial and Service District is hereby amended to include all Cannabis Retail Businesses as a Conditional Use in the aforesaid zone subject to specific terms and conditions.

SECTION 5: Article IV § _____, District Regulations of the Land Use Ordinance of the City of Gloucester City is amended to add the following:

A. Purpose and Intent

The purpose and intent of the conditionally permitted cannabis businesses is to provide appropriate type of facility in appropriate location within the City while promoting economic growth that will preserve and maintain health, safety and welfare of the City and its residents.

B. Conditions of Operation for Cannabis Businesses:

- (1) All Cannabis Businesses Class 1 through 6, located within Gloucester City shall meet all requirements for licensure and hold the appropriate license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- (2) No Cannabis Business shall permit on-site consumption of Cannabis or Cannabis related products including no on-site sales and consumption of alcohol or tobacco products.
- (3) No outside storage of any Cannabis, Cannabis products or Cannabis related materials shall be permitted.
- (4) Hours of operation of any Cannabis Retail Facility shall be limited from 10:00 am to 7:00 pm, seven days a week.
- (5) No Drive Thru Facilities shall be permitted.
- (6) No outside exchange of product between the seller and the purchaser.
- (7) For each Cannabis Business located within Gloucester City a security plan to be approved by Gloucester City Police Department shall be provided to demonstrate how the facility will maintain effective security and control of the operations. The plan should include the following but not limited to:
 - Type of security systems to be installed.
 - Installation, operation and maintenance of security cameras covering all interior and exterior parking lots, loading areas and other such areas of the business
 - Tracking and record keeping of products and materials.

- Type of lighting provided in and around the establishments.
- Location on site security team and armed guard on premises.

(8) No more than two (2) licenses shall be issued for each of the six (6) individual cannabis category.

C. Conditions of Performance Standards:

- (1) All Cannabis Businesses, Class 1, 2, 3, 4, 5 & 6, shall provide detail information on Odor Control from these sites. This shall include air treatment systems with sufficient odor absorbing ventilation at exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.
- (2) All Cannabis Businesses shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel requirements.
- (3) Loitering, disruption to and or obstruction of the free passage of persons or vehicles in immediate vicinity of the property shall be considered unlawful.

D. Conditions of Site Development Standards

- (1) All Cannabis Business operations such cultivation, manufacturing, wholesale packaging and retail shall be conducted within a building. No operations shall be conducted outside.
- (2) Class 1, Class 2, Class 3 & Class 4 shall have minimum lot area of 2.5 acres and shall be limited to two (2) licenses for each category.
- (3) No Cannabis Business shall be located within 250 feet of a house of worship, school, or day care.
- (4) Other than the minimum lot area requirements for Class 1, Class 2, Class 3 & Class 4 cannabis operations as required under this Section, all lot and bulk regulations shall comply with Article IV §_____, except that all lots in the RCS district must have a minimum 2,500 square foot structure along with the required on-site parking.
- (5) Parking: Each Cannabis Business shall comply with the following parking schedule which shall be used to calculate the required number of off-street parking spaces per use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded up to the nearest whole number.
 - a. Cannabis Cultivator - one per every 1,000 square feet of gross floor area or one per two employees at maximum shift, except that there shall be no fewer than four spaces.

- b. Cannabis Delivery Service - 1 per every 1,000 square feet of gross floor area, plus 1 parking space for every delivery driver or fleet vehicle, except that there shall be no fewer than four spaces.
 - c. Cannabis Distributor - 1 per every 1,000 square feet of gross floor area, except that there shall be no fewer than four spaces.
 - d. Cannabis Manufacturer - 1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift, except that there shall be no fewer than four spaces.
 - e. Cannabis Retailer - 6 per every 1000 square feet of gross floor area plus one space for each employee. No on-street parking will be considered for the cannabis retail operations in the RC & S District.
 - f. Cannabis Wholesaler - 1 per every 1,000 square feet of gross floor area, except that there shall be no fewer than four spaces.
- (6) Pre-existing, non-conforming lots for area and bulk requirements in zones other than the RCS zone shall be evaluated on a case-by-case basis. The evaluation process requires site plan approval by the Gloucester City Planning Board. During the evaluation process, the Planning Board will consider the suitability of the site for class of the licensed cannabis business, as well as, the prerequisite site requirements to ensure that the location of the facility does not adversely impact surrounding properties. Due consideration shall be given to buffering and landscaping techniques as a means to accomplish this task.

SECTION 6: The attached zoning maps shall be filed in accordance with the Municipal Law Use Law including the Camden County Planning Board. The zoning map of the City of Gloucester shall likewise be amended consistent with the maps attached hereto.

SECTION 7: Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Gloucester City inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 8: If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 9: This ordinance shall take effect upon its passage and publication as provided for by law.

Dayl R. Baile, Mayor

Passed on First Reading:

Adopted by the Mayor and Common Council of Gloucester City this ____ day of _____, 2023.

Vanessa L. Little, RMC,
Certified Municipal Registrar

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O - 2023**

**AN ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE CODE OF THE CITY OF
GLOUCESTER CITY, ENTITLED "CANNABIS MUNICIPAL TAX" TO COLLECT A
STATUTORILY AUTHORIZED TWO PERCENT (2%) MUNICIPAL TRANSFER TAX ON
CANNABIS SALES BY CLASS I, II AND V LICENSE HOLDERS AND ONE PERCENT (1%)
MUNICIPAL TRANSFER TAX ON CANNABIS SALES BY CLASS III LICENSE HOLDERS**

WHEREAS, the City of Gloucester City, ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, on February 21, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") was signed into law; and

WHEREAS, CREAMMA both legalizes and decriminalizes adult use cannabis within New Jersey; and

WHEREAS, the law establishes six (6) specific classes of cannabis businesses that may be licensed by the State and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

WHEREAS, the City is concurrently amending its zoning ordinance to permit Class I through VI licensed cannabis businesses to operate within a Cannabis Overlay Zone within the City; and

WHEREAS, Section 40 of CREAMMA authorizes the imposition of a municipal tax on the lawful sale of cannabis; and

WHEREAS, the City desires to impose a two percent (2%) municipal transfer tax on revenues generated by the lawful sale of cannabis by Class I, II and V license holders, and a one percent (1%) municipal tax on revenues generated by the lawful sale of cannabis by Class III license holders;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Common Council of the City of Gloucester City, County of Camden, and State of New Jersey as follows:

SECTION 1. Title II: General Legislation, Chapter _____ of the Code of the City of Gloucester City, is amended to include a provision entitled: "Cannabis Municipal Tax" with a new Section ____ as follows:

§ _____ Cannabis Municipal Tax.

Pursuant to Section 40 of the New Jersey Cannabis Regulatory, Enforcement and Marketplace Modernization Act (CREAMMA), the following municipal tax shall be collected from the following cannabis license holders:

- A. A two percent (2%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class I, II and V license holder.

- B. A one percent (1%) municipal transfer tax shall be imposed on the lawful sale of cannabis produced by any Class III license holder.
- C. All municipal taxes identified herein shall be paid to the City of Gloucester City no later than February 1st in the subsequent year from when it is incurred and collected by the license holder.

SECTION 2: Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Gloucester City inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3: If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4: This ordinance shall take effect upon its passage and publication as provided for by law.

Dayl R. Baile, Mayor

Passed on First Reading:

Adopted by the Mayor and Common Council of Gloucester City this ____ day of _____, 2023.

Vanessa L. Little, RMC,
Certified Municipal Registrar

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O 03 - 2023

**ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN PROPERTY
LOCATED AT 534 NICHOLSON ROAD, IN THE CITY OF GLOUCESTER CITY,
IDENTIFIED ON THE CITY TAX MAP AS BLOCK 224, LOT 6, SUBJECT TO
CERTAIN TERMS AND CONDITIONS, IN ACCORDANCE WITH THE NEW JERSEY
LOCAL LANDS AND BUILDING LAW, N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, on _____ 2023 (Resolution ____-2023), the Mayor and Common Council of the City of Gloucester City approved a Resolution authorizing the execution of an Agreement of Sale to purchase property located at 534 Nicholson Road, shown on the Municipal Tax Map as Block 224, Lot 6, subject to certain terms and conditions; and

WHEREAS, the City of Gloucester City intends to conduct its due diligence prior to purchasing the property, which includes, but is not limited to: Phase 1 Environmental Feasibility Study, an appraisal certifying the value of the property which comports to the sale price and adoption of this authorizing Ordinance; and

WHEREAS, the Mayor and Common Council have determined that upon completion of its due diligence, that subject to certain conditions, the purchase of the property is in the best interests of the citizens of the City of Gloucester City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

SECTION 1: The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.

SECTION 2: The City of Gloucester City hereby authorizes the purchase of 534 Nicholson Road, Gloucester City, New Jersey 08030, identified on the City Tax Map as Block 224, Lot 6, subject to certain terms and conditions.

SECTION 3: The Mayor, Administrator/Clerk and/or Solicitor are hereby authorized to take all actions necessary to conclude the sale in accordance with the requirements of the New Jersey Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) including the execution of all legal documents necessary to conclude the subject transaction.

SECTION 4: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to such extent of such inconsistency.

SECTION 5: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such section, paragraph, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Dayl R. Baile, Mayor

Passed on First Reading:

Adopted by the Mayor and Common Council of Gloucester City this ____ day of _____, 2023.

Vanessa L. Little, RMC

ORDINANCE NO. 04 -2023

AN ORDINANCE AMENDING ORDINANCE 22-2019 AND REPLACING CHAPTER 86B, "VACANT PROPERTY REGISTRATION" OF THE CITY CODE REGARDING THE REGISTRATION AND MAINTENANCE OF CERTAIN PROPERTIES

WHEREAS, the City Council of the City of Gloucester City ("City Council") is authorized pursuant to N.J.S.A. 40:48-2 to enact and amend ordinances, and to amend the Code of the City of Gloucester City, as deemed necessary for the preservation of the public health, safety and welfare of the City and its residents; and

WHEREAS, the City Council is authorized to enact an ordinance requiring registration of commercial and residential properties within the municipality by owners of said property who do not reside in nor operate a business at their properties pursuant to N.J.S.A. 40:48-2.53; and

WHEREAS, the City Council is empowered pursuant to adopt an ordinance to regulate buildings and structures, and their use and occupancy, and to prevent and abate conditions detrimental to the health safety and welfare of the general public pursuant to N.J.S.A. 40:48-2.12a and N.J.S.A. 40:48-2.12f; and

WHEREAS, the City Council is empowered to adopt an ordinance to regulate the care, maintenance, security and upkeep of vacant and abandoned commercial and residential buildings in which a foreclosure action has been filed pursuant to N.J.S.A. 40:48-2.12s1 to N.J.S.A. 40:48-2.12s3 and N.J.S.A. 46:10B-51; and

WHEREAS, the City is empowered to adopt ordinances regulating the removal and elimination of graffiti, debris, brush, weeds and other obnoxious growths pursuant to N.J.S.A. 40:48-2.13, N.J.S.A. 40:48-2.14 and N.J.S.A. 40:48-2.59; and

WHEREAS, vacant and abandoned properties create a wide range of problems for the City, including public health risks, the potential for increased criminal activity through arson and vandalism, negative impacts on the aesthetic value of neighboring properties, and discouragement of neighborhood stability and revitalization; and

WHEREAS, vacant and abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties; and

WHEREAS, it is in the best interest of the City to maintain a registration system to identify, monitor and enforce the maintenance of vacant and abandoned properties; and

WHEREAS, it is in the best interest of the City to ensure that all vacant and abandoned properties within the City of Gloucester City are properly registered and maintained; and

WHEREAS, in order to achieve this purpose, amendments to Chapter 86B are necessary.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Gloucester City, County of Camden, State of New Jersey as follows:

1. Chapter 86B of the City Code be hereby amended, supplemented, revised and replaced with Exhibit A attached hereto.
2. All other Chapters of the City Code shall remain valid and in effect, and are not amended by this Ordinance.
3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. This Ordinance shall take effect after final passage, approval, and publication, as provided by law.

CITY OF GLOUCESTER CITY

Dayl Baile, Mayor

Vanessa L. Little, City Clerk

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O 05 - 2023

**ORDINANCE RESCINDING ORDINANCE 26-2022 AND ADOPTING A
REDEVELOPMENT PLAN AMENDMENT FOR BLOCK 48, LOTS 2, 2.01 AND 2.02
WITHIN THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN, STATE OF
NEW JERSEY**

WHEREAS, in order to facilitate the development, redevelopment, and rehabilitation of the City of Gloucester City (the “City”), the Mayor and Council of the City of Gloucester City (the “City Council”) designated certain property identified on the City’s Official Tax Map as Block 48, Lots 2, 2.01 and 2.02 (formerly Block 48, Lot 2) and Block 48, Lot 4 as an “Area in Need of Redevelopment” (the “Redevelopment Area”) (see Resolution #091-96) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the “Redevelopment Law”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and rescinding

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a redevelopment plan for the Redevelopment Area was adopted pursuant to Ordinance #16-96; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, in order to facilitate the development and rehabilitation of the City, the City prepared an amended redevelopment plan for a portion of the Redevelopment Area identified as Block 48, Lots 2, 2.01 and 2.02 (the “Property”) entitled “Freedom Pier Redevelopment Plan” for the City of Gloucester City, dated May 26, 2022 (the “Redevelopment Plan”); and

WHEREAS, on June 23, 2022, pursuant to Ordinance #15-2022, the Redevelopment Plan was adopted by the City Council; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, in order to facilitate the development and rehabilitation of the City, the City prepared an amendment to the Redevelopment Plan for the Property entitled “Freedom Pier Amended Redevelopment Plan” for the City of Gloucester City, dated January 16, 2023 (the “Amended Redevelopment Plan”); and

WHEREAS, the Amended Redevelopment Plan provides a broad overview for the planning development, redevelopment, and rehabilitation of the Property for purposes of improving conditions within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the City to adopt the Amended Redevelopment Plan to effectuate redevelopment and rehabilitation within the City; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the governing body referred the attached Amended Redevelopment Plan to the Planning & Zoning Board (“Planning Board”) for review and approval following introduction and first reading; and

WHEREAS, the Planning Board approved and recommended adoption of the Amended Redevelopment Plan by the City Council which shall be considered the report of the Planning Board to the City Council as required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, the City Council has reviewed and accepted the recommendations of the Planning Board and determined it to be in the best interest of the City to adopt the Amended Redevelopment Plan to effectuate redevelopment and rehabilitation within the City and specifically the Property, Block 48, Lots 2, 2.01 and 2.02; and

WHEREAS, the City Council is desirous to rescind Ordinance #26-2022 which, at the time, sought to amend the Redevelopment Plan; however, the Planning & Zoning Board did not conduct a review of the amendment and made no finding as to the amendment's consistency with the master plan; and

WHEREAS, on December 22, 2022, Ordinance #26-2022 was inadvertently adopted despite the lack of the Planning & Zoning Board's review.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Gloucester City as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council declares and determines that the redevelopment plan entitled "Freedom Pier Amended Redevelopment Plan" for the City of Gloucester City, dated January 16, 2023, ("Amended Redevelopment Plan") meets the criteria, guidelines, and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the development and rehabilitation of the City and specifically the Property within the Redevelopment Area, and is otherwise in conformance with N.J.S.A.40A:12A-1 et seq.

Section 3. The City Council hereby accepts the recommendations of the Planning Board and adopts the attached Amended Redevelopment Plan for the City of Gloucester City and specifically Block 48, Lots 2, 2.01 and 2.02.

Section 4. The City Council of the City of Gloucester City shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Amended Redevelopment Plan.

Section 5. The Amended Redevelopment Plan shall be an overlay to other local development regulations as set forth in the Amended Redevelopment Plan and the City Zoning Map is hereby amended to conform with the provisions of the Amended Redevelopment Plan. The Amended Redevelopment Plan zoning shall only be available to an applicant, property owner, developer or redeveloper that has an executed Redevelopment Agreement with the City to the extent set forth therein.

Section 6. Ordinance #26-2022 is hereby rescinded.

Section 7. All prior redevelopment plans governing the Property are hereby repealed and ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the City Council that the balance of this Ordinance remains in full force and effect to the extent it allows the City to meet the goals of the Ordinance.

Section 9. This Ordinance shall take effect immediately after final adoption and publication according to law.

Dayl R. Baile, Mayor

Passed on First Reading:

Adopted by the Mayor and Common Council of Gloucester City this ____ day of _____, 2023.

Vanessa L. Little, RMC

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O - 2023

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN OPERATION AND EASEMENT AGREEMENT

WHEREAS, City previously issued Request for Proposals dated October 30, 2007, to develop certain City properties adjacent to the Walt Whitman Bridge with commercial advertising billboards; and

WHEREAS, the response submitted by Interstate Outdoor Advertising, L.P. was selected as the successful proposal. Interstate and Bridgegate Properties, LLC, a New Jersey limited liability company, thereafter formed GCP to implement, in part, the project contemplated by the RFP.

WHEREAS, GCP desires to develop and operate up to four Displays certain real property located along and adjacent to the north and south sides of the Walt Whitman Bridge, subject to obtaining all necessary approvals; and

WHEREAS, the project involves obtaining approvals for, developing, and thereafter operating four free-standing double-sided 14' x 48' outdoor advertising Displays for the display of off-premises commercial advertising. Each Display is proposed to have one static face and one digital, electronic changeable message face. Two of the Displays are proposed to be located on the north side of the Bridge and two will be located on the south side of the Bridge, with commercial advertising thereon showing to motorists on and crossing over the Bridge; and

WHEREAS, the proposed locations for the Displays are shown conceptually on the plan attached to the Operation and Easement Agreement; and

WHEREAS, the Concept Plan designates and depicts four locations, designated as #1 through #4; and

WHEREAS, location #4 is legally owned in fee simple by City; and

WHEREAS, GCP and City intend and desire to obtain any and all necessary approvals for development and operation of the Displays in conjunction with each other, as a common project for the mutual benefit of GCP and the City. In order to effectuate the common development, use and operation

thereof, the Parties desire to enter into certain covenants and agreements, as to the Location, desires to create, give, grant, bargain, sell and convey to GCP as Grantee, permanent easements, such easements being more fully described and defined in the attached Operations and Easement Agreement.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

- Section 1:** The Mayor of the City of Gloucester City is hereby authorized to execute the Operation and Easement Agreement attached hereto and made a part hereof.
- Section 2:** All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 3:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.
- Section 4:** This Ordinance shall take effect immediately upon final passage and publication as required by law.

Dayl R. Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, RMC, CMR

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#007 - 2023

**ORDINANCE AMENDING CHAPTERS 71, 86 AND 90 OF THE CODE
OF THE CITY OF GLOUCESTER**

WHEREAS, it has become necessary to implement increased water and sewer connection fees and rents, fees for other services, repairs, materials, equipment and hourly employee provisions by the Gloucester City Utilities Division of the Public Works Department. It also implements a new Federal and State mandated regulation for combined sewer overflow and storm water system.

NOW, THEREFORE, BE IT ORDAINED that the Code of the City of Gloucester City be amended thus:

SECTION 1. §71-6A entitled "Schedule of Rents: Definitions" shall be deleted in its entirety and replaced with the following language:

"The following schedule quarterly charges shall become effective on April 1, 2023, commencing with the third billing in 2023":

Sewer Rate Schedule

<u>Use</u>	<u>Current Rate</u>	<u>New Rate</u>
Dwelling, individual	\$81.00	\$93.00
Dwelling, multiple per unit	\$81.00	\$93.00
Rooming house, renting not more than two rooms	\$81.00	\$93.00
Rooming house, renting 3 to 6 rooms	\$127.00	\$146.00
Rooming house, renting 7 to 10 rooms	\$157.00	\$181.00
Swim club	\$247.00	\$284.00
Stores and commercial establishments:		
-Establishments with facilities other than in private dwelling attached, staff not more than 10	\$127.00	\$146.00
-Each additional 10 on staff or fraction thereof	\$127.00	\$146.00
Clubs, lodges, and catering halls with bar and kitchen facilities	\$301.00	\$346.00
Clubs, lodges, and catering halls with no bar but with kitchen facilities	\$210.00	\$241.00
Clubs, lodges, and catering halls with neither bar nor kitchen facilities	\$127.00	\$146.00
Undertaking establishments with facilities other than in private dwelling attached	\$127.00	\$146.00
Professional offices, with facilities other than in private dwellings attached	\$127.00	\$146.00
Service stations, with car washing	\$210.00	\$241.00
Service station, without car washing	\$127.00	\$146.00
Theaters, per 200 seats or fraction thereof	\$109.00	\$125.00
Hotels per room	\$92.00	\$106.00
Hotels per room with wet bar and/or sink	\$102.00	\$117.00
Barbershops and beauty parlors:		
Not over 2 chairs	\$127.00	\$146.00
Each additional chair	\$83.00	\$95.00
Automatic laundry service, each 3 fixtures (machine and other)	\$127.00	\$146.00

<u>Use</u>	<u>Current Rate</u>	<u>New Rate</u>
Taprooms, bars and restaurants:		
With 3 fixtures	\$127.00	\$146.00
Each additional 3 fixtures or fraction thereof	\$127.00	\$146.00
Trailer camps, each trailer	\$102.00	\$117.00
*Without grease traps or sand traps add 10%		
Public building, other than owned by the City of Gloucester, each 3 fixtures or fraction thereof	\$127.00	\$146.00
Churches	\$83.00	\$95.00
Rates for schools: For each student, faculty member and employee (annually)	\$3.00	\$3.45
Rate based on water consumption: Including but not limited to car washes, laundries, dairies, industrial uses, commercial training or trade schools, port related uses, warehousing, refrigerated warehousing, laboratories, manufacturing facilities, industrial bakeries, water furnished by meter per 1,000 gallons: minimum rate (for accounts using 20,000 gallons of water or less)	\$127.00	\$146.00
Water usage rate (in addition to the minimum rate for accounts using more Than 20,000 gallons of water per quarter	\$4.75 per 1,000 gallons or part thereof over 20,000 gallons Thereof	\$5.50 per 1,000 gallons or part thereof over 20,000 gallons Thereof

NO CHANGES MADE TO THIS SECTION:

CSO-Combined Sewer Overflow

In accordance with Federal and NJDEP certain rules and regulations, the City of Gloucester owns and operates a combined sewer system. The additional cost to operate and maintain said system shall be added to the regular sewer bill. Increased charges shall be residential - \$24.00/year, commercial - \$45.00/year

NO CHANGES WILL BE MADE TO THIS SECTION

SECTION 2.

§71-21 Storm Sewer

As per required by NJDEP certain rules and regulations have been imposed and must be adopted, as well as, enforced by each owner of a storm water system. The annual sum of cost per household shall be \$24.00 or \$6.00/quarter. Commercial rate shall be calculated at a rate of \$28.00 annual or \$7.00/quarter.

NO CHANGES WILL BE MADE TO THIS SECTION

SECTION 3. §86A-4., 'Water, Sewer, hourly employee and equipment rates'

§86A-4.A. Water fees.

(1) Water connection fee – per Equivalent Domestic Consumer Unit (EDCU).

	<u>Current Rate</u>
3/4"	\$4,000.00
1"	\$4,200.00
2"	\$4,400.00
3"	\$5,200.00
4"	\$7,000.00
6"	\$8,000.00
8"	\$9,000.00
10"	\$13,000.00

(2) Irrigation connection fee.

1"	\$5,000.00
2"	\$6,000.00
3"	\$9,000.00
4"	\$10,000.00

(3) Fire service connection fee.

2"	\$5,000.00
3"	\$6,000.00
4"	\$6,500.00
6"	\$8,500.00
8"	\$11,000.00
10"	\$12,000.00

(4) Service fees.

a) Service report call out* \$45.00/hr.

*Answer any complaint or need of service, other than Water quality, for time only. Materials are at additional costs

b) Utility Inspections

[1]. Plan review	\$120.00/HR
[2]. Installation/Inspection	\$60.00/HR
[3]. Account review	\$96.00/HR
[4]. Account set up	\$158.40/HR

(5) Meter test.

5/8", 3/4" or 1"	\$175.00
2"	\$250.00
3" and larger	Quote

(6) Meter

5/8" x 3/4"	\$510.00
3/4"	\$530.00
1"	\$575.00
2"	\$1,500.00
3" and larger	\$1,800.00
4"	\$3,450.00
6"	\$4,800.00
8"	\$7,100.00
10"	\$10,450.00

NO CHANGES TO THIS SECTION

SECTION 3. §86A-4., 'Water, Sewer, hourly employee and equipment rates'(Cont'd)

(7) Hardware.

¾" Spuds/Set 3	Bronze	\$54.00
1" Spuds		\$62.00
2" Flanges		\$75.00
3" Flanges		\$235.00
4" Flanges		\$450.00
6" Flanges		\$750.00
8" Flanges		\$800.00

The following hardware will be charged to the customer at 25% over the market price:

	¾	1"	2"
Corporation	\$70.00	\$104.00	\$160.00
Curb valve	\$50.00	\$75.00	\$180.00
Curb box	\$52.00		
Street box	\$110.00		
Back flow preventer	Quote		
Water pipe	Quote		
Sewer pipe	Quote		
MXU	\$205.00		
Risers	Quote		
Lids	Quote		
Repair Cap	\$15.00		
Phila Stylevent	\$32.00		

(8) Water sample request.

Primary	\$148.00
Secondary	\$148.00
Bacteria	\$24.00
Volatile organic scan	\$150.00
Gross alpha 226/228	\$575.00
Sample	\$40.00
Nitrate/Nitrite	\$24.00
PH	\$15.00
Chlorine	\$15.00
Iron	\$15.00

NO CHANGES TO BE MADE TO THIS SECTION

§86A-4.B.

Sewer fees.

(1) Connection fee – Sewer (per EDCU).	<u>Current Rate</u>
4"	\$5,000.00
6"	\$6,000.00
8"	NO CHANGE
10"	NO CHANGE
(2) Removed Previously	
(3) Sewer Service	
4"	\$75.00
6"	\$95.00
Trap 4"	\$150.00
Trap 6"	\$180.00
Sewer Tap 4" Fee	\$300.00
Sewer Tap 6" Fee	\$300.00
Manhole lid and riser	\$700.00

NO CHANGES TO BE MADE TO THIS SECTION

§86A-4.C. Hourly employee and equipment rates.

(1)	Employee rates per hour.	
	Operator	\$40.00
(2)	Equipment.	
	Blowout	\$35.00
	Backhoe	\$45.00
	Compressor	\$25.00
	Pump	\$25.00
	Power tools	\$20.00
	Utility truck	\$25.00
	Dump truck	\$25.00
	Generator	\$25.00
	Confine space entry equipment	\$50.00/day
	Markout	\$25.00
	Traffic control	\$45.00
	Road repair – cold patch	\$75.00/ton
	Vac truck	\$100.00
	Jetter truck	\$110.00

NO CHANGES TO BE MADE TO THIS SECTION

SECTION 4. §90-28 entitled 'Testing of meters; cost; advertisement of bids' :

§90-28

A. Water Meter Certification

1. Large diameter water meters greater than 2" shall be tested and repaired or replaced every 10 years.
2. At properties where 2" meter or larger are installed. The city will have the meters inspected and tested by a qualified meter testing company. If a meter is not functioning or if the meter is found to register inaccurately by more than 1.5%. It shall be removed and a new meter installed and retested within 15 days of install.
3. If any inoperative equipment is found it must be repaired, replaced and inspected and approved by the city.
4. The owner of the metered premises shall pay all costs incurred for inspection, testing, replacement installation, repairs, maintenance and any related costs. The city at its expense may test and inspect any meter it believes may not be functioning properly. If the test reveals any malfunctions a new or reconditioned certified meter must be installed as well as all required equipment, the owner shall be held responsible for improvements and cost.
5. The city will supply replacement meters to its customers meters 2" and larger and they shall be paid for by owner of the premises.

SECTION 5. §90-31, entitled ‘Schedule of water rents.’ shall be amended in its entirety by deleting the current language and replacing it with the following language:

“The following schedule of quarterly charges shall become effective on April 1, 2023, commencing with third billing in 2023”:

Water Rate Schedule

Meter Size (inches)	Minimum Charge Per Quarter		Allowance in Gallons
	Current Rate	New Rate	
5/8" x 3/4"	\$71.00	\$82.00	10,000
3/4"	\$100.00	\$115.00	10,000
1"	\$157.00	\$180.00	10,000
1 1/2"	\$283.00	\$325.00	10,000
2"	\$440.00	\$505.00	30,000
3"	\$714.00	\$820.00	40,000
4"	\$982.00	\$1,130.00	70,000
6"	\$1,964.00	\$2,260.00	80,000
8"	\$2,513.00	\$2,890.00	150,000
10"	\$3,141.00	\$3,610.00	160,000

Excess Usage Rates

Any additional metered amounts over the allowance per quarter as follows:

Gallons –Charge per 1,000 gallons

	Current Rate		New Rate	
	RES.	COM.	RES.	COM.
0 to 5,000	\$6.50	\$6.75	\$7.50	\$7.75
6,000 to 10,000	\$7.25	\$7.75	\$8.35	\$9.00
11,000 to 15,000	\$8.00	\$8.75	\$9.25	\$10.00
16,000 to 20,000	\$9.25	\$10.25	\$10.65	\$11.85
21,000 to 30,000	\$10.00	\$11.00	\$11.50	\$12.65
Over 31,000	\$11.00	\$11.00	\$12.65	\$12.65

NO CHANGES HAVE BEEN MADE TO THIS SECTION

SECTION 6. §90-31.1., entitled “Schedule of miscellaneous fees”,

Service	Current Rate
Administration fee	\$42.00
Water turn on or off (normal hours)	\$24.00
Water turn on or off (after hours/holidays)	\$60.00
Reprocessing charges (check cashing)	\$100.00
Collection fee – city personnel posting of notice on property for shut off	\$25.00
Final read/Utility Inspection	\$75.00
Reread of meter	\$35.00
Charge for missed appointments (after 1 st miss)	\$35.00

BE IT FURTHER ORDAINED that all prior ordinances inconsistent with this ordinance are repealed only to the extent of such inconsistency.

BE IT FURTHER ORDAINED that if any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Dayl R. Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, RMC, CMR

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O - 2023**

**AN ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY TO PROVIDE FOR A CANNABIS ESTABLISHMENT AS
CONDITIONALLY PERMITTED USE OVERLAY ZONE AND CREATING A LICENSING
PROCESS**

WHEREAS, the City of Gloucester City ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and is located in Camden County; and

WHEREAS, in 2020 New Jersey voters approved Public Question No.1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law, P.L. 2021, c.16 known as the "New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act" ("CREAMMA"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession: and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries; and

WHEREAS, CREAMMA authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments, Cannabis distributors and Cannabis Delivery services, except for the delivery of Cannabis items and related supplies by a Cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their jurisdictional boundaries as follows:

- Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4: Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5: Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Mayor and Council of the City of Gloucester has determined that in light of the foregoing it is in the best interest of the City to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the City and health, safety and welfare of its residents and visitors;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

SECTION 1: Chapter ____, Local Licensing Procedures is hereby amended to add the following:

Article III, Cannabis Licensing Procedures

§_____. Licensed Required – Cannabis Facilities.

- A. No person or business entity shall engage in or carry on any cannabis business of any Class, in the City of Gloucester City, or engage in said business, unless a license as herein provided for shall have been first obtained by the person or business entity engaging in said business.
- B. Any person or business wishing to obtain a local cannabis license for any class of cannabis establishment shall file a license application with the City Clerk, on a standardized form established by the City Clerk in a form attached hereto and made a

part hereof, and available in the Clerk's office and on the City's website.

C. An application shall be deemed incomplete, and shall not be processed by the City Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant shall submit proof of licensure by the State of New Jersey.
- (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.
- (3) The location proposed for licensing by the applicant shall comply with all applicable City zoning laws and the location restrictions set forth in the City Land Use Ordinance.
- (4) The applicant shall submit a nonrefundable initial application fee in the amount of Two Thousand Five Hundred Dollars (\$2,500) or a nonrefundable annual renewal fee in the amount of One Thousand Dollars (\$1,000) as appropriate. The amount of the nonrefundable application or renewal fee may be modified from time to time by subsequent duly adopted Fee Ordinance by the City of Gloucester City.
- (5) The applicant and the substance of the application shall otherwise comply with any and all qualification standards set forth in all state and local laws, rules and regulations.
- (6) Notwithstanding the foregoing, any entity requiring a letter of endorsement from the Mayor or Common Council of the City of Gloucester shall first make send request in writing along with a letter fee in the amount of \$750.00.

§ _____. **Term of license and license renewal; transfers.**

- A. Any duly issued license by the City of Gloucester City shall be valid for a period of (1) year, commencing January 1, of each year and each succeeding year.
- B. The City Clerk may, at his/her discretion, adjust the annual renewal date of the local cannabis license to correlate with an applicant's state licensing or renewal schedule to the extend applicable.
- C. Upon renewal of a license hereunder, the licensee shall be governed by any amendments, further restrictions, or change in requirements adopted since the previously license was issued or renewed.
- D. Transfer of ownership of a license, changes of location of any license issued hereunder, or modifications to expand a licensed premise shall be require the issuance of a new license requiring the initiation of the licensing process, subject to the express review and approval

of the City of Gloucester City or its Land Use Board.

- E. If the licensee shall receive a notice of violation of any law or regulations relating to its state license, including disciplinary action against any past or current cannabis license, the application for renewal shall include a copy of any such violations issued, or other such disciplinary action with its application.
- F. Any person aggrieved by the action of the City Clerk in the denial of an application for license, or the decision with reference to the revocation or suspension of a license in accordance with this chapter, shall have the right of appeal to the City's Common Council. Such appeal shall be taken by filing with the City Clerk, within ten (10) days of the action complained of, a written statement setting forth fully the grounds for the appeal. The City's Common Council may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this chapter, at least five (5) days prior to the date set for said hearing. The decision and order of the City Council on such appeal shall be final and conclusive.

§266-25. Enforcement.

This Article and/or Article §_____, its entirety, shall be enforced by the Police Department and/or other municipal officials of the City of Gloucester City.

§266-26. Disposition of fees.

The Clerk of the City of Gloucester City shall turn over all said license fees collected by him/her to the City Chief Financial Officer.

§266-27. Violations and penalties.

Any person violating any provision of this article shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of a court of competent jurisdiction. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this article, subject to the penalties herein prescribed.

SECTION 2. Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Gloucester City inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect upon its passage and publication as provided for by law.

Dayl R. Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, RMC,
Certified Municipal Registrar



CANNABIS BUSINESS APPLICATION

512 MONMOUTH STREET GLOUCESTER CITY NJ 08030 856-456-0205

1. LICENSE TYPE INFORMATION

1.	LICENSE TYPE SOUGHT (mark below)			
<input type="checkbox"/>	Class 1 – Cultivator	<input type="checkbox"/>	Class 2 – Manufacturer	
<input type="checkbox"/>	Class 3 – Wholesale	<input type="checkbox"/>	Class 4 – Distributor	
<input type="checkbox"/>	Class 5 – Retailer	<input type="checkbox"/>	Class 6 – Delivery	
2.	MICROBUSINESS	<input type="checkbox"/>	Yes	<input type="checkbox"/>
3.	SOCIAL EQUITY	<input type="checkbox"/>	Yes	<input type="checkbox"/>
4.	DIVERSITY OWNED	<input type="checkbox"/>	Yes	<input type="checkbox"/>
			No	<input type="checkbox"/>
			No	<input type="checkbox"/>
			No	<input type="checkbox"/>

2. BUSINESS
(location in Bellmawr)

1.	Business Name:	
2.	Street Address:	
3.	City:	
4.	State:	
5.	Zip Code:	
6.	Phone:	

3. APPLICANT

1.	Applicant Name:	
2.	Street Address:	
3.	City:	
4.	State:	
5.	Zip Code:	
6.	Phone:	
7.	Email:	

4. PRIMARY CONTACT

1.	Primary Contact Name:	
2.	Street Address:	
3.	City:	
4.	State:	
5.	Zip Code:	
6.	Phone:	
7.	Email:	

5. APPLICATION STATUS

STATE APPLICATION STATUS		YES	NO
1.	Submitted Application to State CRC	<input type="checkbox"/>	<input type="checkbox"/>
2.	Seeking Condition Application with State CRC	<input type="checkbox"/>	<input type="checkbox"/>
3.	Has CRC Approved your application?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Was your CRC Application denied?	<input type="checkbox"/>	<input type="checkbox"/>
5.	State license number (if applicable)		
LOCAL APPLICATION STATUS			
6.	Does the Applicant have site control? (proof required)	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Yes, we have a signed lease	<input type="checkbox"/>	<input type="checkbox"/> Yes, we own the site
7.	Submitted Conditional Use Application to Land Use Board	<input type="checkbox"/>	<input type="checkbox"/>
8.	If yes, is the Land Use Board application already approved?	<input type="checkbox"/>	<input type="checkbox"/>
LICENSE RENEWAL ONLY			
9.	Has license type information changed?	<input type="checkbox"/>	<input type="checkbox"/>
10.	If applicable, are you still a Microbusiness?	<input type="checkbox"/>	<input type="checkbox"/>

6. APPLICATION CHECKLIST

(An applicant shall submit the following documents or information)

		SUBMITTED	YES	NO	N/A
1.	Complete and Notarized Financial Interest Section. See next page. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Proof the cannabis establishment or cannabis distributor will be operated pursuant to all local and state regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Any necessary approvals by the Gloucester City Planning, Zoning or other related boards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Statement and/or plans of odor mitigating practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Safety and security plans and procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	A business and financial plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. FINANCIAL INTEREST

(Attach additional sheets as necessary)

QUESTIONS TO BE ANSWERED BY CORPORATIONS ONLY	
Any corporation that is reported to have an interest in the business to be licensed, whether the licensee company, the parent corporation or the licensed company, holding company, or otherwise affiliated in the corporate chain must answer the following using separate sheets for each corporation. Answer questions for both section 6 and 7 for each corporation.	
1.	Name or Corporation:
2.	Street address of home office:
	Municipality:
	State/Country:
	Zip Code:
3.	NJ Sales Tax Certificate of Authority Number:
4.	If corporation address in number 2 above it out of state, report below the address of any office location in New Jersey, insert n/a if none.
	Street address:
	Municipality:
	State: New Jersey
	Zip Code:
5.	Is the corporation now an existing, valid corporation? <input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Date chartered or incorporated (mm/dd/yyyy):
	State chartered or incorporated:
7.	Certificate of incorporation number:
8.	If not incorporated under the laws of New Jersey, has the corporation received an authorization to conduct business in New Jersey from the New Jersey Office off the Secretary of State? <input type="checkbox"/> Yes <input type="checkbox"/> No
9.	Has the corporation charter ever been revoked by the Office of the Secretary of State in New Jersey? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If the Answer if "Yes", insert the date of revocation, or if suspended, the beginning and ending date of the suspension.
	Date of revocation (mm/dd/yyyy):
	Beginning date (mm/dd/yyyy):
	Ending date (mm/dd/yyyy):
10.	Insert the name and address of registered or authorized agent in New Jersey upon whom service of process in any proceedings against the Applicant, pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, or proceedings in a State of U.S. District Court, may be made:
	Name (last, first, MI or Corporate Name):
	Street Address:
	Municipality:
	State: New Jersey
	Zip Code:
	Phone Number:
	Email:
11.	If the licensed company is owned by other corporation(s) or in a corporate chain, attached a diagram depicting the corporate relationships and the percentage of stock interest, in the company to be licensed, owned by other corporations or other non-corporate entities (individuals, partnerships, associations).

8.

FINANCIAL INTEREST A

(Attach additional sheets as necessary)

ALL APPLICANTS ANSWER THE FOLLOWING (ADD PAGES AS NECESSARY)			
SOLE OWNERS AND PARTNERSHIPS: Complete this page in full			
LIMITED PARTNERSHIP: All information about a general partner or partners of a limited partnership must be reported, whether the general partner is an individual or a corporation. A list of the names and addresses of all limited partners must be submitted as an attachment to this application with an identification of the percentage of each limited partner as it relates to total ownership of the business entity to be licensed.			
CORPORATIONS: All corporation applicants or licensees and any corporation that has an ownership interest in the corporation under license or to be licensed must have been reported in section 6. Information on this page will identify all officers, directors, and stockholders holding one percent or more of the shares of the respective company.			
Name of corporation by this page (complete <u>ONLY</u> if applicant or stockholder is a corporation or a partnership)			
1.	Name of individual (last name first), stockholder, partner, officer or director:		
2.	Home Street address:		
	P.O. Box:		
	Municipality:		
	State/Country:		
	Zip Code:		
3.	Social Security Number:		
4.	Date of Birth (MM/DD/YYYY):		
5.	Home Telephone Number:		
6.	Office Telephone Number:		
7.	Percent of business owned or controlled:		
8.	Number of shares:		
9.	Check position that applies:		
	<input type="checkbox"/> Sole Owner	<input type="checkbox"/> Partner	<input type="checkbox"/> Stockholder
	<input type="checkbox"/> President	<input type="checkbox"/> Vice-President	<input type="checkbox"/> Secretary
	<input type="checkbox"/> Treasurer	<input type="checkbox"/> Director	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Manager	<input type="checkbox"/> Agent	<input type="checkbox"/> Executor/Administrator
	<input type="checkbox"/> Receiver	<input type="checkbox"/> Beneficiary	<input type="checkbox"/> Other: _____
1.	Name of individual (last name first), stockholder, partner, officer or director:		
2.	Home Street address:		
	P.O. Box:		
	Municipality:		
	State/Country:		
	Zip Code:		
3.	Social Security Number:		
4.	Date of Birth (MM/DD/YYYY):		
5.	Home Telephone Number:		
6.	Office Telephone Number:		
7.	Percent of business owned or controlled:		
8.	Number of shares:		
9.	Check position that applies:		
	<input type="checkbox"/> Sole Owner	<input type="checkbox"/> Partner	<input type="checkbox"/> Stockholder
	<input type="checkbox"/> President	<input type="checkbox"/> Vice-President	<input type="checkbox"/> Secretary
	<input type="checkbox"/> Treasurer	<input type="checkbox"/> Director	<input type="checkbox"/> Trustee
	<input type="checkbox"/> Manager	<input type="checkbox"/> Agent	<input type="checkbox"/> Executor/Administrator
	<input type="checkbox"/> Receiver	<input type="checkbox"/> Beneficiary	<input type="checkbox"/> Other: _____

**9.
SUBMISSION
CHECKLIST**

<input type="checkbox"/>	Please attach the required affidavits and supplemental forms, reports, and other documents needed to process your application, see section 5.
<input type="checkbox"/>	Please issue a \$2,500 check for us to intake your application. A submission without the \$2,500 application fee will <u>NOT</u> be accepted. Submit the check by mail or in person.
<input type="checkbox"/>	Please fill out an Affidavit of Submission. A Cannabis Business Application will not be accepted if one is <u>NOT</u> submitted.
<input type="checkbox"/>	Initials of the Applicant/Preparer: (Must match Affidavit of Submission) _____
<input type="checkbox"/>	Once you have completed all of the Submission Checklist items above, you can email you application to vanessa@cityofgloucester.org

CONTACT:

Vanessa Little, Borough Clerk
512 Monmouth St.
PO Box 150
Gloucester City NJ 08030
vanessa@cityofgloucester.org
856-456-0205

AFFIDAVIT OF SUBMISSION

I, the Applicant, certify that the statements and information on the submitted Cannabis Business Application and the attached materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Applicant and that I am authorized to sign the Affidavit of Submission for the Corporation or that I am a General Partner of the Partnership Applicant. I hereby permit authorized Borough official(s) to inspect the subject property in conjunction with this application.

Address (Subject Property): _____

Block(s)/Lot(s): _____

Initials of Applicant (must match GDA)

Applicant Signature

Property Owner Signature Authorizing Submission of the Application if other than Applicant

Sworn to and subscribed before me this date _____

Notary Public

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O 09 -2023

**ORDINANCE AMENDING AND SUPPLEMENTING THE CITY OF GLOUCESTER CITY
DEVELOPMENT ORDINANCE TO CODIFY AND IMPLEMENT THE PROVISIONS OF THE
2018 MASTER PLAN RE-EXAMINATION REPORT AND OTHER LEGAL REQUIREMENTS
AND A RE-CODIFICATION OF THE LAND USE ORDINANCE IN GENERAL**

WHEREAS, the Mayor and Common Council of the City of Gloucester City, County of Camden, and State of New Jersey (the "City"), have reviewed the City Master Plan update adopted by the Land Use Board of the City of Gloucester City on or about May 16, 2018; and

WHEREAS, the Mayor and Common Council under the authority set forth in the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D:1-1 et seq.) are empowered by law to implement the City Master Plan through the adoption of ordinances; and

WHEREAS, the Mayor and Common Council have deemed it in the best interest of the public health, safety and welfare to implement the City's Master Plan; and

WHEREAS, this Ordinance is the second among many designed to update and codify the provisions of the 2018 Master Plan; and

WHEREAS, on March 19, 2015, Resolution #066-15, in accordance with the provisions of N.J.S.A. 40:55D-28, was adopted by the Mayor and Common Council of the City of Gloucester City directed the Land Use Board to review and, if necessary, amend the 2009 Master Plan Re-examination Report consisting, at a minimum of, the following:

- a. Describe the major problems and objectives relating to land development in the municipality at the time of the adoption of the last re-examination report.
- b. Describe the extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. Describe the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. Recommend specific changes for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

WHEREAS, this Ordinance was referred to the Land Use Board of the City of Gloucester City pursuant to the New Jersey Municipal Land Use laws; and

WHEREAS, the Land Use Board of the City of Gloucester City has recommended the adoption of this Ordinance and has determined that it is consistent with the City's Master Plan.

WHEREAS, the Land Use Board and City of Gloucester City desires to recodify its existing Land Development Ordinance as set forth in the document attached hereto and identified as new Chapter 93 of the Code of the City of Gloucester City.

NOW, THEREFORE, be it Ordained by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey that the Gloucester City Development Ordinance to codify and implement the provisions of the 2018 Master Plan Re-Examination and Recodification of the Land Development and Zoning Ordinance in general, be supplemented, replaced and amended as follows:

Section 1: The following amendments, additions and/or revisions shall apply:

The Zoning Map, dated October 16, 1998 is hereby amended by placing as set forth in the attached Chapter 93 of the Land Development and Zoning Ordinance.

Section 2: The recodification of the entire Land Development and Zoning Ordinance is hereby replaced with the Chapter 93 of the Code of the City of Gloucester City.

Section 3: Attached all prior ordinances inconsistent with this ordinance are repealed only to the extent of such inconsistency.

Section 4: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5: This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Dayl Baile, Mayor

Passed on First Reading: February 23, 2023.

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa L. Little, RMC, City Clerk

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O10-2023**

ORDINANCE AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT

Dayl Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa Little, RMC, City Clerk

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O 11 -2023

**AN ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 55 OF
THE CITY CODE REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-
BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS**

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, it in the best interests of the residents of the City of Gloucester City to amend the City Code at this time to require inspections for lead-based paint in residential dwellings to conform with New Jersey State Law; and

NOW, THEREFORE, be it ordained by the Mayor and Common Council of the City of Gloucester City as follows:

Section 1: Chapter 55 of the City of Gloucester City Code, entitled “Housing Code” shall hereby be amended and supplemented as follows:

§55-14.1 Lead-Based Paint Inspections.

A. Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and B

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171 et seq.

Lead-Based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant Turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

B. Inspections.

(1) Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

(2) A lead evaluation contractor retained by the City shall inspect every single-family, two-family, or multiple dwelling located in the City of Gloucester City for lead-based paint hazards through visual assessment and dust swipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

(3) In lieu of having the dwelling inspected by the City's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of

Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

(4) In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint standards if the unit:

- (a) Has been certified to be free of lead-based paint;
- (b) Was constructed during or after 1978;
- (c) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law,” P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.)
- (d) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months in duration each year by tenants that don not have consecutive lease renewals; or
- (e) Has a valid lead-safe certification.

(5) The owner, landlord and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

(6) If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using a lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the City's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

(7) If no lead-based paint hazards are identified, then the City's lead evaluator shall certify the unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

(8) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

(a) Provide evidence of a valid lead-safe certification from the most recent tenant turnover at the time of the cyclical inspection.

(b) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to the new tenants of the property at the time of tenant turnover unless the dwelling was not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §55-14.1(B)(4) of this Chapter.

(c) Maintain records of lead-safe certification, which shall include the name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

C. Fees.

(1) Notwithstanding any other fees due pursuant to this Chapter, a fee shall be paid for each unit as follows:

(a) One (1) or fewer bedrooms the fee is \$250;

(b) Two (2) bedrooms the fees is \$275;

(c) Three (3) or more bedrooms the fee is \$300

(2) The first reinspection fee, if such reinspection is required is included with the fee for the initial inspection. Any subsequent reinspection will carry a fee of \$50 plus \$20 for each failed dust swipe.

(3) The fee for filing a lead-safe certification or lead-free certification shall be \$50.

(4) The fees collected pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.

(5) In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowner's association, unless the association is the owner of the unit.

D. Violations. Penalties for violations of this subsection shall be as follows:

(1) If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq., the owner shall have thirty (30) days to cure the violation.

(2) If the property owner fails to cure the violation after 30 days, the property owner shall be subject to penalty not to exceed \$1000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 2: If any provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any section, subsection, paragraph subdivision or clause of this Ordinance.

Section 3: If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, those provisions shall be repealed to the extent of such conflict

Section 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Dayl R. Baile, Mayor

Passed on First Reading:

Adopted by the Mayor and Common Council of Gloucester City this day of , 2023.

Vanessa L. Little, RMC, City Clerk

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O12-2023**

**ORDINANCE AMENDING CHAPTER 87, VEHICLES AND TRAFFIC, ARTICLE XIII.
ENTITLED PERMIT PARKING, COUNTY OF CAMDEN, STATE OF NEW JERSEY**

WHEREAS, this amendment is in the best interest of health, safety and welfare of the citizens of the City of Gloucester City (“City”); and

WHEREAS, the City desires to amend Chapter 87, specifically §87-61A.11 by adding and creating an additional Street Designation for Permit Parking within the City of Gloucester City as recommended by the Gloucester City Police Department and in accordance with Article XIII.A. entitled Permit Parking; and

WHEREAS, New Jersey Statutes provides the City the authority to set certain permissible street regulations on any highway under its jurisdiction, by Ordinance; and

WHEREAS, the Mayor and Common Council of the City of Gloucester City desire to amend the Code of the City of Gloucester City, specifically Chapter 87-61A.11, entitled Street designated.

NOW, THEREFORE, be it Ordained by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

Section 1: The following Street is hereby added to Stop Intersection is hereby added to §87-61A.11:

Street	Location	Hours	Days
North Burlington Street	300 Block, between Salem Street and Essex Street only	6:00 a.m.-6:00 p.m.	Monday – Sunday

Section 2: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Dayl Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27th day of March, 2023.

Vanessa Little, RMC, City Clerk

013-2023

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF {CITY OF GLOUCESTER}**

ORDINANCE NO. XX-XX

AN ORDINANCE BY THE Mayor and Council of the City of Gloucester AMENDING THE {City of Gloucester} CODE OF ORDINANCES TO REPEAL CHAPTER 48A, FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 48A FLOOD MANAGEMENT ORDINANCE; 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 {City of Gloucester} 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 {City of Gloucester} was accepted for participation in the National Flood Insurance Program on {date of regular program entry} and the {Mayor and Council of the City of Gloucester} 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 {City of Gloucester} is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

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

NOW, THEREFORE, BE IT ORDAINED by the {Mayor and the Council of the City of Gloucester} of {City of Gloucester} 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 48A, Flood Damage Prevention.

SECTION 101 SCOPE AND ADMINISTRATION

101.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations of {City of Gloucester}* (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 {City of Gloucester} administer and enforce the State building codes, the {Mayor and Council of the City of Gloucester} of {City of Gloucester} 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 [or optional higher threshold amount up to \$2000 under N.J.S.A. 40:49-5], 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 [or optional higher threshold amount up to \$2000 under N.J.S.A. 40:49-5] 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 **City of Gloucester** was accepted for participation in the National Flood Insurance Program on **{date of regular program entry or date of first floodplain management ordinance, whichever is earlier}.**

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the **Office of the Floodplain Administrator, Gloucester City Municipal Building located at 512 Monmouth Street, Gloucester City, New Jersey.**

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, Camden County, New Jersey (All Jurisdictions) }** dated **{August 17, 2016}** and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is **{August 17, 2016}** are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34007CIND0C	08/17/2016		34007C0038F	08/17/2016	
34007C0017F	08/17/2016				

34007C0019F	08/17/2016				
34007C0036F	08/17/2016				

- 2) **Federal Best Available Information.** {City of Gloucester} 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
N/A			

- 3) **Other Best Available Data.** {City of Gloucester} shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the {City of Gloucester}. 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.

Optional Higher Standard – The community may develop more restrictive flood zone mapping with larger areal extents or more restrictive elevations by resolution and incorporating these maps into this ordinance. A record shall be kept in this ordinance of the more restrictive map in the following Table, renumbering subsequent tables, as necessary.

Table 102.2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

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

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

Table 102.2(3 or 4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
N/A		

- 5) Optional Higher Standard – The most restrictive 0.2% annual chance (500 year) effective or preliminary FEMA flood study is adopted by this ordinance for consideration when establishing the Best Available Flood Hazard Data Area.
- 6) Optional Higher Standard- US Army Corps of Engineers Maps with more restrictive data could be referenced here if the jurisdiction wants to include these maps for construction and decision-making purposes.
- 7) Optional Higher Standards for minimum design elevations could be included here if these are more restrictive than the standards referred to in this section.

102.3 Establishing the Local Design Flood Elevation (LDFE)

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

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

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

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Floodplain Administrator Designation. The {Zoning Officer} 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 {City of Gloucester} have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

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

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

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by

Final Draft Model Code Coordinated Ordinance. 11.05.2021 9

submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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

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

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

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

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

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

103.13 Development in riparian zones. All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between

50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

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

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

103.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies,

Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

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

SECTION 104 PERMITS

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

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

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

104.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on

submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

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

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall

notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.

- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

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

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

SECTION 107 VARIANCES

107.1 General. The **{Mayor and Common Council}** shall hear and decide requests for variances. The **{Mayor and Common Council}** 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 **{Mayor and Common Council}** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

107.6 Conditions for Issuance Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

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

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

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall

also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 [or optional higher threshold amount up to \$2000.00 under N.J.S.A. 40:49-5] may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

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

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

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, bathhouses, 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 Final Draft Model Code Coordinated Ordinance. 11.05.2021

circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

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

AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas

from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The {City of Gloucester} 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 an 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 Final Draft Model Code Coordinated Ordinance. 11.05.2021

State Board of Architects.

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

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

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

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

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

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

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

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

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

approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

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

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

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

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



RESIDENTIAL – Pursuant to the ASCE 24:

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

SOLID WASTE DISPOSAL – "Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped,

spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

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

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

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

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

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

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

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

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 **[or optional lower number]** 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 **[number of years] year period**, the **cumulative** cost of which equals or exceeds 50 percent **[or optional lower number]** 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 that is permanent subsequent to [date].** This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. **[REDACTED]**

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for

highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

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

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

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
 - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a non-residential structure; and

- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

f. Enclosures are prohibited for new construction or substantial improvements. OR For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

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

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

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

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

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine

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

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

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

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

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

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

Final Draft Model Code Coordinated Ordinance. 11.05.2021

This ordinance shall take effect on **{insert date}**.

[Jurisdiction to add signature blocks.]