

Regular Meeting of Mayor and Council March 28, 2022
Town Hall Council Chambers, 100 Central Avenue
Executive Session 6:00 P.M.
Public Session 7:00 P.M.

MEETING CALLED TO ORDER

ATTENDANCE ROLL CALL

Councilperson:
Furgione - Present
Gribbin - Present
Oliva – Absent
Olivo - Present
Rodio – Absent
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Bob Vettese, Public Works Manager

EXECUTIVE SESSION Resolution #043-2022

Motion by Council Person Furgione Second Gribbin
Enter into Executive Session

Motion by Council Person Gribbin Second Olivo
Close Executive Session

RESUME REGULAR MEETING-ROLL CALL

Councilperson:
Furgione - Present
Gribbin - Present
Oliva - Absent
Olivo - Present
Rodio – Absent
Wuillermin - Present
Mayor DiDonato - Present

PRESENT ALSO

Michael Malinsky, Town Solicitor
Robert Vettese, Public Works Manager
Mark Hermann of ARH, Town Engineer

PUBLIC NOTICE

Notice of this meeting has been posted and given to official newspapers. Please familiarize yourselves with the fire exits to the right and rear of the Council Chambers. Please do not proceed beyond the front benches without invitation from the Mayor to do so. Also, each person who wishes to address Council will be allotted 5 minutes.

PLEDGE OF ALLEGIANCE

PUBLIC HEARD FOR AGENDA ACTION ITEMS

Bill Cappuccio – Chestnut Street - Questioned the procedure for the new Liquor Licenses that the Town is proposing to issue.

APPROVAL OF MINUTES

Executive Minutes February 28, 2022

Council Minutes February 28, 2022

Motion by Council Person Olivo Second Wuillermin

Minutes are approved

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva - Absent

Olivo – Yes

Rodio – Absent

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PRESENTATION

Promotions

Motion by Council Person Gribbin Second Olivo

Approve promotion of Samuel Angello to Lieutenant in the Hammonton Police Department

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva - Absent

Olivo – Yes

Rodio – Absent

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Motion by Council Person Olivo Second Gribbin

Approve promotion of Jonathan O'Neil to Sergeant in the Hammonton Police Department

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva - Absent

Olivo – Yes

Rodio – Absent

Wuillermin – Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Presentation

- South Jersey Industries Water Results – Ken Sheppard of South Jersey Industries on the Lincoln Street site. They are still monitoring the ground water and the results are great. No issues.

Police Chaplin Program

Motion by Council Person Wuillermin Second Furgione
Approve Chaplin for Police Department Father David Rivera

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva - Absent
Olivo – Yes
Rodio – Absent
Wuillermin – Yes

Mayor DiDonato - Yes

Motion by Council Person Gribbin Second Olivo
Approve Chaplin for Police Department Lillian Melendez

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva - Absent
Olivo – Yes
Rodio – Absent
Wuillermin – Yes

Mayor DiDonato - Yes

Motion by Council Person Gribbin Second Olivo
Approve Chaplin for Police Department Adie Mirria

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva - Absent
Olivo – Yes
Rodio – Absent
Wuillermin – Yes

Mayor DiDonato - Yes

DISPENSE WITH REGULAR ORDER OF BUSINESS

**AN ORDINANCE AMENDING CHAPTER 147 OF THE GENERAL ORDINANCES OF THE TOWN OF
HAMMONTON**

SECTION I

1. Section 147-1(B)(7) is changed to read as follows:
 - (7) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
2. Section 147-1(B) the following Subsections are added:
 - (9) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
 - (10) Manage the alteration of natural floodplains and stream channels.
 - (11) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
 - (12) Prevent and regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
 - (13) Contribute to improved construction techniques in the floodplain.
 - (14) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22
3. Section 147-3(B), the following definitions are added:

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.

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

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].

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.

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

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

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

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

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

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.

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 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.

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

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.

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 147-20 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Town of Hammonton 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.

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

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

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

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

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

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

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

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

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

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

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

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.

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.

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.

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.

4. Section 147-3(B), the following definitions are amended:

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 — 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 SPECIAL FLOOD HAZARD AREA.

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”.

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.

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.

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

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 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.

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

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

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the municipality.

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.

5. Section 147-5(B) the parenthesis () around the date "August 28, 2018" is removed.
6. Section 147-5 is amended to add the following Subsections:
- C. Federal Best Available Information. The Town of Hammonton 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.

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date

- D. Other Best Available Data. The Town of Hammonton shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Town of Hammonton. 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 Sections 147-5(B) and 147-5(C) above. This information shall be used for floodplain regulation purposes only.
- E. 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 147-3(B), 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.

List of State Studied Waters

Name of Studied Water	File Name	Map Number

- 7. Section 147-5, the paragraph after the end of Subsection B is deleted and the following paragraph shall be added after the end of new Subsection E:

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and maps set forth in Sections 147-5(A) and 147-5(B) are on file at Hammonton Town Hall, 100 E. Central Avenue, Hammonton New Jersey.

- 8. A new Section 147-6 is added (former Section 147-6 shall now be identified as new Section 147-9) which states as followings:

§147-6. Establishing the Local Design Flood Elevation (LDFE). The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 147-5, 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:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 147-5, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in 147-5(B) and 147-5(C) 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:

- (1) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24-14; or
 - (2) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24-14. Any determination using these methods must be sealed and submitted according to Section 147-16(C).
- C. AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- E. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.
9. A new Section 147-7 is added (former Section 147-7 shall now be identified as new Section 147-11) which states as followings:

§147-7. Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Town of Hammonton administer and enforce the State building codes, Town Council of the Town of Hammonton 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.

10. A new Section 147-8 is added (former Section 147-8 shall now be identified as new Section 147-12) which states as follows:

§147-8. 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 147-14(M) of this Chapter.

11. Section 147-9 (Compliance required; violations and penalties), formerly identified as Section 147-6, is amended to read as follows:

No structure or land shall hereafter be constructed, re-located to, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter 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 chapter or fails to comply with any of its

requirements shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$1,250, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Hammonton from taking such other lawful action as is necessary to prevent or remedy any violation.

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

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

12. A new Section 147-10 is added (former Section 147-10 shall now be identified as new Section 147-15) which states as follows:

§147-10. 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.

13. Section 147-11 (Abrogation; more stringent restrictions to prevail), formerly identified as Section 147-7, is amended to read as follows:

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.

14. Section 147-8 (Interpretation of provisions) is now Section 147-12.

15. Section 147-9 (Warning; disclaimer of liability) is now Section 147-13.

16. A new Section 147-14 is added (former Section 147-14 shall now be identified as new Section 147-18) which states as follows:

§147-14. Duties and Powers of the Floodplain Administrator.

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

B. 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 147-19 and 147-20 of these regulations.

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

D. 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 147-5 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 147-14(M) 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 Sections 147-19 and 147-20 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 147-17 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 Sections 147-19 and 147-20 of these regulations.
- (13) Cite violations in accordance with Section 147-21 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Hammonton have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 147-5.

- E. 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.
- F. 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.
- G. 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 Sections 147-5 and 147-6 respectively. This information shall be provided to the Construction Official and documented according to Section 147-14(N).
- H. Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- I. 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.
- J. 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.

- (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.
- K. 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.
- (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.
- L. 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.
- M. Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:
- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 - (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
 - (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
 - (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

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

N. 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.

O. 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.

17. Section 147-15 (Development Permits), formerly identified as Section 147-10, is amended to read as follows:

A. 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.

B. 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 147-16 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.

C. 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.

D. 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.

E. 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.

18. A new Section 147-16 is added (former Section 147-16 shall now be identified as new Section 147-20) which states as follows:

§147-16. Site Plans and Construction Documents.

A. 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 147-16(B).

(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 147-16(B)(3) of these regulations.

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

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

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant

shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

- B. 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.

- C. 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 147-16(D) 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 147-16(D) 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).

D. 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.

19. A new Section 147-17 is added (former Section 147-17 shall now be identified as new Section 147-22) which states as follows:

§147-17. Inspections.

- A. 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.
- B. 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.
- C. 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 147-22(F)(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 147-22(F)(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 147-22(F)(2).

(4) Final inspection. Prior to the final inspection, certification of the elevation required in Section 147-22(F)(2) shall be submitted to the Construction Official on an Elevation Certificate.

D. 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.

20. Former Section 147-11 (Designation of enforcement official) is deleted in its entirety.

21. Former Section 147-12 (Review of development permits by Construction Official) is deleted in its entirety.

22. Former Section 147-13 (Use of other base flood data) is deleted in its entirety.

23. Section 147-18 (Interpretation of FIRM Boundaries), formerly identified as Section 147-14, is amended to read as follows:

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 147-19.

24. Section 147-19 (Appeal Board), formerly identified as Section 147-15, is amended to read as follows:

A. Appeal Board

- (1) The Town Planning Board, as established by the Town of Hammonton, shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Town Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Town Planning Board, or any taxpayer, may appeal such decision to the Mayor and Council pursuant to N.J.S.A. 40:55D-26b.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the current and future owners.

- (d) The importance of the services provided by the proposed development to the community.
- (e) The necessity to the facility of a waterfront location, where applicable.
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) 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 and streets and bridges.

B. The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

25. Section 147-20 (Conditions for Variances), formerly identified as Section 147-16, is amended to read as follows:

§147-20. Conditions for Variances

A. 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.

B. The Town of Hammonton Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

26. A new Section 147-21 is added which states as follows:

§147-21. Violations

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

27. Section 147-22 (Standards for flood hazard reduction), formerly identified as Section 147-17, is amended to read as follows:

A. Subdivisions and Other Developments

- (1) Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures
- (2) Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (a) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
 - (b) Residential building lots shall be provided with adequate buildable area outside the floodway.
 - (c) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

B. Site Improvement

- (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 147-16(C)(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 147-22(F)(2) of this ordinance and the floodway requirements of N.J.A.C. 7:13.
- (2) Prohibited in floodways. The following are prohibited activities:
 - (a) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
 - (b) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.
- (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.
- (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.
- (5) Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.
- (6) Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.
- (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.
- (8) 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.

C. Manufactured Homes

- (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).
- (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 147-22(F)(2).
- (3) Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced

foundations that are designed in accordance with Section R322 of the Residential Code.

- (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.
- (5) Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 147-22(F)(2).
- (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 147-22(F)(2) of these regulations.
 - (a) 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 147-22(F)(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).

D. Recreational Vehicles

- (1) Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.
- (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.
- (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 147-22(F)(2) for habitable buildings.

E. Underground and Above Ground Storage 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.

F. Other Development and Building Work

- (1) General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section 147-16(C)(1) of this ordinance when located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 147-6;
 - (d) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
 - (e) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation

determined according to Section 147-6 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:

[1] Specifically allowed below the Local Design Flood Elevation; and

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

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

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

(2) Requirements for Habitable Buildings and Structures

(a) Construction and Elevation in A Zones not including Coastal A Zones.

[1] No portion of a building is located within a V Zone.

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

[3] All new construction and substantial improvement of any habitable building (as defined in 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 147-6, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

[4] All new construction and substantial improvements of non-residential structures shall:

[a] Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 147-6, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

[b] Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:

[i] Meets the requirements of ASCE 24 Chapters 2 and 7; and

[ii] Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

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

[a] For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in

accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

[b] Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 147-22(F)(2)(a)[4][b] are met;

[c] Be constructed to meet the requirements of ASCE 24 Chapter 2;

[d] Have openings documented on an Elevation Certificate; and

[e] Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in 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:

[i] The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience;

[ii] The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation; and

[iii] 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.

- (3) Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code
- (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 147-16(C)(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.
- (5) Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 147-16(C)(1) of these regulations and N.J.A.C. 7:13.
- (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 147-16(C)(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.
- (7) Roads and watercourse crossings.
 - (a) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface

shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.

- (b) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 147-16(C)(1) of these regulations.

G. Temporary Structures and Temporary Storage

- (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.
- (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.
- (3) Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 147-16(C)(1) of these regulations.

H. Utility and Miscellaneous Group U

- (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.
- (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 147-6.
- (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 147-6 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.
- (4) Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 147-22(F)(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.
- (5) Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 147-6.
- (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 147-6.

(a) 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).

28. Former Section 147-17 (Standards for flood hazard reduction) is deleted in its entirety.

29. Former Section 147-18 (Floodways) is deleted in its entirety.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV

This Ordinance shall take effect upon passage and publication as provided by law.

Motion by Council Person Olivo Second Wuillermin
Ordinance #007- 2022 is open for public hearing

Motion by Council Person Wuillermin Second Furgione
Ordinance #007-2022 is adopted and approved for final publication

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Public Hearing of Ordinance #008-2022- General Capital Bond Ordinance Valley Ave , School House Lane and Union Road

**TOWN OF HAMMONTON
BOND ORDINANCE #008-2022**

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, APPROPRIATING \$1,890,000 THEREFOR (INCLUDING A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$310,000) AND AUTHORIZING THE ISSUANCE OF \$1,501,000 IN BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,890,000, which sum includes a grant in the amount of \$310,000 expected to be received from the State of New Jersey Department of Transportation (the "DOT Grant"), and \$79,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,890,000 appropriation not provided for by application hereunder of the DOT Grant and said down payments, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$1,501,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in a principal amount not exceeding \$1,501,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
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<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Reconstruction of School House Lane;	\$800,000	\$760,000	\$40,000	15 years
(ii) Roadway improvements to Valley Avenue. Such roadway improvements shall include but are not limited to, as applicable, milling, construction, reconstruction, repairing, restriping and resurfacing of said roadways, streetscape improvements, drainage improvements to said roadways, and the repair, restoration or construction of or improvements to curbs, sidewalks, driveway aprons or handicapped accessible curb ramps along various roadways in the Town; and	\$840,000 (including the DOT Grant)	\$503,500	\$26,500	10 years
(iii) Roadway improvements to Union Road. Such roadway improvements shall include but are not limited to, as applicable, milling, construction, reconstruction, repairing, restriping and resurfacing of said roadways, streetscape improvements, drainage improvements to said roadways, and the repair, restoration or construction of or improvements to curbs, sidewalks, driveway aprons or handicapped accessible curb ramps along various roadways in the Town.	\$250,000	\$237,500	\$12,500	10 years
TOTALS	\$1,890,000	\$1,501,000	\$79,000	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,501,000.

(d) The aggregate estimated cost of said improvements or purposes is \$1,890,000, the excess amount thereof over the said DOT Grant and the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$79,000.

SECTION 4. Except for the DOT Grant, in the event the United States of America, the State of New Jersey and/or the County of Atlantic make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes

authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Atlantic. Except for the DOT Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Atlantic shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Town as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Town. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Town, a revised capital or temporary capital budget for the Town has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Town may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 12.53 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,501,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$378,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Town, or any member of the same "Controlled Group" as the Town, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Town's official

intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2.

SECTION 10. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into an appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion by Council Person Gribbin Second Wuillermin
Ordinance #008-2022 is open for public hearing

Motion by Council Person Gribbin Second Furgione
Ordinance #008-2022 is adopted and approved for final publication

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

**Public Hearing of Ordinance #009-2022- Utility Bond Ordinance Valley Ave , School House Lane-
Water/Sewer Improvements**

Ordinance #009-2022

CAPITAL ORDINANCE APPROPRIATING A \$835,000 GRANT RECEIVED FROM THE FEDERAL AMERICAN RESCUE PLAN ACT OF 2021 AND AVAILABLE IN THE UTILITY CAPITAL FUND TO PAY FOR VARIOUS UTILITY IMPROVEMENTS ALONG SCHOOL HOUSE LANE AND VALLEY AVENUE IN AND BY THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The capital purposes described in Section 2 of this capital ordinance are hereby authorized as general capital purposes to be undertaken by the Town of Hammonton, in the County of Atlantic, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 2 hereof, there is hereby appropriated the amount of \$835,000, said sum has been received from the second part of a grant provided by the Federal American Rescue Plan Act of 2021 (the "Grant") and is now available in the Utility Capital Fund.

SECTION 2. (a) The improvements and purposes hereby authorized are to pay for various utility improvements, including, but not limited to, water mains, valves, taps, service laterals and sanitary sewer improvements along School House Lane in the amount of \$375,000 and along Valley Avenue in the Town in the amount of \$460,000, respectively.

(b) The above improvements and purposes set forth in Section 2(a) shall also include, but are not limited to, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 3. The expenditure of \$835,000 from the Utility Capital Fund for the purposes set forth in Section 2 hereof are hereby authorized and approved.

SECTION 4. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Town. The capital or temporary capital budget, as applicable, of the Town is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or

temporary capital budget of the Town, a revised capital or temporary capital budget for the Town has been filed with the Division of Local Government Services.

SECTION 5. This ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:69A-181.

Motion by Council Person Furgione Second Wuillermin
Ordinance #009-2022 is open for public hearing

Motion by Council Person Wuillermin Second Furgione
Ordinance #009-2022 is adopted and approved for final publication

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

COMMITTEE REPORTS

Administration - Councilman Gribbin

- Reviewed Admin Meeting – working on new employee evaluation forms, AJ Berenato will become new Dept Head in Construction Dept.
- Received FEMA reimbursement in the amount of \$132,685.42 from August storm in 2021.
- Applied to FEMA for Reimbursement for Snow Storm in Jan 2022. Contingent upon total spent by county.

Business & Industry – Councilman Olivo

- Reviewed the new Business opening up in Town. 4K on Central Ave, Kelly Loder Travel, National Credit
- Hammonton Arts Center is expanding on 2nd Street
- Baseball Training center to open up on the White Horse Pike in May or June
- Easter Event April 15th from 1 to 3 on 2nd Street
- 4/21 is the 3rd Thursday

Quality of Life – Councilman Oliva- Given By Councilmen Wuillermin

- CTX is moving forward with their expansion on 2nd Road
- Cleaning at Lake Park had an estimated 170 people to help
- Taste of the Town is coming tickets are \$25.00 a person call 856-495-5553

Motion by Council Person Wuillermin Second Gribbin
Adopt National Resource Inventory

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes

Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Education - Councilman Oliva

- no action items

Public Works & Transportation - Councilman Rodio Given by Wuillermin

- Valley Ave Ordinance review
- Centrifuse was delivered but still waiting on additional parts.

Law & Order - Mayor DiDonato

- No Action Items

Water & Sewer - Councilman Furgione

- Update on Cetrifuse
- Received grant for \$395,000.00 for Inflow Study of Sewer Lines

Motion by Council Person Furgione Second Wuillermin

Approval of Additional Funding for ARH for Linda Rehmann frog rock issue \$9,600

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Motion by Council Person Furgione Second Wuillermin

Approval to work with ARH to complete Easement descriptions

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

ENGINEER REPORT

ACTION ITEMS:

1. **Valley Avenue – Broadway to Central (ARH #11-30159):**

In Progress

This project was awarded at the February Council Meeting. A preconstruction meeting will be scheduled in early April. We have submitted a proposal for Council's consideration. The proposed contract amount is \$79,900 for the construction inspection, administration, and material testing.

Action Requested:

1. Authorize ARH proposal to perform the construction inspection and administration services for the Valley Avenue project in the amount of \$79,900, **subject to the completion of the estoppel period.**

Motion by Council Person Wuillermin Second Furgione

Approval of CM for Valley Ave project in the amount of \$79,900.00

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

2. **School House Lane – 3rd Street to Rt. 54 (ARH #11-40060):** In Progress

This project was awarded at the February Council Meeting. A preconstruction meeting will be scheduled in early April. We have submitted a proposal for Council's consideration. The proposed contract amount is \$55,600 for the construction inspection, administration, and material testing.

Action Requested:

1. Authorize ARH Proposal to perform the construction inspection and administration services for the Valley Avenue project in the amount of \$55,600, **subject to the completion of the estoppel period.**

Motion by Council Person Wuillermin Second Furgione

Approval of CM for School House Lane project in the amount of \$55,600.00

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

SOLICITOR REPORT

- No Action Items

-

MAYOR REPORT

- Thanked everyone that worked on the grants for the Town and Triad Associates.

PWM REPORT

Tennis/Pickle ball Courts, Middle School, Liberty Street

The contractor completed the pavement cores and analysis at the tennis courts. Once we obtain the results of those tests we will meet with a few contractors to discuss options for court repair or reconstruction and advise the Town and School of those recommendations.

Rt. #30, White Horse Pike Resurfacing

The above noted project has started with some drainage, curb and roadway base pavement repairs. Lane shifts and single lane traffic within the work area will occur. The roadway resurfacing work will be completed during the late spring of this year. The entire project will extend from Atco Avenue in Waterford to Rt. #206 in Hammonton.

Rt. #54, 12th Street Water Main Replacement

We discussed the water main replacement and restoration requirements with the NJDOT. In order to provide an efficient, cost effective, reduced disturbance and time savings project, we will be seeking a utility easement from the property owners on the westerly side of the roadway. Utility easement will also be sought at various locations on the easterly side of the Rt. #54 ROW as well. A letter related to the project was sent out to the property owners. A public information and question session was held on 3/10 and 3/14. We have also been contacting the property owners along the project route about utility easements. The responses received thus far have been positive.

The goal is to have the main installed and operating by the end of 2022 to allow for the NJDOT resurfacing project to occur which is scheduled to be completed in 2023. The water main replacement project will extend along 12th Street, State Rt. #54 from 1st Road to 2nd Road and on the northerly section of Chew Road between 12th Street and 1st Road. ARH will be providing a cost estimate for the April Council meeting to provide the following tasks required to move the project along.

- Provide additional survey and locations along the project route to allow for the relocation of the water line into the easement areas and revise the base plans accordingly.
- Provide the legal descriptions for utility easements along the westerly side of 12th Street and the southerly side of North Chew Road.

Hammonton Lake Dam

The NJDOT will be inspecting the overflow pipe that crosses under the White Horse Pike, State Rt. #30 late this year. The Lake will be lowered in early November to allow this inspection to occur. As authorized by Council we sent a letter to the NJDOT and NJDEP requesting that both agencies review the potential to consider the reconstruction of the dam structure sometime in the future to comply with similar improvements that have been completed in other dams in South Jersey. We also sent the letter to various other groups to seek letters of support for the project.

NJDOT Municipal Aid 2022

The Town has received notice that in addition to the \$300,000 received from the NJDOT in October for Old Forks Road. The following additional allotments have been recently announced:

- Bikeway Project Ph. II - \$745,000
- Safe Streets to Transit - \$265,000

Total Allotment FY 2022 for the 3 projects - \$1,310,000

ARH will be providing a cost estimate to complete the survey work and base plans for the project

Town Public Works Schedule

April schedule (all items must be out prior to 6 am on the day of collection)

- Bulky curbside collection will be 4/4 through 4/8
- Curbside brush pickup will be 4/11 through 4/15
- The Town offices are closed for the Holiday on 4/15 for Good Friday and 4/18 for Easter Monday, but trash pickup on those days will still occur.

County Recycling Schedule

- 4/4 through 4/8

- 4/18 through 4/22
- 5/2 through 5/6

TOWN CLERK REPORT

1. Approve transfer of Brendan Sibson from Fire Company #1 to Fire Company #2 as a regular member. Removed in error from Fire Company #1 at the February 28, 2022 council meeting.
2. Accept resignation of Andrew Joyce from his position as Truck Driver with the Hammonton Highway Department. Effective as of March 18, 2022.
3. Accept retirement of Sergeant Jason Rigby from the Hammonton Police Department effective July 1, 2022.
4. Approve Accrued benefits payment to Peter Hagerty for the following: Sick Time \$12,000.00, Vacation \$8,505.57 Personal Time \$1,472.40, Comp Time \$368.10. Total of \$22,346.07.
5. Approval to appoint AJ Berenato as Department Head for the Hammonton Constrction Department. Retroactive to January 1, 2022, increase of \$5,000.00.
6. Approve Triad Associates quote not to exceed \$7,500.00 for administration of the NPP Grant Implementation Servcies.

Motion by Council Gribbin Second Olivo
Approval of items 1 to 6

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

APPROVAL OF BILL LIST

Motion by Council Gribbin Second Wuillermin
Approval of Bill list

Roll Call

Councilperson:
Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

NEW BUSINESS

ORDINANCES FOR INTRODUCTION

Introduction of Ordinance #001-2022- Amending Chapter 48 Health Benefits

**AN ORDINANCE AMENDING CHAPTER 48-15
OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED**

“Employees to be covered” by health benefits

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:10-23, the Town of Hammonton currently provides retiree health insurance benefits to non-union employees hired by the Town as a full-time employee prior to January 1, 2014, who retire with 25 years or more of full-time service with the Town of Hammonton, including premiums on their dependents, if any, subject to contributions by employees based upon the schedule set forth in Chapter 78, P.L. 2011, a copy of which is attached to this Ordinance as Schedule A (except for employees who vested retirement health insurance benefits prior to the enactment of Chapter 78, P.L. 2011); and

WHEREAS, the Town of Hammonton currently provides retiree health insurance benefits to employees covered by a union contract in accordance with the terms of their collective bargaining agreements; and

WHEREAS, Mayor and Council have discussed and agreed upon an amendment to Chapter 48-15 that would allow employees to receive health benefits from the Town of Hammonton if they reach the age of 62 and have 15 years of services with the Town of Hammonton; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HAMMONTON, in accordance with the provisions of New State Statute 40A:10-23, Payments of premiums after retirement that the Town will provide health insurance benefits for employees who retire in accordance with the following:

- a) The Town will continue to provide retiree health insurance benefits to non-union employees hired by the Town as a full-time employee prior to January 1, 2014, who retire with 25 years or more of full-time service with the Town, including premiums on their dependents, if any, subject to contributions by employees based upon the schedule set forth in Chapter 78, P.L. 2011, a copy of which is attached to this Ordinance as Schedule A (except for employees who vested retirement health insurance benefits prior to the enactment of Chapter 78, P.L. 2011); and
- b) The Town will provide retiree health insurance benefits to employees who retire at age 62 or older who have worked for the Town for at least 15 years, provided the Retiree pays a portion of the premium for such health insurance coverage. The portion of the premium to be paid by the employee shall be based upon the schedule set forth in Chapter 78, P.L. 2011, a copy of which is attached to this Ordinance as Schedule A. This provision encompasses employees who have retired and reached the minimum age of 62 years or older with at least 15 years of service with the Town of Hammonton, and shall include the premiums for their dependents, if any.

BE IT FURTHER RESOLVED that if a portion, section, subsection, paragraph, or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any other part thereof.

Motion by Council Person Gribbin Second Olivo

Ordinance #001-2022 has passed 1st reading and is approved for publication.

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin- Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

Introduction of Ordinance #010 -2022- Fixing Salaries for Certain Employees

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS
AND EMPLOYEES OF THE TOWN OF HAMMONTON,
COUNTY OF ATLANTIC, NEW JERSEY**

BE IT ORDAINED by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, State of New Jersey as follows:

SECTION 1. There is hereby adopted the following salaries for employees of the Town of Hammonton, in the County of Atlantic, and State of New Jersey, in those classifications which are here-in-before set forth:

<u>TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Account Clerk	\$ 30,420.00	\$ 40,000.00
Account Clerk – Part time hourly rate	\$ 15.50	\$ 17.00
Confidential Clerk 1	\$ 30,420.00	\$ 40,000.00
Convenient Station - Part Time Hourly Rate	\$ 15.00	\$ 17.00
Keyboard Clerk 1	\$ 30,420.00	\$ 40,000.00
Keyboard Clerk 1 Bilingual	\$ 30,420.00	\$ 40,000.00
Keyboard Clerk 1 Bilingual- Part time hourly Rate	\$ 15.50	\$ 17.00
Keyboard Clerk 1- Part time hourly Rate	\$ 15.50	\$ 17.00
Keyboard Clerk 3	\$ 30,420.00	\$ 68,000.00
Deputy Court Clerk	\$ 30,420.00	\$ 55,000.00
Equipment Operator	\$ 30,420.00	\$ 75,000.00
Fire Sub Code Official	\$ 35,000.00	\$ 65,000.00
Laborer	\$ 33,280.00	\$ 70,000.00
Public Works Manager	\$ 45,000.00	\$ 110,000.00
Senior Public Safety Tele-communicator	\$ 33,280.00	\$ 50,000.00
Senior Public Safety Tele-communicator- Part time hourly Rate	\$ 17.50	\$ 19.00
Supervisor /Dept Head Public Works	\$ 45,000.00	\$ 110,000.00
Assistant Supervisor Dept of Public Works	\$ 33,280.00	\$ 70,000.00
Tax Assessor	\$ 40,000.00	\$ 105,000.00
Tax Collector	\$ 40,000.00	\$ 70,000.00
Truck Driver	\$ 33,280.00	\$ 55,000.00
Truck Driver – Heavy	\$ 33,280.00	\$ 50,000.00
Technical Assistant Construction Dept.	\$ 30,420.00	\$ 45,000.00

SECTION 2. The specific salary or wage for any municipal employee shall be determined and set forth in salary contracts or collective bargaining agreements provided they are within the minimum and maximum amounts as set forth hereinabove. No salary or wage for any municipal employee shall be affective or intended unless by official action of the Governing Body and incorporated in a Resolution fixing the specific wage or salary.

SECTION 3. The amount to be paid to each employee within the salary range shall be fixed from time to time by Resolution of the Mayor and Council.

SECTION 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect after final passage and publication according to law and its provisions shall be retroactive to January 1, 2022.

Motion by Council Person Gribbin Second Furgione
Ordinance #010-2022 has passed 1st reading and is approved for publication.

Roll Call
Councilperson:

Furgione – Yes
Gribbin - Yes
Oliva – Absent
Olivo- Yes
Rodio – Absent
Wuillermin- Yes
Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

RESOLUTIONS

Resolution #044-2022- Amending Agreement with County

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF HAMMONTON AND THE COUNTY OF ATLANTIC

WHEREAS, the Town of Hammonton is amending resolution #082-2019 originally adopted on May 20, 2019, with THE County of Atlantic that involves the enhancement of vehicular movement along county roads with Flashing Traffic Signals described as follows;

- A. St. Joseph's Elementary School, Third Street (CR 724)
- B. St. Joseph's Academy, Central Avenue (CR 542)
- C. Warren E. Sooy School, Fairview Avenue (CR 678) and

WHEREAS, the Town agrees to extend the original agreement for an additional 2 years, with an anticipated start date of fall 2022:

WHEREAS, the Town of Hammonton and the County of Atlantic agreed to enter into an agreement wherein Atlantic County and the Town of Hammonton desire to cooperatively develop, install, maintain and operate flashing traffic signal equipment in accordance with the general specifications to be developed by the Atlantic County Engineer:

WHEREAS, the Town of Hammonton agrees that it shall only be fully responsible for operation, repair and maintenance of the improvements upon completion of installation by the County.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey as follows:

1. The amended Agreement which is annexed hereto and made a part hereof with the County of Atlantic is approved.
2. That the Mayor and Municipal Clerk are hereby authorized to execute said agreement.

Resolution #045 -2022- Intent to Issue Theatre Exception Liquor Licenses

INTENT TO ISSUE NEW LIQUOR LICENSES

Resolution of the Mayor and Common Council of the Town of Hammonton, Atlantic County, New Jersey, relating to the "Intent to Issue New Plenary Retail Consumption Liquor Licenses with the Theater Exception Pursuant to N.J.S. 33:1-19.8", in the Town of Hammonton, Atlantic County, per the requirements of N.J.S. 33-1-19.1 and N.J.S. 33:1-19.2

WHEREAS, in accordance with N.J.S. 33:1-19.8, the Town of Hammonton desires to issue plenary retail consumption licenses to those nonprofit corporations incorporated as of January 21, 2020 exempt from federal

income tax under Section 501(C)(3) of the Internal Revenue Code which regularly conduct musical or theatrical performances or concerts for which admission is charged at a premises primarily used to conduct musical or theatrical performances or concerts with a seating capacity of 50 persons or more, but less than 1,000 persons; and

WHEREAS, it is a requirement of the State of New Jersey Division of Alcoholic Beverage Control, that the Town of Hammonton adopt a Resolution regarding its **“Intent to Issue New Plenary Retail Consumption Liquor Licenses with the Theater Exception Pursuant to N.J.S. 33:1-19.8”**; and

WHEREAS, the Town will follow the Historical Method Guidelines outlined in the Alcoholic Beverage Control Handbook for Municipal Issuing Authorities (“ABC Municipal Handbook”) in the issuance of the plenary retail consumption licenses pursuant to N.J.S. 33:1-19.8.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, IN THE COUNTY OF ATLANTIC AND THE STATE OF NEW JERSEY:

The Town of Hammonton hereby places the residents of the Town of Hammonton on notice of its **“Intent to Issue New Plenary Retail Consumption Liquor Licenses with the Theatre Exception Pursuant to N.J.S. 33:1-19.8”** in the Town of Hammonton, Atlantic County, per the requirements of N.J.S. 33-1-19.1 and N.J.S. 33:1-19.2.

Resolution #046-2022- Appoint Landscape Architect

RESOLUTION APPOINTING A LANDSCAPE ARCHITECT FOR THE TOWN

WHEREAS, N.J.S.A. 19:44A-20.4 provides for an Open and Fair Process through Requests for Proposals, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey, as follows:

That Scott Taylor of the Taylor Design Group is hereby appointed as **Town Landscape Architect** for the Town of Hammonton.

That the Landscape Architect shall be available as consultant to the Officials of the Town of Hammonton and render such services as may be necessary during contract term.

That this contract is awarded as a "Professional Service", under the provisions of the Local Public Contracts Laws and the New Jersey Local Unit Pay to Play Law.

Resolution #047-2022- Appoint Economic Development and Grant Consultant

**APPOINTING A Economic Development and Grant Consultant
FOR THE TOWN OF HAMMONTON**

WHEREAS, N.J.S.A. 19:44A-20.4 provides for an Open and Fair Process through Requests for Proposals, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Hammonton, County of Atlantic and State of New Jersey, as follows:

That **Carolyn Zumpino of Triad Associates** is hereby appointed as the Economic Development and Grant Consultant for the Town of Hammonton.

That all activities required in preparing Grant applications and Economic Opportunities for funding for submission to DCA and other State and Federal institutions.

That Triad shall be available as consultant to the Officials of the Town of Hammonton and render such assistance as may be necessary.

That this contract is awarded as a "Professional Service", under the provisions of the Local Public Contracts Laws and the New Jersey Local Unit Pay to Play Law.

Resolution #048-2022- Various Refunds

**A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE TOWN OF HAMMONTON
AUTHORIZING VARIOUS REFUNDS**

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that the following refunds/close out of accounts are authorized as approved by the respective Department Heads of the Town of Hammonton:

Tino Catania 109 Forest Drive	\$ 690.00	Escrow Fee/Planning Brd
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Resolution #049- 2022 – Budget Transfers

TRANSFER OF BUDGET APPROPRIATIONS

BE IT RESOLVED, by the Mayor and Common Council of the Town of Hammonton, County of Atlantic, and State of New Jersey, that there be and hereby is authorized the following transfer from the 2021 budget appropriations reserves.

CURRENT FUND

From: Highway – Salaries and Wages	\$ 8,000.00
From: Holiday Observance – Operating Expense	\$ 3,000.00
From: Municipal Court – Salaries and Wages	\$ 1,200.00
To: Tax Collections– Operating Expense	\$12,200.00

Resolution #050-2022- Authorizing Food Truck Festival

**RESOLUTION AUTHORIZING THE
Seventh
ANNUAL HAMMONTON
FOOD TRUCK FESTIVAL EVENT**

WHEREAS, MainStreet Hammonton Organization has and continues to promote the Town of Hammonton with scheduled events in the downtown business district; and

WHEREAS, Mayor and Council has and continues to support the efforts of MainStreet Hammonton; and

WHEREAS, The Hammonton's Seventh Annual Food Truck Festival is a widely popular event attracting many new people to the town and therefore generates increased business for the entire town, and

WHEREAS, Saturday, June 11, 2022 is the scheduled date for the Seventh Annual Hammonton Food Truck Festival event during the hours of 4:00 p.m. to 9:00 p.m.; and

WHEREAS, MainStreet Hammonton has requested the following street closures for this event between the hours of 2:00 pm. to 11:00 p.m.:

Central Ave (Route 542) between Bellevue Ave to Vine Street;
North Egg Harbor Road between Bellevue Ave and Orchard Street;
South Second Street between Bellevue Ave and Vine Street;
North Second Street between Bellevue Ave and Orchard Street;
Horton Street between and Bellevue Ave Orchard Street

WHEREAS, MainStreet Hammonton has requested appropriate Police Parking Control signs to be posted early in the day noting NO PARKING AFTER 2:00 pm and the reservation of the following parking spaces for safer traffic access and the Food Trucks to park and set up:

Both sides of Route 54 between Third Street and Egg Harbor Road;
Both sides of Central Avenue between Bellevue Ave and Vine Street;
Both sides of N. Egg Harbor Road between Bellevue Avenue and Orchard Street;
Both sides of Horton Avenue between Bellevue Avenue and Orchard Street,

WHEREAS, Main Street Hammonton has met with the Police Chief and been approved for seven Police Officers to assist with crowd control and direct traffic at the intersections due to increased event related pedestrian and vehicular traffic on State Route 54;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that June 11, 2022 is approved for the Seventh Annual Hammonton Food Truck Festival™ event, including the above requests for street closures, reservation of parking spaces, posting of “NO PARKING” signs and five police officers are acknowledged, approved and endorsed;

Resolution #051-2022- Authorize Teen Arts Festival

**RESOLUTION AUTHORIZING
THE ANNUAL DOWNTOWN HAMMONTON
ATLANTIC COUNTY TEEN ARTS FESTIVAL 2022**

WHEREAS, The Atlantic County Teen Arts is a statewide multidisciplinary program in the fine arts and performing arts and has been available to young people in Atlantic County in varying forms since 1969; and

WHEREAS, The one-day Teen Arts Festival has been held in Downtown Hammonton since 2012 and is returning to Downtown Hammonton for 2022 ; and

WHEREAS, The Teen Arts Festival is held in the Arts District which aligns with the towns commitment to celebrating the arts; and

WHEREAS, The Teen Arts is a widely popular event attracting many people to the town and therefore generates increased exposure for the entire town, and

WHEREAS, Wednesday, May 11, 2022 is the scheduled date for the Teen Arts event during the hours of 6a.m. to 4:00 p.m.; and

WHEREAS, MainStreet Hammonton is partnering with Atlantic County to plan this event and requests the following street closure for this event between the hours of 6 a.m. to 4:00 p.m.:

North Second Street between Bellevue Ave and Orchard Street; and
Front Street between 12th St and Passmore Avenue; and

WHEREAS, MainStreet Hammonton has requested police assistance at crosswalks along Rt 54 and 12th Street at major crosswalks;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HAMMONTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, that May 11, 2022 is approved for the Atlantic County Teen Arts event, including the above requests for street closure and police assistance, are acknowledged, approved and endorsed;

Motion by Council Person Olivo Second Gribbin
Resolutions #044 to #051 are approved.

Roll Call

Councilperson:

Furgione – Yes

Gribbin - Yes

Oliva – Absent

Olivo- Yes

Rodio – Absent

Wuillermin - Yes

Mayor DiDonato - Yes

Mayor DiDonato declares motion is carried

PUBLIC HEARD

No one desired to be heard

MEETING ADJOURNED

Motion by Council Person Furgione Second Olivo