

Posted: 4/13/2023
Revised: 4/18/2023, 4/19/2023

 **DRAFT**



**BOROUGH OF LONGPORT
COMMISSION WORKSHOP MEETING**

**April 19, 2023
4:00 pm**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Ocean City Sentinel, The Press of Atlantic City, the Star Ledger and the Courier Post on April 13, 2023. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted.

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

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

United States: +1 (646) 749-3129

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

Or you can join from your computer, tablet or smartphone with the following link:

<https://global.gotomeeting.com/join/464810189>. If you do not have the GoToMeeting Application, please access it with the following link: <https://global.gotomeeting.com/install/464810189>.

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

Posted: 4/13/2023
Revised: 4/18/2023, 4/19/2023

THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION AT THE APRIL 19, 2023, REGULAR COMMISSION MEETING:

**BOROUGH OF LONGPORT
COMMISSION MEETING AGENDA
April 19, 2023**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Ocean City Sentinel, The Press of Atlantic City, the Star Ledger and the Courier Post on April 13, 2023. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted. Official Action May be Taken at this Meeting.

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

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<https://global.gotomeeting.com/install/464810189>.

1. Flag Salute
2. Meeting called to order- OPMA notice announced
3. Roll Call
4. Emergency exit announcement/Public Speaking time limit
5. Approval of Minutes – March 15, 2023, Board of Commissioners Workshop and Regular Meeting. Minutes have been previously distributed for Commissioners’ Review.
6. **ORDINANCES – Second Reading/ Public Hearing:**
 - **O2023-06** – An Ordinance Authorizing Salaries, Wages and Compensation for Members of the Longport Policemen’s Benevolent Association
 - **O2023-07** – An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2023 for Employees Not Covered by Previous Ordinance or Union Contracts
 - **O2023-08** – An Ordinance Authorizing Salaries, Wages and Compensation for Members of the Longport Lifeguard Association

- **O2023-09** – An Ordinance of the Borough of Longport, County of Atlantic and State of New Jersey, Amending Chapter 167 – Zoning and Chapter 15 – Development Procedures, Relating to Building Height Requirements

7. ORDINANCES – First Reading/ Introduction. A Second Reading and Public Hearing is scheduled to be held on May 17, 2023, following the 4 pm Workshop Meeting:

- **O2023-10** – Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
- **O2023-11** – An Ordinance Amending Part II Chapter 112-13
- **O2023-12** – An Ordinance Amending Part 2 of Chapter 70
- **O2023-13** – An Ordinance by the Board of Commissioners of the Borough of Longport Amending the Borough of Longport’s Code of Ordinances to Repeal Chapter 99 Flood Damage Prevention Ordinance Sections 99-1 through Sections 99-20; to Adopt a New Chapter 99 Sections 99-101 through Sections 99-1001; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date

8. RESOLUTION

Public Comment – Limited to 3 Minutes per Person, please state name and address.

- **R2023-47** – A Resolution to Authorize Introduction of Year 2023 Municipal Budget

A Second Reading and Public Hearing on the Municipal Budget is Scheduled to Take Place on May 17, 2023, following the 4 pm Workshop Meeting in Longport Borough Hall located at 2305 Atlantic Avenue.

9. RESOLUTIONS – CONSENT AGENDA – Resolutions R2023-48 through R2023-61, and R2023-39

Public Comment – Limited to 3 Minutes per Person, please state name and address.

- **R2023-48** – A Resolution Authorizing Adoption of Written Indoor Air Quality Program
- **R2023-49** – A Resolution Appointing SLEO I Officers to Serve the Borough of Longport for the Summer 2023
- **R2023-50** – A Resolution Establishing a Temporary Emergency ‘No Parking’ Area Along Atlantic Avenue – Southeast Corner of 22nd to Margate City Line – South Side
- **R2023-51** – Establishment of an Emergency ‘No Parking’ Area, Closure, and Detouring During 2023 Memorial Day Parade
- **R2023-52** – A Resolution Authorizing the Borough of Longport to Renew a Concession Agreement with an Electronic Seller and Distributor of Beach Badges
- **R2023-53** – Award of Contract to Systems for You, Inc., PO Box 67, Millville, NJ, 08332, for Server Support and Networking Service
- **R2023-54** – Authorizing a Non Fair and Open Professional Services Contract with James M. Rutala Associates, LLC, of Linwood, NJ, for Planning and Grant Assistance
- **R2023-55** – Local Unit Budget Examination
- **R2023-56** – A Resolution Authorizing the Disposal of Surplus Property
- **R2023-57** – Approval of Change Order Number 1 – Roadway and Drainage Improvements to Atlantic Avenue

- **R2023-58** – A Resolution Designating Beach Locations in the Borough of Longport for Use in Launching and Retrieving of Kayaks on Borough Beaches
- **R2023-59** – A Resolution Designating the Areas and Times Permitting the Sport of Surfing and Surf Riding within the Borough of Longport
- **R2023-60** – A Resolution Designating the Bathing Season and the Guarded Beaches Including Authorized Staffing in the Borough of Longport
- **R2023-61** – Emergency Temporary Appropriation 2023
- **R2023-39** – A Resolution Authorizing Execution of a Contract Between the Borough of Longport and The Longport Lifeguard Association 2023-2025

10. Bill List/ Financial Summary Report

11. Municipal Administrator's Report

12. Borough Solicitor's Report

13. Borough Engineer's Report

14. Commissioners' Reports

15. Public Comment

16. Adjournment

**BOROUGH OF LONGPORT
ORDINANCE 2023-06**

**AN ORDINANCE AUTHORIZING SALARIES, WAGES AND COMPENSATION FOR
MEMBERS OF THE LONGPORT POLICEMEN’S BENEVOLENT ASSOCIATION**

WHEREAS, An Agreement has been executed with the Longport Policemen’s Benevolent Association;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners that the Salaries, Wages and Compensation for the members of the Longport Policemen’s Benevolent Association are as follows for the years so noted;

APPENDIX A
SALARY GUIDE FOR PATROLMAN HIRED PRIOR TO JANUARY 1, 2023

Step	2022	2023 3.5%	2024 3.5%	2025 3.5%	2026 3.5%	2027 3.10%
Recruit	\$43,059	\$44,566	\$46,126	\$47,741	\$49,412	\$50,943
1	\$50,040	\$51,791	\$53,604	\$55,480	\$57,422	\$59,202
2	\$57,020	\$59,016	\$61,082	\$63,219	\$65,432	\$67,460
3	\$64,001	\$66,241	\$68,559	\$70,959	\$73,442	\$75,719
4	\$70,981	\$73,466	\$76,037	\$78,698	\$81,453	\$83,978
5	\$77,962	\$80,690	\$83,514	\$86,437	\$89,463	\$92,236
6	\$84,942	\$87,915	\$90,992	\$94,177	\$97,473	\$100,495
7	\$91,923	\$95,140	\$98,470	\$101,916	\$105,483	\$108,753
8	\$98,903	\$102,365	\$105,947	\$109,656	\$113,493	\$117,012
9	\$105,884	\$109,589	\$113,425	\$117,395	\$121,504	\$125,270

APPENDIX B
SALARY GUIDE FOR PATROLMEN HIRED SUBSEQUENT TO JANUARY 1, 2023

Step	2023 3.5%	2024 3.5%	2025 3.5%	2026 3.5%	2027 3.10%
Recruit	\$44,566	\$46,126	\$47,741	\$49,412	\$50,943
1	\$49,985	\$51,735	\$53,545	\$55,419	\$57,137
2	\$55,403	\$57,343	\$59,350	\$61,427	\$63,331
3	\$60,822	\$62,951	\$65,154	\$67,435	\$69,525
4	\$66,241	\$68,559	\$70,959	\$73,442	\$75,719
5	\$71,659	\$74,167	\$76,763	\$79,450	\$81,913
6	\$77,078	\$79,776	\$82,568	\$85,458	\$88,107

7	\$82,497	\$85,384	\$88,372	\$91,465	\$94,301
8	\$87,915	\$90,992	\$94,177	\$97,473	\$100,495
9	\$93,334	\$96,600	\$99,981	\$103,481	\$106,687
10	\$98,752	\$102,209	\$105,786	\$109,488	\$112,883
11	\$104,171	\$107,817	\$111,590	\$115,496	\$119,076
12	\$109,589	\$113,425	\$117,395	\$121,504	\$125,270

APPENDIX C

SALARY GUIDE FOR SERGEANTS, LIEUTENANTS, CAPTAINS AND CHIEF

	2022	2023	2024	2025	2026	2027
Sgt. 1 (6 mos)			\$119,663	\$123,852	\$128,186	\$132,160
Sgt. 2 (18 mos)			\$121,932	\$126,199	\$130,616	\$134,666
Sgt. 3	\$114,884	\$120,548	\$124,767	\$129,134	\$133,654	\$137,797
Lt.	\$124,649	\$130,795	\$135,373	\$140,111	\$145,015	\$149,510
Capt.	\$135,244	\$141,912	\$146,879	\$152,020	\$157,341	\$162,218
Chief	\$150,797	\$158,232	\$163,770	\$169,502	\$175,435	

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

RECORD OF GOVERNING BODY VOTE ON FIRST READING - 3/15/2023							
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.	
RUSSO	X				X		
LEEDS	X					X	
LAWLER				X			
X X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							
RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE - 4/19/2023							
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.	
RUSSO							
LEEDS							
LAWLER							
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

This is a Certified True copy of the Original Ordinance 2023-06 on file in the Municipal Clerk's Office.

/s/ MONICA A. KYLE, RMC
MUNICIPAL CLERK

1ST READING: 3/15/2023
PUBLICATION: 3/20/2023
2ND READING: 4/19/2023
PUBLICATION:

Borough of Longport
Signature page for Salary Ordinance 2023-06
Page 3 of 3

Monica Kyle, RMC, CMR
Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

**BOROUGH OF LONGPORT
ORDINANCE 2023-07**

**AN ORDINANCE AUTHORIZING THE SALARIES, WAGES AND COMPENSATION IN YEAR 2023 FOR
EMPLOYEES NOT COVERED BY PREVIOUS ORDINANCE OR UNION CONTRACTS**

Section 1: The within described salaries, wages and compensation paid to the following officials, officers and employees shall be computed from January 1, 2023.

All amounts are annual unless otherwise noted and shall not exceed the following:

DEPARTMENT OF PUBLIC AFFAIRS AND PUBLIC SAFETY

COMMISSIONER	13,982
POLICE CHIEF	100,000 to 175,000
OFFICE OF THE BOROUGH CLERK	
MUNICIPAL ADMINISTRATOR	40,000 TO 85,000 or 20.00 to 50.00
BOROUGH CLERK	45,000 TO 90,000
DEPUTY BOROUGH CLERK	1,000 TO 10,000
REGISTRAR	3,744
DEPUTY REGISTRAR	1,829
ALTERNATE DEPUTY REGISTRAR	582
MUNICIPAL COURT JUDGE	12,000 TO 17,500
PROSECUTOR	12,064
EMERGENCY MANAGEMENT COORDINATOR	3,000 TO 5,000
DEPUTY EMERGENCY MANAGEMENT COORDINATOR	1,500 TO 2,900
PLANNING BOARD ADMINISTRATIVE OFFICER	1,798
PLANNING BOARD RECORDING SECRETARY	1,798
ZONING/CODE OFFICER	45,000 TO 80,000
CLERK TYPIST (HOURLY)	15.00 TO 19.00
COMPLIANCE INSPECTORS (HOURLY)	16.82 to 28.85 or 35,000 to 60,000
UNIFORM CONSTRUCTION CODE COORDINATOR	45,000 TO 80,000
ZONING ASSISTANT	18.00 TO 25.00
BUILDING DEPARTMENT ADMINISTRATOR	50,000 TO 95,000
ADMINISTRATIVE ASSISTANT-BUILDING DEPT	40,000 TO 60,000*
FIRE CHIEF	7,726
ASSISTANT FIRE CHIEFS	5,171
FIRE CAPTAINS	2,171
FIRE LIEUTENANTS	988
UNIFORM FIRE OFFICIAL	1,905
EMS Director	988
UNIFORM FIRE INSPECTOR	317
FIRE DEPT STIPEND	UP TO 2,250
COMMUNITY RATING SYSTEM DIRECTOR	3,000 TO 5,000
SPECIAL LAW ENFORCEMENT OFFICER I & II	15.00 TO 30.00
ADMINISTRATIVE ASSISTANT CLERK-POLICE DEPT	40,000 to 100,000
DOG LICENSE OFFICIAL	1,166

RECREATION SUPERVISOR	18.00 TO 25.00
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BEACH PATROL

CHIEF	19,000 to 28,000
CAPTAIN (MAXIMUM OF 85 DAYS)	180.00-256.00*
BOAT HOUSE MAINTENANCE	180.63 PER DAY **

** THE LIFEGUARD FORCE, INCLUDING THE OFFICERS LIMITED TO 120 BOATHOUSE MAINTENANCE DAYS IN TOTAL.

ANY OFFICERS AND LIFEGUARDS EMT-CERTIFIED MUST USE HIS/HER EMT SKILL AND TRAINING IN EVENT OF A BEACH EMERGENCY, MAY RECEIVED AN ADDITIONAL STIPEND OF \$550, IF THE INDIVIDUAL WORKS A MINIMUM OF 40 DAYS IN THE 2023 SEASON.

DEPARTMENT OF REVENUE AND FINANCE

COMMISSIONER	13,982
CHIEF FINANCIAL OFFICER	50,000 TO 100,000
TAX ASSESSOR	12,000 TO 22,000
TAX COLLECTOR	50,000 to 80,000
DEPUTY TAX/UTILITY COLLECTOR	1,000 to 10,000
JIF FUND COMMISSIONER	3,000
SAFETY COORDINATOR	3,000
CLAIMS COORDINATOR	3,000
ALTERNATE PAYROLL CLERK	1,166
QUALIFIED PURCHASING AGENT	3,683
® REASSESSMENT COORDINATOR	9,000 TO 12,360
® FIELD ASSESSOR-REASSESSMENT	5,150

® **NOT REQUIRED EVERY YEAR**

DEPARTMENT OF PUBLIC WORKS

COMMISSIONER	13,982
LICENSE HOLDER	15,679
SUPERINTENDENT	34.00-45.00
WATER UTILITY & PUBLIC WORKS (HOURLY)	
ADMINISTRATIVE ASSISTANT	20,800 TO 45,000
Laborer (as needed)	15.00 to 20.00

SECTION II: The salaries of all officials and employees of the Borough shall be paid on a bi-weekly basis with the exception of those salaries paid *not less than quarterly* so as to conform with pension reporting procedures.

SECTION III: Each full-time employee, except for those employees covered by a collective bargaining agreement or a management contract shall receive longevity pay, according to and in compliance with the Borough of Longport Personnel Policies and Procedures Manual and Employee Handbook, in addition to their regular salary.

SECTION IV: Firefighters and Emergency Medical Technicians (EMT) may receive a stipend. The Fire Chief shall develop criteria for payment of an annual stipend to certain Firefighters/EMT's of the Longport Volunteer Fire Department. A stipend may also be given for individuals who handle

administrative duties through the year. Those criteria shall be presented to the Director of Public Safety and Public Affairs on an annual basis for the Director's approval. In no event shall any such stipend paid by the Borough of Longport in accordance with this ordinance be considered as salary or other remuneration. The payments set forth herein shall not be considered salary, nor shall such payments be considered to in any way construe the creating of a paid or partially paid fire department or ambulance squad with the Borough of Longport. No person receiving such stipend shall be considered by virtue of that stipend alone an employee of the Borough. Payments of stipends are subject to production of adequate documentation of current certification. No individual may receive fire department stipends totaling more than \$2250.

SECTION V: EMS Duty Crew Stipends: The dates for the EMS Duty Crew program shall be determined by the Chief of the Fire Department annually.

The following stipends will be paid on a bi-weekly or monthly basis. All stipends will be in compliance with the EMS Duty Crew SOP. The range for the following titles are as follows per shift:

- Driver: Non Firefighter - \$ 75.00 - \$160.00
- Certified FFI by NJ Division of Fire Safety -\$75.00 - \$ 160.00
- EMT: Non Firefighter -\$75.00 - \$ 160.00
- Certified FFI by NJ Division of Fire Safety - \$75.00 - \$ 160.00

The Longport Volunteer Fire Department will provide a per call stipend for all EMS Responses not part of the EMS Duty Crews. All Stipends will be in compliance with Fire Department EMS Response Plan SOP. The range for this payment for the following titles as follows:

- Driver: \$ 20.00 - \$ 45.00 per call
- Certified EMT: \$30.00 - \$ 65.00 per call
- Additional Responders on an EMS Call may receive - \$ 10.00 per call

Duty Crew Payment and EMS Call Responses Payment will be tracked by the Fire Chief and/or his designee and submitted for payment on a biweekly to monthly basis.

*The cumulative amount for any paid fire department stipend and/or duty crew may not exceed \$17,235.00 per year.

*INDICATES A CHANGE FROM THE ORIGINAL ORDINANCE ADOPTED.

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

Vote on First Reading: 3/15/2023

Publication Date: 3/20/2023

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

Vote on Second Reading: 4/19/2023

Publication Date:

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

Borough of Longport
Signature page for Salary Ordinance 2023-07
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Monica Kyle, RMC, CMR
Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

**BOROUGH OF LONGPORT
ORDINANCE 2023-08**

**AN ORDINANCE AUTHORIZING SALARIES, WAGES AND COMPENSATION
FOR MEMBERS OF THE LONGPORT LIFEGUARD ASSOCIATION**

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners that the Salaries, Wages, and Compensation for the members of the Longport Lifeguard Association are as follows for the years so noted;

LIFEGUARD SALARY

Seniority	2023 3.5%		2024 3.5%		2025 3.5%	
1	\$138.00		\$142.83		\$147.83	
2	\$139.00		\$143.87		\$148.90	
3	\$140.00		\$144.90		\$149.97	
4 and 5	\$141.00		\$145.94		\$151.04	
6 and 7	\$144.69		\$149.75		\$154.99	
8 and 9	\$160.63		\$166.25		\$172.07	
10 thru 12	\$180.63		\$186.95		\$193.49	
13 and 14	\$186.73		\$193.27		\$200.03	
15 thru 17	\$190.41		\$197.07		\$203.97	
18	\$195.86		\$202.72		\$209.81	
Senior Guard	\$201.31		\$208.35		\$215.65	

Lieutenant	\$218.35		\$226.00		\$233.91	
Boathouse	\$180.63		\$186.95		\$193.49	

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

Vote on First Reading: 3/15/2023

Publication Date: 3/20/2023

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

Vote on Second Reading: 4/19/2023

Publication Date:

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

Borough of Longport
Signature page for Salary Ordinance 2023-08
Page 2 of 2

Monica Kyle, RMC, CMR
Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
ORDINANCE 2023-09**

**AN ORDINANCE OF THE BOROUGH OF LONGPORT, COUNTY OF
ATLANTIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 167 –
ZONING AND CHAPTER 15 – DEVELOPMENT PROCEDURES, RELATING
TO BUILDING HEIGHT REQUIREMENTS**

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

SECTION 1. Delete and Replace Section 167-7 as follows:

167-7 Building height and height exceptions.

- A. Maximum building height shall be determined in accordance with the following:
- (1) Maximum building height shall be 29 feet 6 inches above the finished first floor of the structure for all new and elevated construction, which measurement shall be from a finished first floor not higher than that required under Chapter 99 of the Longport Code.
 - (2) In determining permitted maximum building height for improvements or additions to existing structures, the existing finished first floor shall be utilized as long as it is at or below the minimum finished first floor elevation required by Chapter 99.
 - (3) Structures, or portions of structures, raised to comply with Chapter 99 shall be required to utilize the new finished floor elevation as long as it is not higher than that required under Chapter 99.
 - (4) The maximum building height may be established at 32 as above determined from finished first floor, provided that no portion of the roof structure above 29 feet 6 inches has a roof pitch less than 4:12.
- B. Eaves and Dormers
- (1) Along any side yard, the underside of the roof eave of any structure shall not be higher than 19 feet above the finished first floor as determined in Subsection A.
 - (2) Any portion of roof beginning not more than 18 inches from the face of the principal structure and not more than 14 inches higher than the permitted eave height shall not be steeper than 45°, or a slope of 1:1. Within this forty-five-degree roof slope along any side yard, vertical- and/or slope-faced dormers will be permitted to have a slope greater (steeper) than 1:1.

- (3) No dormer face will be permitted to be closer than the required principal building side yard setback. No such construction greater than 1:1 (45°) may occur within five feet of the required minimum front or rear principal building setbacks.
- (4) In addition to the permitted dormer length, not more than two small roofed window areas projecting not more than three feet horizontal (maximum perpendicular projection at any point from the 1:1 roof slope line), and each not more than four feet in width at any point, may also be permitted to violate the slope of 1:1 (45°).
- (5) The minimum permitted pitch of any roof slope above 29 feet 6 inches shall be 4:12.

C. All principal buildings and structures shall be subject to these height limitations except as follows:

- (1) Buildings or facilities owned by the Borough of Longport.
- (2) Chimneys or flues necessary to the height required by the International Building Code NJ Edition or International Residential Code NJ Edition as applicable.
- (3) Plumbing vent piping to the height required by the International Building Code NJ Edition or International Residential Code NJ Edition as applicable.
- (4) Freestanding ground mounted flagpoles within the front and rear yards only with a top height not greater than elevation 50.0 MSL.
- (5) Elevator shaft of no more than 36 square feet, provided that the height is no more than necessary to allow access to the highest habitable floor.

D. All accessory buildings and garages shall be in accordance with § 167-12.

SECTION 2. Delete and Replace Section 167-11A as follows:

A. Steps and Stairs in accordance with the following:

- (1) Uncovered steps or stairs extending from the ground level to the finished first floor of a principal structure and constructed perpendicular to the street right-of-way may project into the front yard not closer than five feet to the front property line in the RSF-1 and RSF-2 Zoning Districts and one foot in the RSF-3 Zoning District.
- (2) All steps or stairs that are constructed in the front yard which are parallel to the street right-of-way shall meet the required front yard setback for the principal structure.

- (3) Uncovered steps or stairs extending from the original ground elevation to the finished first floor of a principal structure may project into the rear yard setback not closer than 10 feet to the rear property line for the RSF-1 and RSF-2 Zoning Districts; and not closer than five feet for the RSF-3 Zoning District.
- (4) Uncovered steps or stairs extending from the original ground level to the finished first floor may be set back not less than five feet in the side yard in RSF-3 Zoning Districts only.
- (5) Outdoor steps or stairs for accessory structures shall meet the required setback for accessory structures.

SECTION 3. Amend the following definition under Section 15-37:

BUILDING HEIGHT - The vertical dimension of a structure or building measured from the minimum first-floor elevation of the habitable portion of the structure or building to the highest point of coping for a flat roof or the highest gable of a pitched or hip roof. For both existing and proposed structures or buildings, the first-floor elevation shall not be considered higher than ~~four~~ three feet above the base flood elevation for the lot as depicted on the adopted Digital Flood Insurance Rate Map (DFIRM).

FLOOR AREA, HABITABLE - An area fully enclosed by the inside surfaces of permanent walls, windows, doors and partitions and having a headroom in conformance with the ~~BOCA Code~~ International Building Code NJ Edition or International Residential Code NJ Edition as applicable, including living, eating, cooking, sleeping, storage, circulation, service, utility and other related household spaces, but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof will be considered habitable floor area when they are in compliance with the ~~BOCA Code~~ International Building Code NJ Edition or International Residential Code NJ Edition as applicable.

SECTION 4. All other ordinances or parts of ordinance which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalidated, such judgments shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Vote on First Reading: 3/15/2023

Publication Date: 3/20/2023

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

Vote on Second Reading: 4/19/2023

Publication Date:

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

Borough of Longport
Signature page for Ordinance 2023-09
Page 4 of 4

 Monica Kyle, RMC, CMR
 Municipal Clerk

 Mayor Nicholas Russo

 Commissioner James P. Leeds, Sr.

 Commissioner Daniel Lawler

BOROUGH OF LONGPORT

ORDINANCE #2023-10

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

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

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

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

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

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

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

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

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

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

Vote on First Reading: 4/19/2023

Publication Date:

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OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
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Vote on Second Reading: 5/17/2023

Publication Date:

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Signature page for Ordinance 2023-10

 Monica Kyle, RMC, CMR
 Municipal Clerk

 Mayor Nicholas Russo

 Commissioner James P. Leeds, Sr.

 Commissioner Daniel Lawler

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

DATE OF INTRODUCTION: 4/19/2023

 Monica Kyle, RMC, Municipal Clerk

BOROUGH OF LONGPORT

COUNTY OF ATLANTIC

ORDINANCE 2023-11

AN ORDINANCE AMENDING PART I I CHAPTER 112-13

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

§ 112-13**Construction sites.**

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

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

A.

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

B.

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

C.

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

D.

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

Vote on First Reading 4/19/2023

Publication:

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

Borough of Longport

Signature page for Ordinance 2023-11

Page 2 of 2

Monica Kyle, RMC, CMR

Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

BOROUGH OF LONGPORT

COUNTY OF ATLANTIC

ORDINANCE 2023-12

AN ORDINANCE AMENDING PART 2 OF CHAPTER 70

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

§ 70-2Certificate required.

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

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

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

Vote on First Reading 4/19/2023

Publication:

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OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
XX-indicates vote NV-not voting AB. - Absent						

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

Publication:

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Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. - Absent						

Borough of Longport

Signature page for Ordinance 2023-12

Page 2 of 2

Monica Kyle, RMC, CMR

Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

** ** ** ** **

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

ORDINANCE NO. 2023-13

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Longport that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

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

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

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

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

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

101.6 Warning. The degree of flood protection required by these regulations is considered reasonable for

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

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

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

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

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

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

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

SECTION 102 APPLICABILITY

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

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

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

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

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

Table 102.2(1)

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

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

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34001C0434G	1/30/2015		

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

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

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

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

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus **four foot (4) of freeboard**; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot or higher standard feet of freeboard and any additional freeboard as required by ASCE 24-14; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus **four foot (4) of freeboard** and any additional freeboard as required by ASCE 24-14. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) A Zones – For Zone A on the municipality’s FIRM (or on preliminary elevation guidance from FEMA), the Local Design Flood Elevation is determined to be 3’ of Free Board to the bottom of the flooring system above the effective base flood elevation of the flood zone in which the property is located. All materials below the LDFE shall be water-resistant as defined in ASCE-24.
- 4) Coastal A and V Zones – For Coastal A and V Zones on the municipality’s FIRM (or on preliminary elevation guidance from FEMA), the Local Design Flood Elevation is determined to be 3’ of Free Board to the underside of the lowest horizontal structural member, above the effective base flood elevation of the flood zone in which the property is located. All materials below the LDFE shall be water-resistant as defined in ASCE-24.
- 5) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is four (4) feet above the highest adjacent grade. (note Longport does not have any AO Zones)
- 6) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation with an additional one (1) foot of freeboard or the Local Design Flood Elevation.

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

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

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

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

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

103.5 Use of changed technical data.

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

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

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

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

103.8- Requirement to submit new technical data.

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

103.9- Activities in riverine flood hazard areas.

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

103.10-Floodway encroachment.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 104 PERMITS

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

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

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

(5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.

(6) Be signed by the applicant or the applicant's authorized agent.

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

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

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

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

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

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

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

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

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

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

SECTION 106 INSPECTIONS

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

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

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

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

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

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

SECTION 107 VARIANCES

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

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

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

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

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

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

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

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

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

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

SECTION 108 VIOLATIONS

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

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

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

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

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs)₄ derived from

detailed hydraulic analyses are shown in this zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

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

801.2 Requirements for Habitable Buildings and Structures.

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

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

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

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

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

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

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

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

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

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

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

801.7 Roads and watercourse crossings.

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

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

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

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

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

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

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

Floodplain Administrator.

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage.

Vote on First Reading: 4/19/2023 publication:

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

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

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

Borough of Longport
Signature page for Ordinance 2023-13
Page 32 of 32

Monica Kyle, RMC, CMR
Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler

**BOROUGH OF LONGPORT
RESOLUTION #2023-47
A RESOLUTION TO AUTHORIZE INTRODUCTION
OF YEAR 2023 MUNICIPAL BUDGET**

THE MUNICIPAL BUDGET FOR THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY FOR THE FISCAL YEAR OF 2023

SECTION 1.

The Municipal Budget of the Year of 2023:

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for 2023;

General Revenues:	\$2,642,339.24
Local Tax for Municipal Purposes:	\$6,891,861.74
Library Tax	\$808,023.00
 Total Amount to be Raised for Support of Municipal Budget:	 \$7,699,884.74
 Total General Revenues:	 \$10,342,224.08

BE IT FURTHER RESOLVED that said budget shall be published in the Press of Atlantic City. The Governing Body of the Borough of Longport does hereby approve the following Budget for the Year of 2023

Recorded vote:
 Mayor Russo -
 Commissioner Lawler -
 Commissioner Leeds -

A hearing on the Budget and Tax Resolution will be held at Borough Hall, 2305 Atlantic Avenue on May 17, 2023 at 4 PM at which time and place objections to said Budget and Tax Resolution for the Year of 2023 may be presented by taxpayers or other interested persons.

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

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

DATE OF
ADOPTION: 04/19/23

/s/ Monica Kyle, Municipal Clerk

BOROUGH OF LONGPORT

Resolution 2023-48

A RESOLUTION AUTHORIZING ADOPTION OF WRITTEN INDOOR AIR QUALITY PROGRAM

Whereas, A Written Indoor Air Quality Program is required by Public Employees Occupational Safety and Health; and

Whereas, A Written Indoor Air Quality Program sets standards for maintaining Indoor Air Quality, and

Whereas, The Borough of Longport has reviewed and updated its Model Written Indoor Air Quality Program; and

Whereas, At the recommendation of Municipal Administrator, Juergen Simmons is the designated person responsible for compliance, and

Whereas, The Borough of Longport has reviewed the Written Indoor Air Quality Program annually and updated as needed.

Now Therefore, Be it resolved, that the updated Written Indoor Air Quality Program be adopted by the governing body of the Borough of Longport, effective through February 2023.

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

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

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

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

DATE OF
ADOPTION:
4/19/2023

MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
Resolution 2023-49**

A Resolution Appointing SLEO I Officers to serve the Borough of Longport for the Summer 2023

WHEREAS, the Borough of Longport is in need of hiring two (2) Special Law Enforcement Officer I staff members ; and,

WHEREAS, applications were accepted and interviews conducted to appoint two (2) NJ State qualified Special Law Enforcement I officers; and,

WHEREAS, it is desirous to appoint the following to the position of SLEO I from May 8th, 2023, to September 4, 2023, and will be compensated according to Ordinance 2023-01 “**An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2023 for Employees not Covered by Previous Ordinance or Union Contracts**”

**PATRICK QUINN
NUMA RODRIGUEZ-ROJAS**

THEREFORE, BE IT RESOLVED that the aforementioned individuals are hereby appointed SLEO I effective May 8th, 2023.

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

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

DATE OF ADOPTION: _____

4/19/2023

/s/ Monica A. Kyle, Municipal Clerk

BOROUGH OF LONGPORT
County of Atlantic, New Jersey
R 2023-50

**A RESOLUTION ESTABLISHING A TEMPORARY EMERGENCY 'NO PARKING' AREA
ALONG ATLANTIC AVENUE –SOUTHEAST CORNER OF 22nd TO MARGATE CITY LINE-
SOUTH SIDE**

WHEREAS, the Borough of Longport will be participating in the KENNY WAYLAND MEMORIAL SCHOLARSHIP RUN that will involve Ventnor, Margate and Longport on Sunday, May 28, 2023, from 8:30 am to 1:00 pm; and

WHEREAS, in the interest of safety during this event, there is a need to declare an emergency “no parking” area along the south side of Atlantic Ave starting from the Southeast corner of 22nd Avenue and to continue to the Margate City Line; and

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

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Borough of Longport that it hereinafter authorizes the following temporary, special traffic regulations to be implemented in the Borough of Longport, Atlantic County, New Jersey:

'No Parking' on South Side (Atlantic Ocean) of

Roadway	From	To
Atlantic Avenue	22nd Avenue	Margate City Line

AND BE IT FURTHER RESOLVED that prohibition of parking shall be in effect May 28 for the duration of the race.

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

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

DATE OF ADOPTION: 4-19-2023

/s/ Monica Kyle, Municipal Clerk

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R2023-51**

**ESTABLISHMENT OF AN EMERGENCY 'NO PARKING' AREA, CLOSURE,
AND DETOURING DURING 2023 MEMORIAL DAY PARADE**

WHEREAS, the American Legion Post 469- John A. Kuzmann Memorial will hold a Memorial Day Parade on May 29, 2023 that will go down various streets in the Borough; and

WHEREAS, conducting a parade necessitates special traffic regulations on the Various Streets as listed below; and

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

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

Starting at 9:00 am to 1:00 pm on May 29, 2023:

'No Parking' on both sides of <i>Roadway</i> Absequan Avenue (All) 27th Avenue Oberon Avenue Atlantic Avenue (beach side)	<i>From</i> Absequan Avenue 26th Avenue 32 nd Avenue	<i>To</i> Atlantic Avenue 28 th Avenue 34 th Avenue
---	--	--

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

Adopted: 4/19/2023

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

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

DATE OF ADOPTION: 4/19/2023

MONICA KYLE, RMC, MUNICIPAL CLERK

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

Monica A. Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
Resolution 2023-52**

**A RESOLUTION AUTHORIZING THE BOROUGH OF LONGPORT
TO RENEW A CONCESSION AGREEMENT WITH AN ELECTRONIC
SELLER AND DISTRIBUTOR OF BEACH BADGES**

WHEREAS, as per R2016-36 adopted 3-23-2016, R2019-55, R2020-105, R2021-113, R2022-52, and the VIPLY Proposal dated March 1, 2018, the Borough of Longport enter into an agreement with a company “VIPLY” in regard to selling beach badges electronically; and

WHEREAS, the Borough of Longport recognizes a need for a way for residents to purchase beach tags with a credit card or debit card in a manner that allows the Borough to pass any processing fees on to the consumer; and

WHEREAS, the Borough of Longport wishes to extend the agreement for 2023 with VIPLY for the purpose of granting them the right to provide those services to the citizens and visitors to the Borough of Longport who wish to use the Longport beaches.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Longport that the Borough hereby extends this concession contract with VIPLY, LLC and that sales of beach tags can commence April 10 with the mobile application.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEEDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAWLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

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

DATE OF ADOPTION: 4-19-2023

/s/ MONICA KYLE, MUNICIPAL CLERK

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

/s/ Monica A. Kyle, MUNICIPAL CLERK

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2023-53

AWARD OF CONTRACT TO
SYSTEMS FOR YOU, INC.
PO BOX 67
MILLVILLE, NJ 08332
FOR SERVER SUPPORT AND
NETWORKING SERVICE

WHEREAS, the Borough has to decided to renew a contract for **SERVER SUPPORT AND NETWORKING SERVICE** for the Borough Hall Computers and Server, which information is on file with the Chief financial Official; and

WHEREAS, the Mayor has reviewed the proposal and has recommended award to, **SYSTEMS FOR YOU, INC.** of Millville, New Jersey for their Total Bid Amount of **\$2,500.00** for the period May 1, 2023, to April 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Longport Borough Board of Commissioners that the recommendation of the Mayor is hereby accepted and that said Governing Body hereby awards, and the Chief Financial Officer is hereby authorized to execute Purchase Order/Contract for **SERVER SUPPORT AND NETWORKING SERVICE** to **Systems for You, Inc.** of Millville, New Jersey for their Total Amount Bid of **\$2,500.00**; and

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

Adopted: 4/19/2023

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

MONICA KYLE, RMC, MUNICIPAL CLERK

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

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

DATE OF ADOPTION: 4-19-2023

 /s/ MONICA KYLE, MUNICIPAL CLERK

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2023-54

**AUTHORIZING A NON FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT
WITH JAMES M. RUTALA ASSOCIATES, LLC OF LINWOOD, NJ FOR PLANNING AND
GRANT ASSISTANCE**

WHEREAS, the Governing Body of the Borough of Longport wishes to enter into a contract with JAMES M. RUTALA ASSOCIATES, LLC ("Rutala Associates") of Linwood, NJ which will retain Rutala Associates for the purpose of assisting the Borough of Longport in the completion and submission of grant applications related to Federal Emergency Management Agency available grants for house elevation and additional grant opportunities; and

WHEREAS, **Rutala Associates** has been engaged by, and has prepared grant applications for Federal Emergency Management Agency grant funds to elevate properties in Brigantine, Atlantic City, Ventnor, Margate, Pleasantville and Cape May City; and

WHEREAS, Rutala Associates submitted an initial contract for which the Professional Services are outlined in a Proposal dated April 4, 2023 and shall not exceed \$10,000; and

WHEREAS, the contract is terminable by either party with seven days' notice and continues in full force and effect; and

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Longport that it hereby accepts the Proposal dated April 4, 2023 for the 2023 year with **Rutala Associates** for one year at a cost not to exceed \$10,000 and hereby directs the Emergency Management Coordinator to authorize **Rutala Associates** to begin work as outlined in said Proposal, as necessary; and

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

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

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

DATE OF ADOPTION: 04-19-23

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

**BOROUGH OF LONGPORT
RESOLUTION 2023-55**

LOCAL UNIT BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7 through 7.5 the Board of commissioners of the Borough of Longport has been declared eligible to participate in the program by the Divisions of Local Government Services, and the Chief Financial Officer has determined that the Borough of Longport meets the necessary conditions to participate in the program for the 2023 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Longport, County of Atlantic, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officers' certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred Charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amount required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A: 4-45.3 et seq. are fully met. (Complies with "CAP" Law)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5: 30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of Local Government Services.

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

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

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

DATE OF ADOPTION: 4-19-2023

/s/ MONICA A. KYLE, RMC

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5: 30-7.6.

Dated: _____

By: _____

Ms. Jenna Kelly, CFO

This certification form and resolution of the Governing Body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7/6(e)).

**BOROUGH OF LONGPORT
RESOLUTION 2023-56
A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Borough of Longport is the owner of certain surplus property: and

WHEREAS, the property is no longer needed for public use; and

WHEREAS, the Governing Body of the Borough of Longport is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport, County of Atlantic, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals.com pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough Clerk.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold attached as Exhibit A:
- (5) The Borough of Longport reserves the right to accept or reject any bid submitted.

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

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

DATE OF ADOPTION:
4/19/2023

/s/ MONICA A. KYLE, MUNICIPAL CLERK

EXHIBIT A

INV #	DESCRIPTION	VIN NUMBER
1	2011 HONDA FOREMAN RUBICON GPS ATV – RED	1HFTE26E5B4101646
1	2013 HONDA FOREMAN RUBICON GPS ATV – RED	1HFTE2605D4301322
1	2013 POLARIS RANGER CREW 800 EFI- RED/BLACK	4XAWH76A9D2713394
1	2015 SEA DOO GTISE130 – WHITE/ORANGE/BLACK	YDV27817D515
1	2006 SEA DOO GTI – YELLOW/WHITE	YDV45966B606

1	2003 SEA DOO RX01 – RED/BLACK	ZZN62990C303
1	2011 SEA DOO GTI130 – WHITE/ ORANGE	YDV28907E111
1	2004 SEA LION TRAILER (JET SKI) SILVER	45LBS161942074819
1	2006 EZ LOADER BOAT TRAILER – GREY MODEL #6-TIARBS 25 3000 D3X	1ZEZACZM06A029347
1	1996 NEW HOLLAND TRACTOR MODEL #5640 SLE	030792B

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2023-57

APPROVAL OF CHANGE ORDER NUMBER 1
ROADWAY AND DRAINAGE IMPROVEMENTS TO ATLANTIC AVENUE

WHEREAS, the Borough of Longport previously awarded a Contract to **Charles Marandino LLC** of **Milmay, New Jersey** in the amount of **\$1,648,085.00** for the **Roadway and Drainage Improvements to Atlantic Avenue**; and

WHEREAS, the Municipal Engineer has prepared Change Order #1 to increase said Contract in the amount of **\$73,464.24** resulting in an amended contract amount of **\$1,721,549.24**; and

WHEREAS, the reason for Change Order #1 is to add various supplemental work items required to facilitate proposed utility improvements due to unforeseen conditions; and

WHEREAS, Change Order #1 does not include a request for a time extension; and

WHEREAS, the Contractor, **Charles Marandino LLC**, has reviewed and accepted Change Order #1 as prepared by the Municipal Engineer; and

WHEREAS, the Municipal Engineer recommends Change Order #1 for approval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport that it hereby approves and authorizes Change Order #1 in the amount of **\$73,464.24** for the **Roadway and Drainage Improvements to Atlantic Avenue** resulting in a total amended contract amount of **\$1,721,549.24**.

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

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

DATE OF ADOPTION: _____

4/19/2023

/s/MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R2023-58**

**A RESOLUTION DESIGNATING BEACH LOCATIONS IN THE BOROUGH OF
LONGPORT FOR USE IN LAUNCHING AND RETRIEVING OF KAYAKS ON
BOROUGH BEACHES**

WHEREAS, it is in the interest of the Borough of Longport to designate beach locations for the use of launching and retrieving of kayaks on the Borough beaches;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners as follows:

Designated locations for launching and retrieving kayaks on Longport’s beaches are as follows:

Between 14th and 15th Avenues; between 22nd and 23rd Avenues; between 27th and 29th Avenues and between 32nd and 33rd Avenue’s drainage pipe.

This Resolution is promulgated pursuant to the authority of the Ordinances of the Borough of Longport, the enforcement of which is duly provided in Chapter 61 of the Borough of Longport Code.

This Resolution shall take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

COMMISSIONER	AYE	NAY	N.V	AB	MO.	SEC.	
RUSSO							
LEEDS							
LAWLER							
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

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

DATE OF ADOPTION: 4/17/2023

/s/ MONICA A. KYLE, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R2023-59**

**A RESOLUTION DESIGNATING THE AREAS AND TIMES PERMITTING
THE SPORT OF SURFING AND SURF RIDING WITHIN THE BOROUGH OF
LONGPORT**

WHEREAS, it is in the interest of the Borough of Longport to designate areas and times for surfing and surf riding within the Borough of Longport.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners as follows:

Designated locations for surfing and surf riding:

12th, 22nd, 28th and 32nd Avenues

No person shall engage in the sport of surfing or surf riding within the Borough of Longport at any other location except as specified above between the hours of 10 AM and 6 PM.

This Resolution is promulgated pursuant to the authority of the Ordinances of the Borough of Longport, the enforcement of which is duly provided in Chapter 61 of the Borough of Longport Code.

This Resolution shall take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.	
RUSSO							
LEEDS							
LAWLER							
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

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

DATE OF ADOPTION: _____

4/19/2023

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R2023-60**

**A RESOLUTION DESIGNATING THE BATHING SEASON AND THE GUARDED BEACHES
INCLUDING AUTHORIZED STAFFING IN THE BOROUGH OF LONGPORT**

Whereas, it is in the interest of the Borough of Longport to designate guarded beaches from which persons may bathe and swim; Whereas there is an appropriate season to provide guarding services and further there is a need to provide a pre and post season lesser level of guarding as a function of weather conditions. In 2023, the guarded beach-bathing season is designated as commencing 6/3 and terminating 9/17. Weather permitting limited guarding will be provided on designated pre and post season weekends.

Beaches will be opened, staffed and closed as indicated:

Beach	Open Date	Staffing		Close Date
		Fri –Sun**	Mon – Thurs	
13 th Ave	6/17	2	2	9/4
16 th Ave	6/3	3	3	9/17*
19 th Ave	6/10	2	2	9/4
21 st Ave	6/17	2	2	9/4
25 th Ave	6/24	2	2	9/4
26 th Ave	6/3	3	2	9/17*
Pelham Ave	6/17	3	2	9/4
30 th Ave	6/3	3	2	9/17*
31 st Ave	6/10	3	3	9/4
33 rd Ave	6/3	3	3	9/17*
34 th Ave	6/17	2	2	9/4
35 th Ave	6/10	3	2	9/4
Total		31	27	
Captains and Lieutenants	Minimum of	4	3	
Senior Guard	Minimum of	1	1	

- * On the weekends of 5/27 and 9/23 the beaches on 16th, 26th, 30th and 33rd Avenues will be opened for anticipated pre/post season good weather but may be closed at the discretion of the Chief.
- ** Friday through Sunday staffing plan applies July 4th and Labor Day.
- At the Chief's discretion, beaches may be opened prior to their start date listed above and closed before their end date.

All guarded beaches are open from 10 AM to 6 PM.

The designation of beaches is required under Chapter 61 of the Code of the Borough of Longport.

This Resolution is promulgated pursuant to the authority of the ordinances of the Borough of Longport. This Resolution will take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

	Motion	Second	Yes	Nay	Abstain	Absent
Russo						
Leeds						
Lawler						

Date:
4/19/2023

Certified by
MONICA A. KYLE, RMC, Municipal Clerk

**BOROUGH OF LONGPORT
RESOLUTION 2023-61
EMERGENCY TEMPORARY APPROPRIATION 2023**

WHEREAS, an emergent condition has arisen with respect to providing appropriations for various appropriations, and no adequate provision has been made in the 2023 temporary appropriations for the aforesaid purposes, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and
WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total:

CURRENT FUND \$4,693,738.46

NOW, THEREFORE, BE IT RESOLVED (by not less than 2/3 of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the 2023 budget as follows:

CURRENT FUND \$15,000.00

2. That said emergency temporary appropriation will be provided for in 2023 under the title of, as per the attached schedule:

CURRENT FUND \$15,000.00

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

<u>Appropriation</u>	<u>Additional Amount</u>	<u>Total Temp Budget</u>
Beach Patrol	OE \$15,000.00	\$32,000.00

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the above-listed appropriation be authorized immediately.
All resolutions or parts of resolutions inconsistent herewith are hereby repealed and this resolution shall take effect immediately.

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

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

DATE OF ADOPTION:

4/19/2023

/s/ Monica Kyle, RMC, Municipal Clerk

BOROUGH OF LONGPORT

RESOLUTION 2023-39

**A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN
THE BOROUGH OF LONGPORT AND
THE LONGPORT LIFEGUARD ASSOCIATION
2023-2025**

WHEREAS, the Borough of Longport desires to ratify and execute the employment contract with the Longport Lifeguard Association;

NOW THEREFORE, BE IT RESOLVED that the Director of Public Safety and Public Affairs is hereby authorized to execute an employment agreement on file in the Municipal Clerk’s office, with the Longport Lifeguard Association.

All resolutions or parts of resolutions inconsistent herewith are hereby repealed and this resolution shall take effect immediately subject to the terms aforesaid.

RECORD OF GOVERNING BODY VOTE TO WITHDRAW 3/15/2023:						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO	X				X	
LEEDS	X					X
LAWLER				X		
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC- Second						

DATE OF
ADOPTION:
03/15/2023

WITHDRAWN

MONICA KYLE, RMC, MUNICIPAL CLERK

RECORD OF GOVERNING BODY VOTE 4/19/2023:						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC- Second						

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

DATE OF
ADOPTION:
04/19/2023

MONICA KYLE, RMC, MUNICIPAL CLERK

**Longport Borough Financial Report
Current and Utility Fund-Summary Only**

March-23

(Misc. revenues and manual checks may not be included. Figures may not have been reconciled to bank or financial reports as of the reading date of this report. The previous monthly bank statements are reconciled and on file in the Finance Office)

Current Fund

Beginning Balance	3/31/2023	\$9,349,907.77
Revenues		
Taxes		329,703.87
Fees and Permits		1,380.00
Construction Fees		17,620.00
Beach Fees		0.00
Municipal Court		3,008.80
Interest on Investments		5,522.38
Miscellaneous		18,361.38
State Aid/Grants		0.00
Other - JIF Refund/Comcast/Ice Cream		2,000.00
Total Revenues	3/31/2023	\$377,596.43
Disbursements		
Checks/payroll/debt/ due to capital/grants		\$1,008,697.13
Transfer to Water & Sewer		
Total Disbursements	3/31/2023	\$1,008,697.13
Ending Balance	3/31/2023	\$8,718,807.07

Utility Fund

Beginning Balance	3/31/2023	\$2,835,736.56
Revenues		
Water/Sewer Rents		\$46,289.91
Interest		1,617.91
Miscellaneous		4,315.00
Total Revenues	3/31/2023	\$52,222.82
Disbursements		
Checks/Payroll/Debt		\$344,671.65
Total Disbursements	3/31/2023	\$344,671.65
Ending Balance	3/31/2023	\$2,543,287.73