

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE
FEBRUARY 19, 2020
REGULARLY SCHEDULED REGULAR GOVERNING BODY
MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON
AS PRACTICABLE AFTER THE MEETING AT WHICH
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A
COPY OF THAT WHICH WAS ADOPTED BY THE
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP
COUNCIL PRIOR TO ADOPTION.

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 101 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 19th day of February, 2020 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 > Attorney-Client Privilege – Helping People Help Themselves
 - () b. (8) Personnel matters
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2020 – 002 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES AND COSTS” OF THE REVISED GENERAL ORDINANCES AMENDED

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 135 “Fees and Costs”, §135-5. Department of Planning and Building; construction fees is amended as follows:

The Planning and Building Department is authorized to charge the following fees:

A. Construction permit fees. The fee for a construction permit shall be the sum of the sub code fees listed in the following subsections and shall be paid before the permit is issued:

- (1) Building sub code fees.
 - (a) Fees for new construction shall be based on the volume of the structure. The new construction fee shall be in the amount of \$0.036 per cubic foot of volume with a minimum of \$1,500.
 - [1] Use Group U shall be a minimum fee of \$100.
 - (2) Residential utility sheds over 200 square feet shall be \$0.036 per cubic foot of volume with a minimum fee of \$100.00
 - [3] Use Groups U, S1, S2 for agricultural use as defined under N.J.A.C.5:23-3.2(d) shall be a minimum fee of \$100 and \$0.035 per cubic foot of volume.
 - [4] Use Group S1 and S2 for commercial; and Use Group F1 and F2 shall be charged \$0.026 per cubic foot of volume with a minimum fee of \$250.
 - [5] Residential roof R-3/R-5: flat fee of \$70. All other Use groups: Fee will be calculated at \$30 per \$1,000 of estimated cost of work with a minimum fee of \$70.00.
 - [6] Residential siding R-3/R-5: flat fee of \$70. All other Use groups: Fee will be calculated at \$30 per \$1,000 of estimated cost of work with a minimum fee of \$70.00.
 - (b) For renovations, alterations, solar panel mounting/attachment, radon remediation systems and repairs or minor work as defined: \$30 per \$1,000 of estimated cost of the work, provided that the minimum fee shall be \$70.
 - (c) Additions for all use groups: \$0.036 per cubic foot of building or structure volume for the added portion, provided that the minimum fee shall be \$150.
 - (d) For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.
 - (e) Swimming pools shall be flat fee of \$100 for above ground and \$200 for in-ground pools.
 - (f) For residential elevators, dumbwaiters or hoists shall be \$70.
 - (g) For structures of temporary uses: \$70 for a period up to 90 days.
 - (h) Asbestos abatement: a flat fee of \$70.
 - (i) Lead hazard: a flat fee of \$70.
 - (j) Application for variation: \$150.
 - (k) Retaining wall permits: \$30 per \$1,000 of estimated cost, provided that the minimum fee shall be \$70.
 - (l) Annual construction permits.
 - [1] The annual fee to be charged for an annual construction permit shall be a flat fee based upon the number of maintenance workers employed by a facility, and who are primarily engaged in work that is governed by a sub code. Managers, engineers and clerical personnel shall not be considered maintenance workers for the purpose of establishing the

annual construction permit fee. Permits may be issued for building protection, electrical and plumbing sub codes.

- [2] Prior to the issuance of an annual construction permit, a training registration fee of \$100 per sub code shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element, Training Section along with a copy of the construction permit (form F-170). Fees shall be made payable to "Treasurer, State of New Jersey."
 - [a] One to 25 maintenance workers: \$425 per worker.
 - [b] For each additional worker over 25: \$165 per worker.
 - [c] Training registration: \$100 per worker.
- (m) Demolition permit fee.
 - [1] The fee for a permit for demolition of a building, structure or in ground pool shall be \$100 for all use groups.
 - [2] Demolition of all flammable or combustible storage tanks residential shall be \$80.
 - [3] Demolition of all flammable or combustible storage tanks commercial shall be \$200.
- (n) The fee for a permit to construct a sign shall be \$2 per square foot of the surface area of the sign, provided that the minimum fee shall be \$70. In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.
- (o) Certificate of occupancy fees.
 - [1] Certificate of continual occupancy: \$200 (upon request only). The fee for a letter requesting that no certificate of continual occupancy is required: \$20.
 - [2] Certificate of occupancy granted pursuant to change of use: \$100.
 - [3] Certificate of occupancy: \$100.
 - [4] Certificate of occupancy for asbestos abatement: \$100.
 - [5] Temporary certificate of occupancy. There shall be no fee for the first issuance of a temporary certificate of occupancy, provided that a certificate of occupancy fee was paid. Each renewal after the first issuance shall be a fee of \$30.00.
- (2) Plumbing sub code fees.
 - (a) The fee shall be in the amount of \$30 per fixture, piece of equipment or appliance connected to the gas piping or oil piping system including condensate pumps and lines.
 - (b) The fee shall be \$80 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers, active solar systems, sewer pumps and interceptors and water treatment systems/UV systems. There shall be no inspection fee charged for gas service entrances.
 - (c) The minimum plumbing sub code fee shall be \$70.
- (3) Electrical sub code fees.
 - (a) Electrical fixtures and devices:
 - [1] Receptacles and fixtures:
 - [a] First 25 fixtures: \$70.
 - [b] Each additional 25 will be \$30.
 - (b) Each motor or electrical device greater than one HP and less than or equal to 10 HP and for transformers and generators greater than 1 KW and less than or equal to 10 KW: fee is \$30 each.
 - (c) Each motor or electrical device greater than 10 HP and less than or equal to 50 HP for each service panel, service entrance or subpanel less than or equal to 200 amperes and for all transformers and generators greater than 11 KW and less than or equal to 45 KW and for each utility load management devices: the fee is \$70.
 - (d) Each motor or electrical device greater than 50 HP and less than or equal to 100 HP for each service panel, service entrance or subpanel greater than 200 amperes and less than or equal to 1,000 amperes and for each transformer or generator greater than 45 KW and less than or equal to 112 KW: fee is \$130 each.

- (e) Each motor or electrical device greater than 100 HP, for each service panel, service entrance or subpanel greater than 1,000 amperes and for each transformer or generator greater than 112 KW: fee is \$600.
- (f) The fee for the annual electrical inspection of swimming pools, spas or hot tubs shall be \$70.
- (g) Each pool bonding inspection shall be a flat fee of \$70.
- (h) The minimum electrical sub code fee shall be \$70.
- (4) Fire sub code fees.
 - (a) Alarm/supervisory/signaling (smoke, heat, pulls, water/flow):
 - [1] One to six: \$70.
 - [2] Each additional five: \$20.
 - (b) Fire suppression system. For the installation of either a wet or dry suppression system:
 - [1] One to 20 sprinkler heads: \$80.
 - [2] Twenty-one to 100 sprinkler heads: \$140.
 - [3] One hundred one to 200 sprinkler heads: \$260.
 - [4] Two hundred one to 400 sprinkler heads: \$640.
 - [5] Four hundred one to 1,000 sprinkler heads: \$950.
 - [6] One thousand one and over sprinkler heads: \$1,200.
 - (c) Standpipe: \$200.
 - (d) Pre-engineered systems.
 - [1] Wet chemical: \$125.
 - [2] Dry chemical: \$125.
 - [3] CO2 suppression: \$125.
 - [4] Foam suppression: \$125.
 - [5] FM 200 suppression: \$125.
 - (e) Commercial hood exhaust system: \$100.
 - (f) Smoke control system: \$70.
 - (g) Gas and oil-fired appliance which is not connected to a plumbing system: \$80.
 - (h) Central air-conditioning unit or ducts: \$70.
 - (i) Incinerators: \$500.
 - (j) Crematoriums: \$500.
 - (k) The fees for the issuance of a permit for a flammable or combustible storage tank installation shall be as follows:
 - [1] One to 1,000 gallons: \$80.
 - [2] One thousand one to 3,000 gallons: \$200.
 - [3] Three thousand one to 5,000 gallons: \$300.
 - [4] Five thousand one and over gallons: \$400.
 - (l) The fee for each solid-fuel-burning appliance such as a fireplace, woodstove or pellet stove shall be \$80.
 - (m) The fee for a chimney liner shall be \$80.00 per liner.
 - (n) The fee for the removal/abandonment of all residential flammable/combustible storage tanks shall be \$80 per tank.
 - (o) The fee for commercial tank removal/abandonment under 2,001 gallons shall be \$200 per tank.
 - (p) The minimum fire sub code fee shall be \$70.
- (5) Mechanical Inspection fees. When the Mechanical Inspector Technical Section is used in lieu of a Plumbing and Fire sub code for one and two family dwellings, the Mechanical inspector fee shall be as follows:
 - (a) Water Heaters: \$30 each
 - (b) Hot Water/Steam Boilers: \$80 each
 - (c) Hot Air Furnace: \$80 each
 - (d) LPG Tank installation: \$80 per tank
 - (e) Residential oil tank installation under 2,001 gallons: \$80 per tank
 - (f) Fuel oil piping or Gas piping: \$30 each
 - (g) LP/Gas fired Fireplace or Gas log set: \$80 each
 - (h) Chimney Liner: \$80 each
 - (i) Central Air Conditioning or Mini-Split system: \$70 each
 - (j) Condensate Pumps/Lines: \$30 each
 - (k) Backflow Preventers: \$80 each

- (l) The minimum Mechanical Inspector fee shall be \$70.
- (6) Change of contractors shall be \$70 per sub code.
- (7) Elevator sub code fees. To be reviewed and processed by DCA.
- B. Plan review fee. The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
- C. Surcharge fee for new construction.
 - (1) Collection of State of New Jersey training fees. In order to provide for the training and certification and technical support programs required by the act, and enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the Township. Said fee shall be accounted for and forwarded to the Bureau of Housing Inspection in the manner herein provided.
 - (2) Fees. This fee shall be in the amount of \$0.00371 per cubic foot volume of new construction and \$1.90 per \$1,000.00 of estimated cost of work for alterations. Volume shall be computed in accordance with N.J.A.C.5:23-2.28.
 - (3) Remitting and reporting.
 - (a) The Township shall remit such fees to the Bureau on a quarterly basis, in accordance with N.J.A.C. 5:23-4.19, ending March, June, September and December.
 - (b) A monthly report is transmitted to the Department of Community Affairs.
- D. Renewal of building permit fee. Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work as per UCC 5:23-2.16(b). Whenever it shall become necessary for the renewal of a building permit, then and in such case. The fee shall be computed as per the fee schedule currently in effect at the time of permit renewal.
 - (1) Editor's Note: See §110-6 Fees waived for improvements to promote accessibility, for waiver of certain fees for construction, reconstruction, alteration or improvements designed to promote accessibility by disabled persons.

All other sections of this Chapter shall remain unchanged.

- SECTION 2.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
- SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.
- SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: February 5, 2020
 Adopted:
 Effective Date:

TOWNSHIP OF WEST MILFORD
 COUNTY OF PASSAIC
 STATE OF NEW JERSEY

ATTEST

 William Senande, Township Clerk

By: _____
 Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance - 2020 – 003 ~

ORDINANCE TO REVISE CHAPTER 158, FLOOD DAMAGE PREVENTION, OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF WEST MILFORD, PASSAIC COUNTY TO CONFORM WITH THE REQUIREMENTS OF THE STATE OF NEW JERSEY AND THE FEDERAL GOVERNMENT GOVERNING FLOODPLAIN MANAGEMENT

WHEREAS the State of New Jersey, Department of Environmental Protection, has established revised floodplain mapping for the Township of West Milford and new requirements and process to be followed for any development in an identified floodplain or adjacent area; and

WHEREAS the Township of West Milford is required to revise the previously adopted floodplain mapping and regulations to conform to new state and federal requirements.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of West Milford, County of Passaic, New Jersey that Chapter 158, Flood Damage Prevention, is hereby revised to read as follows:

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety and general welfare of its citizenry. Therefore, the Township Council of the Township of West Milford of Passaic County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of West Milford of Passaic County are subject to periodic inundation which results 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.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging and other development which may increase flood damage; and
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

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

AO Zone- 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.

Appeal — A request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1-percent-annual-or-greater-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 — Land in the floodplain within a community subject to a one-percent-or-greater-chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a 1-percent-chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO and A1-30 the elevation represents 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.

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 Elevation — The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters

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 a required for Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA Publication — 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.

Flood Design Class — An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration 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 Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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 an engineer or architect to certify a floodproofing design for a non-residential building.

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.

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.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). 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 to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map— The draft version of the FIRM released for public comment before finalization and adoption.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements 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 a slab or footings, the installation of pilings, 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 or 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. 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.

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

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (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, the cost of which equals or exceeds fifty (50) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) 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 floodplains of coastal or riverine areas.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of West Milford of Passaic County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of West Milford of Passaic County Community No. 340411, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Passaic County, New Jersey (All Jurisdictions)" dated April 17, 2020.
- b) "Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)" as shown on Index and panels 34031C0010F, 34031C0015F, 34031C0016F, 34031C0017F, 34031C0018F, 34031C0019F, 34031C0028F, 34031C0029F, 34031C0036F, 34031C0037F, 34031C0038F, 34031C0039G, 34031C0041F, 34031C0042F, 34031C0043G, 34031C0084F, 34031C0092G, 34031C0105F, 34031C0107F, 34031C0110G, 34031C0111G, 34031C0112G, 34031C0116G, 34031C0117F, 34031C0118G, 34031C0119G,

34031C0126G, 34031C0127G, 34031C0128G, 34031C0129G, 34031C0131F, 34031C0136F, 34031C0138G whose effective date is April 17, 2020.

- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at West Milford Engineering Office, 30 Lycosky Drive, West Milford, NJ 07480.

3.3 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 misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the penalties imposed in Chapter 1, Article III, General Penalty, of the Township Code; and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of West Milford of Passaic County from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of West Milford of Passaic County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

The Township of West Milford shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been flood proofed;
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2;
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- e) Any forms, plans, or information required pursuant to any applicable FEMA publication.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- d) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding.
- e) Review all permit applications to determine whether development complies with all applicable FEMA Publications.
- f) Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record on a Floodproofing Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum);
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.3-7 REPORT CHANGES IN FLOODING CONDITIONS

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Planning Board as established by Mayor and Township Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Law Division Passaic County, as provided in Court Rule 4:69.
- d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- f) The Zoning Officer shall maintain the records of all appeal actions, including technical information, the justification for their issuance and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4-1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure located in an A, AE, AO or AH zone 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 at or above the more restrictive of the following:

- a) For A or AE zones:
 - i. base flood elevation (published FIS/FIRM) plus one (1) foot;
 - ii. the best available flood hazard data elevation plus one (1) foot;
 - iii. as required by ASCE/SEI 24-14, Table 2-1, or
 - iv. as required by N.J.A.C. 7:13-3.
- b) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- c) Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment: Either:

- a) Elevated at or above the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,

- b. the best available flood hazard data elevation plus one (1) foot,
- c. as required by ASCE/SEI 24-14, Table 2-1, or
- d. as required by N.J.A.C 7:13-3.
- ii. For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- iii. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit; or
- b) Be floodproofed so that below the more restrictive of the following:
 - i. For A or AE zones:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot,
 - c. as required by ASCE/SEI 24-14, Table 6-1, or
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
 - ii. The structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.
 - v. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot, or
 - c. as required by ASCE/SEI 24-14, Table 2-1,
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified) and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
 - v. Record the method and elevation used above and the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.
- c) All recreational vehicles located within an area of special flood hazard shall either:
 - i. Be on site for fewer than 180 consecutive days,
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet the requirements of sections 4.1 and 5.2-3 a) and b) above.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachment shall

not result in any increase in flood levels during the occurrence of the base flood discharge.

- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 7.0 ENACTMENT

7.01 ADOPTION

This Ordinance shall be effective immediately upon final passage, approval and publication as required by law.

This ordinance may be renumbered for codification purposes

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD
PASSAIC COUNTY
STATE OF NEW JERSEY

ATTEST:

Bill Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 102 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-023-005 FROM BLINI LLC TO 4ZIP SQUARE CORP. FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2019-2020 Plenary Retail Consumption License 1615-33-023-005 presently held by Blini LLC to 4Zip Square Corp. for premises at 216 Cahill Cross Road, West Milford, NJ 07480; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

- 1. The submitted application is complete in all respects.
- 2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
- 3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the active license be transferred with conditions listed below.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to issue the license certificate for the Mayor and Township Council of the Township of West Milford upon receipt of satisfactory recommendations of premise inspections.

| LICENSE | CONDITIONS |
|--|---|
| <p style="text-align: center;">4ZIP SQUARE CORP. t/a Blini Restaurant & Pizzeria 216 Cahill Cross Road West Milford, NJ 07480</p> | <ul style="list-style-type: none"> 1. The Police Department must be contacted to complete an inspection of the premises once the transfer is complete. 2. Licensee(s) must submit pages 1, 2, and 11 of the 12 page application to the Township Clerk's Office once the transfer is complete. 3. No food, drinks or alcoholic beverages served on outside porch area or patio area prior to resolution of Township Zoning and Site Plan requirements. 4. ADA parking to be in compliance with State requirements. |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 103 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR NOSENZO POND PARK – PHASE 4: SEPTIC SYSTEM, POTABLE WELL AND RESTROOMS IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township’s Engineering Division has recommended to the Township Council the submission of an application for funding for the septic system, well and restrooms at the Nosenzo Pond Park; and

WHEREAS, the Ferriero Engineering Inc. septic system was included in the Nosenzo Pond Park – Phase 2 rehabilitation NJDEP environmental permitting; and

WHEREAS, the Township advertised a Public Notice on February 2, 2020 and February 9, 2020 for the public hearing on the application to be held at the Regular Township Council Meeting on February 19, 2020;

WHEREAS, the Engineering Division submits the following application for consideration to the Township Council:

Project

Nosenzo Pond Park – Phase 4: Septic System, Potable Well and Restrooms

| | | |
|-------------------|-----------------------------------|--------------|
| Block 9302 Lot 16 | Grant Application: | \$180,000.00 |
| | Township Contribution: | \$180,000.00 |
| | Total Construction Cost Estimate: | \$360,000.00 |

WHEREAS, in accordance with the requirements of the Passaic County Open Space Trust Fund Grant Application, the Township notified, by Certified Mail, the property owners within 200 feet of the site being considered for improvement of the scheduled hearing on February 19, 2020; and

WHEREAS, a public hearing will be held on February 19, 2020, at which time public input will be solicited.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford and County of Passaic that the Township Administrator is hereby authorized to submit a Passaic County Open Space, Farmland and Historic Preservation Trust Fund application in the amount of \$180,000.00 for the Nosenzo Pond Park – Phase 4: Septic System, Potable Well and Restrooms.

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 104 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2020 COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT

WHEREAS, the West Milford Police Department has an obligation to keep our communities and roadways safe; and

WHEREAS, all state, local and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply; and

WHEREAS, funding may be utilized to hire new officers. Positions must be in addition to the current budgeted (funded) level of sworn officers; and

WHEREAS, CHP awards provide up to 75% of funding of the approved entry level salaries and fringe benefit of each newly hired full-time sworn law enforcement officer over the three-year (36-month) award period with a minimum 25% local cash match requirement, with maximum federal share of \$125,000 per position; and

WHEREAS, recipients must retain these officer positions for at least 12 months immediately after the 36 months of federal funding has ended for each position.

NOW THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Milford hereby authorizes the submission of a 2020 Community Oriented Policing Services (COPS) Grant in order to hire new officers. This grant awards up to 75% of funding over the three-year (36 month) award period, with a minimum 25% local cash match requirement, with maximum federal share of \$125,000 per position.

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 105 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE USE OF ESCROW FUNDS FROM THE LEASE OF THE HILLCREST FACILITY TO BE APPLIED TO THE PURCHASE OF A NEW TURF FIELD BY THE WEST MILFORD TOWNSHIP BOARD OF EDUCATION

WHEREAS, the Township of West Milford entered into an agreement with the West Milford Board of Education for the lease of the Hillcrest facility; and

WHEREAS, the lease agreement was previously terminated between the parties; and

WHEREAS, as part of the terms of the lease agreement there remains an escrow balance in the name of the Township of West Milford in the amount of \$310,564.96; and

WHEREAS, the Township of West Milford previously entered into an agreement with the Township of West Milford Board of Education to jointly construct a turf field at the West Milford Township High School; and

WHEREAS, as part of the efforts to construct a turf field, the Township and the Board of Education previously agreed that they would collectively maintain the field and reserve funding for a new turf field at the end of the existing field's useful life; and

WHEREAS, the Township Engineer has advised that the existing turf field is near the end of its useful life and the Board of Education has proposed that it would like to obtain proposals for the construction of a new turf field which will cost in the range of \$725,000.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, in the County of Passaic, State of New Jersey, the Township of West Milford, in an effort to support its obligation with respect to the construction of a new turf field, as well as to continue its support of recreational opportunities for its residents, hereby authorizes the transfer of the escrow funds remaining from the Hillcrest lease in the amount of \$310,564.96 to the West Milford Board of Education solely for the purposes of the construction and installation of a new turf field at the West Milford High School for an estimated cost of \$725,000.

BE IT FURTHER RESOLVED, that the Township and the Board of Education hereby agree that the contribution by the Township will satisfy the Township's obligation for this project and the parties will continue to work in a collaborate manner to share and utilize the turf field once the project has been completed.

This Resolution shall take effect immediately.

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
And certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 106 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING TAX ABATEMENT FOR LINCOLN VILLAGE

-Resolution to Follow-

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 107 ~

MAYOR'S APPOINTMENT OF WILLIAM SENANDE AS COMMISSIONER, CATHERINE SHANAHAN AS ALTERNATE COMMISSIONER AND DENYSE TODD AS SAFETY DELEGATE TO THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's appointment of William Senande as Commissioner, Catherine Shanahan as Alternate Commissioner and Denyse Todd as Safety Delegate to represent the Township of West Milford's interests as a member of the Morris County Municipal Joint Insurance Fund (MJIF).

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2020 – 108 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2019 BUDGET PER N.J.S.A. 40A:4-20

WHEREAS, Local Budget Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

WHEREAS, the Township of West Milford has obligatory expenses that exceed the temporary budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Milford by a 2/3 vote, that the following temporary budget appropriation be made and that a certified copy of the resolution be sent to DLGS:

| Appropriation | Acct Number | 2019 Temporary Budget |
|---------------|-------------------|-----------------------|
| PCCHC Grant | 02-213-41-755-384 | \$1,500.00 |
| | Total | \$1,500.00 |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 109 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2020

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2020 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2020 Licenses as listed below:

| | |
|--------------------|--|
| License No. | 2020 CLOTHING BIN LICENSE |
| 2020-15,16,17 | NJ AmVets Foundation – OGS Recycling LLC Bearfort Shopping Village (3) |
| License No. | 2020 CLOTHING BIN LICENSE |
| 2020-18,19,20 | NJ AmVets Foundation – OGS Recycling LLC West Milford Shopping Plaza, LLC (3) |
| License No. | 2020 CLOTHING BIN LICENSE |
| 2020-21,22 | NJ AmVets Foundation – OGS Recycling LLC West Milford DPW (2) |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 110 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

REASON: Cancel Taxes NJ Green Acres Program Exempt As January 1, 2020

| Block & Lot | Name | Amount | Year |
|--------------|-----------------------------------|-----------------|------|
| 08301-001 | Restore Native Plants Wildlife | \$172.00 | 2020 |
| 11101-031 | P.O. Box 420 Oakland, NJ 07436 | \$380.00 | |
| Total | | \$552.00 | |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 111 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

NOW, THEREFORE BE IT RESOLVED, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

REASON: 1. **INSUFFICIENT FUNDS**

| BLOCK/LOT | NAME | AMOUNT | YEAR |
|--------------|--|--------------------|-----------|
| 12204-005 | Palmeri Yolnada Amona | \$1,850.12 | 2019/2020 |
| 13201-019 | Rogers Matthew P. | \$2,607.00 | 2020 |
| 12604-002 | Allstate O.R.C Northern Oil Recovery Inc | \$956.91 | 2019 |
| 12604-003 | Allstate O.R.C Northern Oil Recovery Inc | \$1,846.73 | 2019 |
| 12604-001 | Allstate O.R.C Northern Oil Recovery Inc | \$1,799.27 | 2019 |
| 13811-002 | Mary L Swann | \$400.00 | 2019 |
| 02604-014 | Marica M Norton | \$1,150.00 | 2020 |
| 14108-1.02 | Fred Nouri | \$613.00 | 2020 |
| 04301-045 | Fred Salo | \$3,564.00 | 2020 |
| TOTAL | | \$14,787.03 | |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2020 – 112 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENT

WHEREAS, there appears on the tax records overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

- REASON:**
- | | |
|----------------------|----------------------------|
| 1. Incorrect Payment | 5. Homestead Rebate |
| 2. Duplicate Payment | 6. Tax Appeal County Board |
| 3. Senior Citizen | 7. State Court Tax Appeal |
| 4. Veteran Deduction | 8. 100% Disabled Veteran |
| | 9. Replacement Check |

| Block/Lot | Name | Amount | Year | Reason |
|--------------|--|-------------------|------|--------|
| 5316-3.19 | Thomas Saitta 9319 Richmond Rd West Milford, NJ 07481 | \$250.00 | 2019 | 3 |
| 5708-29 | Gail Nargiso 37 West Shore Rd West Milford, NJ 07480 | \$250.00 | 2019 | 3 |
| 2706-1 | Patrick White 114 Lakeshore Dr Hewitt, NJ 07421 | \$250.00 | 2019 | 4 |
| 5311-2.04 | Pauline Fogerty 2 Richmond Road Ste 204 West Milford, NJ 07480 | \$250.00 | 2019 | 3 |
| 7801-53.02 | Louis Monico 53b Beacon Hill Rd West Milford, NJ 07480 | \$250.00 | 2019 | 4 |
| TOTAL | | \$1,250.00 | | |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 113 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF OTHER LIENS

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

| Certificate No. | Certificate Date | Block/Lot/Qual | Reimbursement Amount | Pay to Lien Holder |
|-----------------|------------------|----------------|----------------------|---|
| 18-0033 | 10/09/2018 | 06002-002.03 | \$126,417.44 | SUNSHINE STATE CERTIFICATES VII; LL 7900 MIAMI LAKES DRIVE WE MIAMI LAKES, FL 33016 |
| 19-0042 | 10/15/2019 | 06714-005 | \$4,257.18 | CHRISTIANA T C/F CE1/FIRSTTRUST PO BOX 5021 PHILADELPHIA, PA 19111 |
| 19-0049 | 10/15/2019 | 07801-002.08 | \$3,059.96 | CC1 NJ II LLC PO BOX 123800 DALLAS, TX 75312 |
| 19-0050 | 10/15/2019 | 07801-010.06 | \$2,587.58 | |
| 19-0052 | 10/15/2019 | 07801-014.01 | \$4,832.88 | |
| 19-0065 | 10/15/2019 | 08802-007 | \$3,284.18 | |
| 19-0073 | 10/15/2019 | 09501-041 | \$2,200.26 | FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154 |
| 19-0078 | 10/15/2019 | 09706-009 | \$4,210.28 | |
| 19-0081 | 10/15/2019 | 10202-001 | \$7,023.43 | ZHENGRONG YUN 74 ALDER LN BASKING RIDGE, NJ 07920 |
| 19-0093 | 10/15/2019 | 14602-002 | \$194,615.01 | MTAG SERVICES CUST FOR ATCFII NJLLC PO BOX 54292 NEW ORLEANS, LA 70154-4292 |
| TOTAL | | | \$352,488.20 | |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 114 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, based upon the report and request of the Planning Department the following Escrow monies be refunded:

| Name & Address | Application No. | Account No. | Amount of Escrow Deposit | Amount of Refund |
|---|------------------------|--------------------|---------------------------------|-------------------------|
| Martin Kowalczyk 833 East Shore Road Hewitt, NJ 07421 | ZB07-18-07 | 16-288-56-705-123 | \$950.00 | \$412.50 |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford
 Passaic County, New Jersey

~ Resolution No. 2020 – 115 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by the Treasurer's Office be approved and issued as follows:

| Acct # | Account Name | Amount |
|---------------------------|---------------------|-----------------------|
| 1 | Current Account | \$237,817.64 |
| 3 | Reserve Account | 47,389.59 |
| 2 | Grants | 4,064.74 |
| 6 | Refunds | 354,150.70 |
| 1 | General Ledger | 0.00 |
| 26 | Refuse | 175,046.46 |
| 4 | Capital | 925,968.58 |
| 19 | Animal Control | 0.00 |
| 19 | Heritage Trust | 0.00 |
| 19 | Open Space Trust | 0.00 |
| 19 | Trust | 2,844.40 |
| 19 | Scala Trust | 0.00 |
| 16 | Development Escrow | 8,886.50 |
| 19 | Tax Sale Trust | 0.00 |
| 21 | Assessment Trust | 0.00 |
| | Special Reserve | 0.00 |
| Total | | \$1,756,168.61 |
| Less Refund Resolution | | -354,150.70 |
| Actual Bills List | | \$1,402,017.91 |
| Other Payments | | |
| Payroll | | 582,663.86 |
| Total Expenditures | | \$1,984,681.77 |

Adopted: February 19, 2020

Adopted this 19th day of February, 2020
 and certified as a true copy of an original

 William Senande, Township Clerk