



**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES**

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 7:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: this meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided to the Trenton Times and the Hunterdon County Democrat, department heads, members on the listserv, and the City Engineer.

The meeting agenda offers planned action items at the time of publication and is subject to change.

This meeting is being streamed live and recorded using the Zoom Meeting Platform.

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilwoman Kominsky, Councilwoman Lambert, Councilman Lide, Council President Stegman, Mayor Nowick.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and he asked everyone to remain standing for a moment of silence.

APPROVAL OF MINUTES

Mayor Nowick asked for a motion to approve the following sets of minutes: June 1, 2023 Work Session Minutes, June 15, 2023 Voting Session Minutes, June 22, 2023 Special Session Closed Minutes. He noted the June 22, 2023 Special Session Minutes will be on the August 17 meeting agenda for approval. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADMINISTRATIVE REPORTS

Mayor Nowick asked for a motion to approve the following Administrative Reports: Clerk's Report, Construction Office (Lambertville and Frenchtown), Court Report, Fire Official, Police Department, Public Works Department, and Tax Collector.

Councilwoman Lambert made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for the first public participation session.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 2**

Judy Gleason of Lambertville: Ms. Gleason commented regarding the grant for the stormwater utility feasibility study. She asked a few questions about the planning process and whether any funding targets have yet been identified.

Jeff Tittel of Lambertville: Mr. Tittel noted that in the past week, the DEP adopted new stormwater standards. He echoed Ms. Gleason's question regarding projects that would be funded by a stormwater utility, and encouraged the City to update zoning and its master plan in addition to the new utility.

Jennifer Davis of Lambertville: Ms. Davis asked for help with mitigating stormwater from Route 179. She pointed out that the current infrastructure does not effectively manage stormwater. She asked for the storm grates to be cleaned out, and for the installation of stand bags on route 179.

Steven Walton of Lambertville: Mr. Walton commented that his new home flooded the day before he bought it. He was not aware of the high costs of flood insurance, and it may affect home prices in the future. Anything that can be done would be fantastic.

Laurie McHugh, owner of Union Chill Cannabis Company: Ms. McHugh thanked the Council for allowing cannabis in Lambertville. She requested that the Governing Body consider allowing the expansion of their operating hours.

Liz Glynn of Lambertville, also an employee of Citizen Action: Ms. Glynn expressed concern over the loss of the Wells Fargo bank branch, and asked the Governing Body to explore other banks. The concern was for senior, disabled, and low income residents not being able to cash checks.

Dave Burd of Lambertville: Mr. Burd asked for an explanation of Resolution Number 110-2023. He also suggested, regarding Ordinance Number 25-2023, that a timeframe be included. Additionally he noted that it does not appear to address future mitigation efforts and technologies that may be beneficial to the homeowner and the City.

Mayor Nowick asked for a motion to close the first public participation session. Councilman Lide made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick responded that he feels strongly about investigating the potential for a stormwater utility. He noted that he has not yet started a campaign to look at it regionally, but I will start this this month. It is important for the City to begin the work to protect the City for the future. The goal of the grant is to look at possibilities. Examine permeable surfaces, determine how a utility would be calculated and identify some projects that it could fund. He said he wasn't convinced our existing structures are capable of holding the rainwater we saw on Saturday. We will be talking a lot about this.

Council President Stegman welcomed the new homeowners to Lambertville. He informed the members of the public that the Governor did sign flood disclosure legislation this week. Federal privacy laws prohibit sharing information in flood prone areas. The market needs to be more open and honest.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 3**

Mayor Nowick commented that the City would discuss the extension of the hours for Cannabis businesses at a future meeting. When the City rolled the ordinance out, we didn't know what to expect.

Mayor Nowick addressed the bank closure and said he is happy to have a conversation about the bank closure. Councilwoman Kominsky offered assistance and suggested the City reach out to the NJ Bankers Association and let them know of our interest in attracting another bank.

Council President Stegman informed the public that the City did approach Wells Fargo, but by the time we got involved, they had already received approval to close the branch. It was a corporate decision, not ours. He agreed with the plan to reach out and try to attract another bank into the City.

Mayor Nowick informed Mr. Burd that Resolution Number 110-2023 is to submit the grant application for road work for South Franklin Street from Highland Ave to Swan St, and for one block of Church Street between North Franklin and North Main. Regarding the Ordinance for the mitigation effort, the way it reads, it encourages property owners to do work in their homes. It is open ended and will inform residents through open channels to do mitigation.

Councilman Lide asked Ms. McHugh to talk to the neighbors. He noted that there are some neighbors who have complained. The more you can work together it will be more successful.

Councilwoman Lambert commented that she became aware of issues outside Union Chill by reading Facebook. She heard that people are not following the rules outlined in the resolution. Ms. McHugh noted that she will make her security more aware. Councilman Lide offered to connect Ms. McHugh with a resident who is concerned. Mayor Nowick noted that the business was very responsive and, upon his request, immediately put it on their website not to park on the street.

RESOLUTIONS

CONSENT AGENDA: The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.

Mayor Nowick asked for a motion to approve the resolutions listed on the consent agenda, Numbers 98-2023 through 114-2023.

RESOLUTION NUMBER 98-2023: *A Resolution to Authorizing the Tax Collector to Proceed with An Electronic Tax Sale for Delinquent 2023 Real Estate and Sewer Taxes*

RESOLUTION NUMBER 98-2023

A Resolution Authorizing the Tax Collector to Proceed with a Tax Sale for Delinquent 2022 Real Estate and Sewer Taxes

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 4

WHEREAS, the rules and regulations authorize a municipality to conduct an electronic tax sale; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the municipality of Lambertville City wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Lambertville, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

BE IT FURTHER RESOLVED that the City of Lambertville does hereby authorize the Tax Collector to begin the Electronic Tax Sale process for delinquent 2022 charges; and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to charge \$25.00 per mailing of each Tax Sale notice to the property owner, as allowable by state statute; and

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the City of Lambertville's Tax Collector, CFO and Deputy Clerk.

The foregoing resolution was duly adopted by the City Council of the City of Lambertville at a public meeting held on July 20, 2023.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 99-2023: *A Resolution to Authorize the Extension of the Contract with Advanced Animal Control for Animal Control Services through December 31, 2023.*

RESOLUTION NUMBER 99-2023

A Resolution to Appoint a Company to Provide Animal Control for the City of Lambertville Expiring December 31, 2023

WHEREAS, the City of Lambertville solicited for quotes for Animal Control Officer from Advanced Animal Control for animal control services; and

WHEREAS, Advanced Animal Control was awarded a six-month contract on February 16, 2023; and the Governing Body wishes to extend that contract through the end of the year; and

WHEREAS, the Certified Municipal Finance Officer has provided a certificate of funds available; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the Mayor, City Attorney and City Clerk are hereby authorized to sign the agreement with Advanced Animal Control, LLC in an amount not to exceed \$4,585.00 for the term of five (5) months, at a rate of \$917.00 per month, inclusive of vetting and housing for all strays for the period of this contract, as set forth in its proposal, dated January 25, 2023.

BE IT FURTHER RESOLVED the appointment is subject to the following conditions: the auto insurance policy will list the City of Lambertville as additional insured; the ACO will file reports with the police department in a timely manner; and new employees of Advanced Animal Control will be the subject of a background check.

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 5

BE IT FURTHER RESOLVED that this contract will begin with the signing of the contract and expire On December 31, 2023.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 100-2023: *A Resolution to Authorize the Refund of Facility Use Deposits in the Amount of \$250.00 to Marissa Bellino, Shannon McCarthy, Sarah Russo, and Erin Ingwerson*

RESOLUTION NUMBER 100-2023

A Resolution to Authorize the Refunds

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds for Facility Use Agreements in the amount of \$250.00 each are hereby authorized: Marissa Bellino, Shannon McCarthy, Sarah Russo, and Erin Ingwerson.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 101-2023: *A Resolution Authorizing the Use of the Holcombe House for the 2023 Lambertville Historic Society's House Tour, October 22, 2023 from 11 am to 5 pm*

RESOLUTION NUMBER 101-2023

A Resolution Authorizing the Use of the Holcombe House for the 2023 Lambertville Historic Society's House Tour, October 22, 2023 from 11 am to 5 pm

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, that the request of the Lambertville Historical Society for the use of the Holcombe House for the 2023 Annual House Tour from 11 am to 5 pm on October 22, 2023 is hereby authorized subject to the submission of a certificate of insurance that names the City of Lambertville as additional insured.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 102-2023: *A Resolution to Authorize the Cyber Security Incident Management Plan and the Technology Policy As Recommended by the Municipal Excess Liability Fund and the Public Alliance Insurance Fund*

RESOLUTION NUMBER 102-2023

A Resolution to Authorize the Cyber Security Incident Management Plan and the Technology Policy As Recommended by the Municipal Excess Liability Fund and the Public Alliance Insurance Fund

WHEREAS, the City of Lambertville takes Cybersecurity seriously and has trained the employees on the importance of protecting City property, and

WHEREAS, the Municipal Excess Liability Fund (MEL) and the Public Alliance Insurance Fund (PAIC) have guidelines and limitations on insurance for cyber security; and

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 6**

WHEREAS, the City Clerk and the Deputy Clerk have been working with the City's technology professionals to implement strategies and to purchase hardware and firewalls that aid in the protection from cyberattacks.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the City of Lambertville's Technology Policy and the Incident Response Plan are hereby approved.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 103-2023: *A Resolution to Authorize the Change Order for the Contract with Kyle Conti Construction Co., in the Amount of \$-177.50, for the Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek, and York Street*

RESOLUTION NUMBER 103-2023

A Resolution to Authorize the Change Order for the Contract with Kyle Conti Construction Co., in the Amount of \$-177.50, for the Tropical Storm Ida Restoration Projects for Swan Creek, Ely Creek, and York Street

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Change Order Number 1, dated December 12, 2022, received in the Clerk's Office in May of 2023, in the amount of \$-177.50 is hereby authorized.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 104-2023: *A Resolution to Award or Reject the Bids Received for the City of Lambertville, Nature Trail Renovation and Construction Phase I*

RESOLUTION NUMBER 104-2023

A Resolution to Award or Reject the Bids Received for the City of Lambertville, Nature Trail Renovation and Construction Phase I.

WHEREAS, the City of Lambertville advertised for bids for Phase I of the City of Lambertville, Nature Trail Renovation and Construction Project, and

WHEREAS, on June 20, 2023, the City received two bids which were open and read aloud in the conference room at City Hall; and

WHEREAS, the following bids were received:

Avid Trails, Lambertville, NJ, in the amount of \$110,350.00

Sunset Creations, Inc., Belle Mead, NJ, in the amount of \$141,600.00

WHEREAS, the Parks and Recreation Commission has reviewed the bids submitted and recommends the award of the bid to Avid Trails proposal; and

WHEREAS, the City Attorney has reviewed the bids and has determined that they are responsive and responsible; and

WHEREAS, the Certified Municipal Finance Officer has certified that funds are available through the grant received from the County of Hunterdon Open Space Funds.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 7**

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the bid for the City of Lambertville, Nature Trail Renovation and Construction for Phase I is hereby awarded to Avid Trails of Lambertville, NJ, in an amount not to exceed \$110,350.00;

BE IT FURTHER RESOLVED that the Mayor, City Attorney and City Clerk are hereby authorized to execute an agreement with Avid Trails.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 105-2023: *A Resolution to Authorize the City Clerk to File the Discharge of Mortgage for 42 Swan Street, Block 1045, Lot 27, in the Amount of \$62,589.20*

RESOLUTION NUMBER 105-2023

A Resolution to Authorize the City Clerk to File the Discharge of Mortgage for 42 Swan Street, Block 1045, Lot 27, in the Amount of \$62,589.20

WHEREAS, on July 7, 2023, the City of Lambertville received the payoff of the mortgage note with Ann Davis for the property known as 42 Swan Street, Block 1045, Lot 27 in the amount of \$62,589.20.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, that the City Clerk is hereby authorized to file the discharge of mortgage with the County of Hunterdon for 42 Swan Street, Block 1045, Lot 27, in the amount of \$62,589.20

ADOPTED: July 20, 2023

RESOLUTION NUMBER 106-2023: *A Resolution to Authorize the Lien Redemption, Certificate Number 20-00010, for 42 Swan Street, Block 1045, Lot 27, in the Amount of \$36,735.81, Plus a Premium of \$22,500.00 to Be Paid to Bala Partners LLC*

RESOLUTION 106-2023

A Resolution Authorizing the Redemption of a Tax Lien for Block 1045, Lot 27, 42 Swan Street In the Amount of \$36,735.81, Plus a Premium in the Amount of \$22,500.00

WHEREAS, Tax Lien Certificate 20-00010 issued on Block 1045 Lot 27 was sold to Bala Partners LLC, PO Box 303, Pottersville, NJ, 07979 on 10/19/2020 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from a purchaser.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Bala Partners LLC for tax lien certificate 20-00010 in the amount of \$36,735.81

In addition, the city is holding a premium in the amount of \$22,500.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$36,735.81

Check 2= for premium= \$22,500.00

ADOPTED: July 20, 2023

RESOLUTION NUMBER 107-2023: *A Resolution to Authorize the Contract with Rich Tree Service for the Removal of Trees, Through State Contract Process, Pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), in an Amount Not to Exceed \$25,000.00*

RESOLUTION NUMBER 107-2023

A Resolution to Authorize the Contract with Rich Tree Service for the Removal of Trees, Through the State Contract Process, Pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), in an Amount Not to Exceed \$25,000.00

Whereas, the City of Lambertville, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the City of Lambertville has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the City of Lambertville intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

Now, Therefore, Be It Resolved, that the City of Lambertville authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the City of Lambertville pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between City of Lambertville and the Rich Tree Services shall be from June 1, 2023 to December 31, 2023, State Contract Number 18-DPP-00645, in an amount not to exceed \$25,000.00.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 108-2023: *A Resolution to Authorize the Amendment to the Deed Filed for 26 South Main Street, Removing the Words "At Least" From the 10 Year Deed Restriction for the Affordable Housing Unit*

RESOLUTION NUMBER 108-2023

A Resolution to Authorize the Filing of a Corrective Deed for 26 South Main Street to Remove the Words "At Least" from the 10 Year Deed Restriction for the Affordable Housing Unit

WHEREAS, Laura Scully and Aissa Abed, the property owners of 26 South Main Street, entered into an Accessory Apartment Agreement with the City of Lambertville in April of 2021; and

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 9

WHEREAS, the policies and procedures call for specific terms and conditions for participation in the program, which are included in the signed agreement; and

WHEREAS, Laura Scully and Aissa Abed have completed all of the requirements as outlined in the signed agreement, and have filed the Mandatory Deed Restriction with the County of Hunterdon; and

WHEREAS, Article 3. Affordable Housing Covenants of the Mandatory Deed Restriction states: "... A restricted unit must remain subject to the requirements of this subchapter for a period of at least 10 years." and

WHEREAS the ten-year control period shall be considered to have started December 10, 2020, the date of the first deed restriction for the subject property; and

WHEREAS, it is the request of the property owners to remove the words "at least" from the wording so it will now read "... A restricted unit must remain subject to the requirements of this subchapter for a period of 10 years."

WHEREAS, the City's Affordable Housing Advisor has reviewed the request and indicated that the current language has created a control period with no endpoint, and therefore correction is appropriate.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the language in the Mandatory Deed Restriction for Rental Projects for the property known as 26 South Main Street, Block 1046, Lot 5, shall be hereby amended to provide for a definitive period of 10 years, and

BE IT FURTHER RESOLVED by the Mayor, City Clerk and City Attorney are hereby authorized to file a corrective Mandatory Deed Restriction with the County of Hunterdon's Hall of Record.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 109-2023: *A Resolution Requesting the Insertion of a Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)*

RESOLUTION NUMBER 109-2023

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$3,080.00; Somerset County Distracted Driving April 2023 Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 10

CY Budget in the amount of \$3,080.00 which item is now available as revenue from the receipt of the : Somerset County Distracted Driving April 2023 Grant.

BE IT FURTHER RESOLVED that a like sum of \$3,080.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Distracted Driving Grant \$3,080.00

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 110-2023: *A Resolution to Authorize the Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the MA-2024-Church Street & South Franklin Street-00438 application for the Improvements to Church Street & South Franklin Street project.*

RESOLUTION NUMBER 110-2023

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MA-2024-CHURCH STREET & SOUTH FRANKLIN STREET-00438 APPLICATION FOR THE IMPROVEMENTS TO CHURCH STREET & SOUTH FRANKLIN STREET PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lambertville formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that Mayor Andrew J. Nowick and the City Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Church Street & South Franklin Street-00438 to the New Jersey Department of Transportation on behalf of City of Lambertville.

BE IT FURTHER RESOLVED that Mayor Andrew J. Nowick and the City Clerk are hereby authorized to sign the grant agreement on behalf of City of Lambertville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I, Cynthia L. Ege, City Clerk of the City of Lambertville, hereby certifies the foregoing Resolution to be a true and correct copy adopted by the Mayor and City Council at a regular meeting of said governing body held on July 20, 2023.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 111-2023: *Resolution Requesting The Insertion Of A Special Item Of Revenue In The Budget Of Any County Or Municipality Pursuant To N.J.S.A. 40a:4-87 (Chapter 159 P.L. 1948) Alcohol Education Rehab Grant In The Amount Of \$1,168.15*

RESOLUTION NUMBER 111-2023

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$1,168.15 Alcohol Education Rehab Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$1,168.15 which item is now available as revenue from the receipt of the Alcohol Education Rehab Grant.

BE IT FURTHER RESOLVED that a like sum of \$1,168.15 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Alcohol Education Rehab Grant \$1,168.15

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 112-2023: *Resolution Requesting The Insertion Of A Special Item Of Revenue In The Budget Of Any County Or Municipality Pursuant To N.J.S.A. 40a:4-87 (Chapter 159 P.L. 1948), Clean Communities In The Amount Of \$11,726.25*

RESOLUTION 112-2023

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948), Clean Communities in the Amount of \$11,726.25

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 12

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$11,726.25 for Clean Communities Grant.

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$11,726.25 which item is now available as revenue from the receipt of the Clean Communities Grant.

BE IT FURTHER RESOLVED that a like sum of \$11,726.25 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Clean Communities Grant \$11,726.25

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 113-2023: *Resolution Requesting The Insertion Of A Special Item Of Revenue In The Budget Of Any County Or Municipality Pursuant To N.J.S.A. 40a:4-87 (Chapter 159 P.L. 1948) for the Sustainable Jersey Grant in the Amount of \$2,000.00*

RESOLUTION NUMBER 113-2023

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$2,000.00 for Sustainable Jersey Grant (funded by PSEG Foundation).

CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 13

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2023 CY Budget in the amount of \$2,000.00 which item is now available as revenue from the receipt of the Sustainable Jersey Grant (funded by PSEG Foundation).

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Sustainable Jersey Grant \$2,000.00

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: July 20, 2023

RESOLUTION NUMBER 114-2023: *A Resolution to Authorize the Contract with Michael Burns Architects to Write Bid Specifications and for Contract Administration for City Hall Renovations in an Amount Not to Exceed \$11,400.00*

RESOLUTION NUMBER 114-2023

A Resolution to Authorize the Contract with Michael Burns Architects to Write Bid Specifications and for Contract Administration for City Hall in an Amount Not to Exceed \$11,400.00

WHEREAS, Michael Burns Architects was awarded a contract with the City of Lambertville to serve as the City Architect on January 1, 2023; and

WHEREAS, the City of Lambertville is in need of assistance with the project to renovate City Hall with writing the bid specifications and overseeing the project management.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, that the contract with Michael Burns Architects for the City Hall renovations in an amount not to exceed \$11,400.00 is hereby authorized.

ADOPTED: July 20, 2023

Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

End of Consent Agenda

RESOLUTION NUMBER 115-2023: A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Grant Agreement with the New Jersey League of Conservation Voters Education Fund in the Amount of \$70,000.00 to Conduct a Feasibility Study to Explore Establishing a Stormwater Utility in the City of Lambertville.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 14**

Mayor Nowick asked for a motion to adopt Resolution Number 115-2023, authorizing the grant agreement with the New Jersey League of Conservation Voters to fund a feasibility study to explore establishing a Stormwater Utility.

RESOLUTION NUMBER 115-2023

A Resolution to Authorize the Mayor, City Attorney and City Clerk to Sign the Grant Agreement with the New Jersey League of Conservation Voters Education Fund in the Amount of \$70,000.00 to Conduct a Feasibility Study to Explore Establishing a Stormwater Utility in the City of Lambertville.

WHEREAS, the City of Lambertville is exploring the establishment of a Stormwater Utility in the City of Lambertville; and

WHEREAS, the New Jersey League of Conservation Voters Educational Fund will make a grant to the City of Lambertville in the amount of \$70,000.00 to conduct a feasibility study to explore establishing a stormwater utility in the City; and

WHEREAS, the purpose of this grant is to support the City of Lambertville to achieve a detailed and extensive understanding of the benefits and costs of implementing a stormwater utility within the unique context of the City; and

WHEREAS, the grant would fund work with a consulting/engineering firm to conduct a feasibility study regarding the costs and benefits of creating a stormwater utility that assesses potential projects, fee calculations and municipal budget savings; and

WHEREAS, the amount of the grant is up to \$70,000 or the cost of the stormwater utility feasibility study, whichever is less; and

WHEREAS, the city's obligations to the New Jersey League of Conservation Voters Education Fund are outlined in the Grant Agreement dated July, 2023.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the Mayor, City Attorney and City Clerk are hereby authorized to sign the Grant Agreement with the New Jersey League of Conservation Voters to conduct a feasibility study to explore establishing a Stormwater Utility.

BE IT FURTHER RESOLVED, if the proposals the City receives exceeds the grant amount, the City can decide to decline the grant.

ADOPTED: July 20, 2023

Councilman Lide made the motion and Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

APPROVAL OF THE BILLS LIST

Mayor Nowick asked for a motion to approve the Bills List. Councilwoman Kominsky made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING

ORDINANCE NUMBER 23-2023: *An Ordinance of the City of Lambertville, County of Hunterdon, New Jersey Establishing Procedures to Adopt Personnel Practices and Authorizing the Mayor to Implement Said Practices With All Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the City*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the Governing Body and the public that the City adopts the language provided by the Municipal Excess Liability Insurance and this does not change the number of vacation days, sick time or personnel days given to employees. The memorandum outlining the changes was uploaded to the shared file.

Mayor Nowick noted that there is a new handbook for volunteers and that too was uploaded to the shared drive.

ORDINANCE NUMBER 23-2023

An Ordinance of the City of Lambertville, County of Hunterdon, New Jersey Establishing Procedures to Adopt Personnel and Volunteer Policies and Practices and Authorizing the Mayor to Implement Said Practices With All Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the City

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, County of Hunterdon, State of New Jersey that:

Section 1. The City of Lambertville (the “**City**”) shall by ordinance establish titles for public employment by the City and salary ranges for City employees. Said titles shall conform to the New Jersey Civil Service Act and regulations promulgated by the New Jersey State Department of Personnel.

Section 2. The City shall by resolution adopt and amend from time to time personnel and volunteer policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel and volunteer policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the City.

Section 3. Pursuant to the Lambertville Municipal Code (the “**Code**”), Chapter 2, the Mayor shall be responsible for implementing and enforcing the personnel and volunteer practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel and volunteer practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 4. to the extent inconsistent with the provisions set forth herein, Section 3-10 of the Code is hereby repealed.

Section 5. This ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCTION AND FIRST READING: July 20, 2023

PUBLIC HEARING AND SECOND READING: August 17, 2023

Mayor Nowick asked for a motion to introduce Ordinance Number 23-2023 on first reading with a public hearing scheduled for August 17, 2023.

Councilman Lide made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 25-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Section 1.6, Waiver of Construction Permit Fees.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the Governing Body and the public that this Ordinance will permit the waiver of construction fees for properties that undertake specific mitigation efforts to reduce potential damages from flooding.

ORDINANCE NUMBER 25-2023

An Ordinance To Amend The Lambertville City Code, 2014, Chapter 10, Section 1.6, Waiver Of Construction Permit Fees

§ 10-1.6 Waiver of Construction Permit Fees.

- a. The Mayor and Council shall have the authority to waive construction permit fees for residents and businesses when impacted by a natural disaster such as a flood or pandemic.
- b. Construction permit fees shall be waived by the Construction Office where residents and businesses decide to undertake mitigation efforts to reduce potential damage due to flooding, which efforts shall include any of the following: elevating the first floor of a structure to two (2) feet above the base flood elevation (BFE), filling a basement and adding flood vents to a structure, elevating mechanical equipment to a minimum of two (2) feet above the BFE, flood-proofing a commercial building, relocating a structure to outside of the floodplain and/or demolishing a structure.

INTRODUCTION AND FIRST READING: July 20, 2023

PUBLIC HEARING AND SECOND READING: August 17, 2023

Mayor Nowick asked for a motion to introduce Ordinance Number 25-2023 for first reading with a second reading and public hearing scheduled for August 17, 2023.

Council President Stegman made the motion and Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 26-2023: *Storm Sewer Inlet Protection Standards*

Mayor Nowick read the Ordinance into the record by title. This Ordinance helps the City with the MS4 Tier A Permit to the State of NJ DEP and requires contractors to follow standards to protect the storm sewers from debris.

ORDINANCE 26-2023

STORM SEWER INLET PROTECTION STANDARDS

WHEREAS, the City of Lambertville (the “City”) is a municipal corporation of the State of New Jersey; and

WHEREAS, the City desires to regulate, in a manner consistent with the interests, and to insure the protection and safety of the citizens, of the City, the use of storm sewer inlet protection to intercept and retain sediment at active construction sites, so as to prevent the entrance of sediment into the storm sewer system; and

WHEREAS, the primary benefit to water quality is the removal of sediment from stormwater runoff prior to entering the storm sewer system, while other floatable debris, such as vegetative matter and litter, may also be filtered out of the runoff; and

WHEREAS, to ensure proper notice to the residents of the City with respect to enforcement of the Regulations, the Governing Body desires to amend Chapter 10 of the City Code of Ordinances (the “Code”), Building and Housing, to include the following new Section 10-9:

10-9 STORM SEWER INLET PROTECTION STANDARDS

§ 10-9.1 Declaration of Intent.

The Mayor and Council hereby declare the intent to regulate, in a manner consistent with the interests and to insure the protection and safety of the citizens of the City, the use of storm sewer inlet protection to intercept and retain sediment at active construction sites, so as to prevent the entrance of sediment into the storm sewer system. The primary benefit to water quality is the removal of sediment from stormwater runoff prior to entering the storm sewer system. Other floatable debris, such as vegetative matter and litter may also be filtered out of the runoff.

§ 10-9.2 Compliance Required.

Storm sewer inlet protection is required for any construction or major landscaping activities on any street, highway, public lane, alley, sidewalk or other public place in the City that could result in debris or sediment entering a storm sewer inlet within 100' of the work site when the construction activity occurs on the street side of the work site.

§ 10-9.3 Definitions.

As used in this chapter:

CONSTRUCTION

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 18**

Any work requiring issuance of a permit, pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), that provides the authorization to begin work subject to the conditions and requirements established under the provisions set forth therein.

ENFORCEMENT OFFICER

Shall mean the Construction Code Official of the City of Lambertville.

MAJOR LANDSCAPING ACTIVITIES

Shall mean any activity that includes the complete removal of all vegetation on the street side of the property, or the soil disturbance of 500 square feet or more.

STORM SEWER INLET PROTECTION

Shall mean a temporary barrier and settling facility installed at a storm sewer inlet.

§ 10-9.4 Applicability and Design Criteria.

- a. Storm sewer inlet protection is required where:
 1. A storm sewer or the outlet channel of a storm sewer requires protection from sediment and debris based on its location within 100' of a construction or major landscaping work site when the proposed activity occurs on the street side of said work site; or
 2. Traffic will not destroy or cause ongoing maintenance of the storm sewer inlet protection; or
 3. The storm sewer inlet protection will not create a traffic hazard; or
 4. The storm sewer inlet protection will not create a flooding hazard.
- b. The following applies to all methods of storm sewer inlet protection:
 1. Must slow the storm water, provide the coarse sediment particles a chance to settle, and provide an area to retain the particles that have settled.
 2. In all cases, inlet protection must not completely close off the inlet. Provision must be made to allow stormwater to overflow or bypass the filter.
 3. The protection device must be designed to capture or filter runoff from the 1 year, 24-hour storm event and shall safely convey higher flows directly into the storm sewer system.
 4. Other methods that accomplish the purpose of storm sewer inlet protection may be used if approved by the Construction Official.
- c. This section shall not be construed to prohibit construction and landscaping activities on private property, except for those meeting the definitions stated herein that are planned in close proximity to a sidewalk, street, or other public place such that it may cause entrance of sediment into the storm sewer system.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 19**

§ 10-9.5 Application for Permit.

An application for a permit pursuant to subsection 10-9.4 shall be made on forms approved and made available by the Construction Official. Such application shall include, but not be limited to, the following information:

- a. The name and address of the applicant;
- b. A description or diagram of the location where the applicant proposes to place the storm sewer inlet protection. A signed sealed engineers drawing may be required for certain construction projects, as determined by the Construction Official;
- c. A description of the storm sewer inlet protection which the applicant proposes to install in the storm sewer inlet;
- d. The length of time the applicant plans to install the storm sewer inlet protection on the site.

§ 10-9.6 Fee.

A minimum fee of \$50.00 is required before any permit is issued pursuant to this section. The Construction Office shall approve the subsequent renewals and an additional minimum fee of \$25.00 shall be due and payable upon issuance of all renewals.

§ 10-9.7 Insurance.

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the regulated activity. Such policy or certificate shall contain limits of at least \$100,000 for public property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official.

§ 10-9.8 Permit Term; Expiration.

- a. No permit shall be granted by the Construction Official for a term longer than required for the project. This time frame shall be determined by the Construction Official upon the initial issuance of the permit. Initial fees and renewal fees to be as stated in this chapter up to the term required for the project.
- b. Upon the expiration of the permit or any renewals thereof, the applicant shall remove, or cause to be removed, the storm sewer inlet protection.

§ 10-9.9 Revocation of Permit.

a. Any permit granted pursuant to the provisions of this section may be revoked by the Construction Official if:

1. The permit holder has made any false statements in his application for a permit; or
2. The permit fails to conform to the provisions of this section; or

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 20**

3. In the opinion of the Construction Official, the work necessitating the storm sewer inlet protection is not proceeding in a normal fashion.

b. A decision by the Construction Official to revoke any permit issued pursuant to the provisions of this section shall be submitted in writing to the permit holder by registered or certified mail. Such decision shall state clearly the grounds for the revocation.

c. The permit holder may appeal the revocation to the Mayor and Council. An appeal must be filed by the permit holder with the City Clerk within seven days after the notice of revocation was mailed to him. Such appeal must state in writing the grounds for the appeal. The Mayor and Council shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Mayor and City Council shall be final and conclusive.

d. The City reserves the right to install storm sewer inlet protection if any applicant fails to do so appropriately, with the applicant bearing the cost of the storm sewer inlet protection installation.

§ 10-9.10 Violation and Penalties.

Any person violating the terms of this section shall, upon conviction in Municipal Court, be liable to the penalty in Chapter 1, Section 1-5. A person shall be guilty of a separate offense for each day he fails to comply with an order of the Construction Official validly issued.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Lambertville, in the County of Hunterdon, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Governing Body hereby amends Chapter 10 of the Code to incorporate the foregoing regulations to be set forth in Section 10-9.

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. If any provision of the Code is in conflict with or inconsistent with the provisions of this Ordinance, it shall be rescinded upon approval hereof.

Section 5. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk.

Section 6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

Mayor Nowick asked for a motion to introduce Ordinance Number 26-2023 on first reading with a public hearing scheduled for August 17, 2023.

Councilwoman Lambert made the motion and Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – SECOND READING

ORDINANCE NUMBER 07-2023: *An Ordinance By The City Council Of The City Of Lambertville Amending The City Of Lambertville Code Of Ordinances To Repeal Chapter 19; To Adopt A New Chapter 19; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date.*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that there were some changes to the language and he read them into the record.

Amendments include, but are not limited to:

Section 103.1 Floodplain Administrator Designation;

Section 103.14 Substantial improvement and substantial damage determinations;

Section 201.2 Definitions, 2.3 Historic Structure, and 3 Market Value (amended 07-2023)

ORDINANCE NO. 07-2023

An Ordinance By The City Council Of The City Of Lambertville Amending The City Of Lambertville Code Of Ordinances To Repeal Chapter 19; To Adopt A New Chapter 19; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date.

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

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

WHEREAS, the City of Lambertville was accepted for participation in the National Flood Insurance Program on April 1, 1981 and the City Council of the City of Lambertville desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 as necessary for such participation; and

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

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

WHEREAS, the City of Lambertville 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 City Council of The City of Lambertville 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): Repeal Chapter 19 of the Ordinances of the City of Lambertville and replace with Chapter 19, titled Flood Damage Prevention Ordinance.

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 City of Lambertville (hereinafter “these regulations”).

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

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

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

(12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City of Lambertville administer and enforce the State building codes, the City Council of The City of Lambertville 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 \$2000, 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 of not more than \$2000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

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

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The City of Lambertville was accepted for participation in the National Flood Insurance Program on April 1, 1981.

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 City Hall of the City of Lambertville, located at 18 York Street, Lambertville, NJ 08530.

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 Hunterdon County, New Jersey (All Jurisdictions) dated May 2, 2012 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are May 2, 2012 and September 25, 2009 are hereby adopted by reference.

Table 102.2(1)

| Map Panel # | Effective Date | Suffix | Map Panel # | Effective Date | Suffix |
|-------------|--------------------|--------|-------------|----------------|--------|
| 34019C0339 | May 2, 2012 | G | | | |
| 34019C0402 | May 2, 2012 | G | | | |
| 34019C0406 | September 25, 2009 | F | | | |
| | | | | | |

- 2) **Federal Best Available Information.** The City of Lambertville 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 |
|---------------------------------------|------------------|-------------|------------------|
| None as of the date of this ordinance | | | |
| | | | |
| | | | |
| | | | |

- 3) **Other Best Available Data.** The City of Lambertville shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of Lambertville. 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 area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

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

| Name of Studied Water | File Name | Map Number |
|-------------------------------|-----------|------------|
| Alexauken Creek | L0000154p | 05P |
| Delaware River | L0000158p | 01P |
| Alexauken Creek | L0000159p | 05P |
| Tributary No. 1 to Swan Creek | L0000160p | 04P |
| Swan Creek | L0000161p | 03P |

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 26**

| | | |
|-------------------------------------|------------|-----|
| Swan Creek | L0000162p | 02P |
| Delaware River | L0000163p | 01P |
| Alexauken Creek | L0000168p | 02P |
| Delaware River | L0000169p | 01P |
| Delaware River, Alexauken Creek | L0000061 | 3 |
| Delaware River, Swan Creek, Trib #1 | L0000062 | 2 |
| Delaware River, Raritan Canal | L0000063 | 1 |
| Delaware River | SUPPVIII16 | 6 |

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 two feet of freeboard or as described by N.J.A.C. 7:13.
- 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 two feet of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus two feet of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus two feet of freeboard . If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities, the Local Design Flood Elevation must be the higher of the

0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Floodplain Administrator Designation. The Floodplain Administrator is designated as 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 City of Lambertville 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 another related feature.

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

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

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

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

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

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

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

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

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

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

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

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

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

permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

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

- (1) Estimate the market value, or allow the applicant to obtain a professional appraisal prepared by a qualified independent appraiser of the market value, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over the previous year prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

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

SECTION 104 PERMITS

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

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

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

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, 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 on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

SECTION 107 VARIANCES

107.1 General. The Zoning Board of Adjustments shall hear and decide requests for variances. The Zoning Board of Adjustments 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 Zoning Board of Adjustments has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

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

historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

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

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

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

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

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

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

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

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

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

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine of not more than \$2000 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.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 37**

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

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

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

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

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

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 38**

those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

FLOOD OR FLOODING

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

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 40**

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-

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 41**

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City Council of the City of Lambertville 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

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 42**

Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

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

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

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

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next to 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

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 43**

building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

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

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 tax assessor's office, or (3) established by a qualified independent appraiser based on the FEMA-758 Chapter 4 "Professional Property Appraisals" guidelines.

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.

REPETITIVE LOSS – Any flood-related damage sustained by a structure on two separate occasions during any 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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;

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 44**

- 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.

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 45**

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

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

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

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 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 one-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 all work done or proposed within one year of the application to repair, restore or improve the structure. This term also includes structures which have incurred “repetitive loss” or “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."

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.

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 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.

401.3 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.

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

401.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for

increasing or aggravating flood levels.

401.6 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.

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

SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

Electric Code).

SECTION 601 RECREATIONAL VEHICLES

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

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

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

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

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24,

Chapter 4.

- c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.
 - g. For all properties with previous flood damage to utilities and/or equipment the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be elevated to two feet above the Base Flood Elevation whenever this equipment is replaced.

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

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

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

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

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

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 in accordance to applicable law.

INTRODUCED AND FIRST READING: March 16, 2023, carried to April 20, 2023, May 18, June 15

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 07-2023 and he asked for public comments.

Margaret Carmelli, representing Maxwell Assets: Ms. Carmelli stated that she sent a letter earlier today regarding the ordinance. She thanked the Governing Body and City staff for the effort and time put into this process. She argued that more could be done.

Judy Gleason of Lambertville: Ms. Gleason commented that more public education is needed before the ordinance is passed.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 07-2023 as amended. Council President Stegman made the motion to close the public hearing.

Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Council briefly discussed.

Mayor Nowick asked for a motion to adopt Ordinance Number 07-2023 on second reading, granting final approval. Councilwoman Lambert made the motion to adopt Ordinance Number 07-2023. Council President Stegman seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ORDINANCE NUMBER 14-2023: *An Ordinance to Amend the Lambertville Zoning Ordinances, Chapter Z-1500 to Add Section .16, Private Storm Drain Inlet Retrofitting*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance was reviewed by the Planning Board and amended as per their memorandum. This is a requirement of the City's MS4 Tier A permit with the State of NJ DEP.

ORDINANCE NUMBER 14-2023

An Ordinance to Amend the Lambertville Zoning Ordinances, Chapter Z-1500 to Add Section .16, Private Storm Drain Inlet Retrofitting

Ordinance # [§Z-1500.16] – Private Storm Drain Inlet Retrofitting Ordinance

A. Purpose:

1. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the City of Lambertville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Lambertville or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct:

1. No person in control of private property shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property without first obtaining a Zoning

Permit to ensure that the existing inlet meets one of the following conditions:

- a. Already meets the design standard below to control passage of solid and floatable materials;
or
- b. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

D. Design Standard:

Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section E.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.

- C. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement:

- 1. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the City of Lambertville.

F. Penalties:

- 1. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the following for each storm drain inlet that is not retrofitted to meet the design standard:
 - a. The assigned Municipal Official of the City of Lambertville shall issue a memo to the person in violation informing them of the requirement to obtain Municipal approval. The person shall have a time limit of 30 days, from the issuance of the memo, to comply.
 - b. Failure to comply within the given time limit will result in the following:
 - i. First offense penalty not to exceed \$250.00,
 - ii. Second offense penalty not to exceed \$2,000.00,
 - iii. Third offense shall include a court summons be issued to the person for non-compliance.

G. Severability:

- 1. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

H. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 14-2023 and he asked for public comments or questions. There being no questions or comments from the public, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 14-2023. Council President Stegman made the motion to close the public hearing. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.

MOTION CARRIED.

Mayor Nowick asked for a motion to adopt Ordinance Number 14-2023 on second reading, granting final approval. Councilman Lide made the motion to adopt Ordinance Number 14-2023. Council President Stegman seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ORDINANCE NUMBER 20-2023: *An Ordinance of the City of Lambertville, Office of Emergency Management, Emergency Operating Procedures, Debris Management Plan*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance identifies areas where the City could place dumpsters in the event of an emergency. The City would then file a Temporary Debris Management Area with the State of New Jersey.

**CITY OF LAMBERTVILLE
ORDINANCE NUMBER 20-2023**

An Ordinance of the City of Lambertville, Office of Emergency Management, Emergency Operating Procedures, Debris Management Plan

WHEREAS, The City of Lambertville has been heavily impacted by flooding dating as far back as in 1952, and

WHEREAS, the recovery process after a disaster includes the requirement of a Debris Management Plan; and

WHEREAS, the Office of Emergency Management has worked to develop a Debris Management Plan to identify the types of debris and develop a process for disposal.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Debris Management Plan dated July, 2023, attached hereto and made part of the record, is hereby adopted.

BE IT FURTHER RESOLVED, that the Office of Emergency Management will add this to the Emergency Operating Procedures to be used as a guide in the planning and recovery process.

BE IT FURTHER RESOLVED, that the City will consult with the State of New Jersey, Department of Environmental Protection to assure the latest language and procedure is up-to-date.

INTRODUCED FOR FIRST READING: June 15, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

CITY OF LAMBERTVILLE

DEBRIS MANAGEMENT PLAN

OFFICE OF EMERGENCY MANAGEMENT

PRE-INCIDENT DEBRIS MANAGEMENT PLAN OUTLINE

I. Plan Overview

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 57**

- a. Scope
 - b. Planning assumptions
 - c. List of officials who should be notified in the case of an incident and contact information
 - d. Roles and responsibilities for waste management activities
 - e. Regulatory Requirements
 - f. Documentation of plan development process
 - g. Record of plan approvals, reviews, and updates to include any changes made
- II. Materials and Debris Streams
- a. List of anticipated debris streams
 - b. Description of each debris stream
- III. Debris Quantities
- a. Forecast quantity of each type of anticipated debris stream
 - b. Method for estimating actual debris quantities during/after a disaster
- IV. Waste Characterization Sampling and Analysis
- a. Sampling
 - b. Analysis
 - c. Quality assurance
- V. Debris Management Strategies/Option
- a. Procedure and Approaches
 - i. Minimization
 - ii. Collection
 - iii. Segregation
 - iv. Decontamination (equipment, people, waste/materials)
 - v. Accumulation/Storage
 - vi. Monitoring of Debris Management Activities
 - b. Pre-selected debris management sites
 - i. Debris staging and storage (short-term and long-term) locations
 - ii. Equipment staging and storage (short-term and long-term) locations
 - iii. Decontamination and treatment stations
- VI. Waste Management Facilities
- a. Anticipated types of waste management facilities needed
 - b. Specific facilities identified
- VII. Transportation
- a. Logistical options
 - b. Routes (including maps)
 - c. Hauler information
- VIII. Debris and Material Tracking and Reporting System
- a. General principles
 - b. Database and other tracking software to be used
 - c. Debris tracking report templates
- IX. Community Communications/Outreach Plan
- a. Strategy
 - b. Contact information for key stakeholder groups
 - c. Pre-scripted information for debris management activities involving the public
 - d. Information for a response website once a disaster occurs
- X. Health and Safety for Debris Management Activities
- XI. Resource Summary
- a. Resource needs
 - b. Resources sources
 - i. Mutual Aid Agreements

- ii. Pre-negotiated contracts
 - iii. Specialized experts
 - c. Specialized technical assistance contacts
 - d. Contracting
 - i. Emergency procurement procedures
 - ii. Contract oversight plan
 - e. Cost accounting/financial management
 - f. FEMA eligibility guidance
- XII. Appendices
- a. Job aids for debris management staff positions
 - b. List of training classes available for different debris management roles
 - c. Pre-written debris management emergency ordinances, orders, directives, declarations, designations, permits, etc.
 - d. Maps of waste management facilities and sites, transportation routes, critical waste management infrastructure and key resources
 - e. Links to health and safety information
 - f. Protective Actions Guides
 - g. Glossary and list of acronyms

PLAN OVERVIEW

SCOPE: The City of Lambertville is a historic community dating back to the early 1600's and is located at the bottom of the Sourland Mountains where it feeds into the Delaware River. Once designated as an industrial community, Lambertville was the home to the Lace Works, Jockey Underwear, Luggage Factory, and Corn Curl's. C.A. Niece Lumber and Finkle's Hardware Store are iconic and have survived for many generations and recessions.

The historic part of Lambertville runs parallel to the Delaware River. While most of the land is flat in nature, the north and south ends are the low spots and the areas that suffer most from back flooding from the Delaware River and flash flooding.

Cottage Hill, Connaught Hill and Music Mountain border the flatlands and are comprised mostly of single family units. The age of homes varies throughout all three developments and except for Lamberts Hill, Woodcrest and Northfield Court, differ vastly in design.

PLANNING ASSUMPTIONS: Lambertville will continue to flood from the Delaware River and flash flooding.

LIST OF OFFICIALS WHO SHOULD BE NOTIFIED IN THE CASE OF AN INCIDENT AND CONTACT INFORMATION

OEM Coordinator, Deputy Coordinators
Mayor
Police Director/Chief
City Clerk and Deputy Clerk
Public Works Director
Fire Department
Lambertville Municipal Utilities Authority
Veolia – Water Company

ROLES AND RESPONSIBILITIES FOR WASTE MANAGEMENT ACTIVITIES

Regulatory Requirements: The Mayor will declare a State of Emergency and at that time, the OEM Coordinator will take charge of all emergency activities. A copy of the Proclamation will be

posted on the City’s website, bulletin board, and a signed copy will be kept in the safe at City Hall.

Documentation of plan development process: The Debris Management Plan is a goal in the city’s Hazard Mitigation Plan and is also a regulatory requirement for all major disasters. This draft will be reviewed by the following officials: OEM Coordinator, Deputy Coordinators, Mayor Police Director/Chief, City Clerk and Deputy Clerk, and Public Works Director,

Record of plan approvals, reviews, and updates to include any changes made: The City of Lambertville will adopt by ordinance the Debris Management Plan that will outline the procedure and process.

MATERIALS AND DEBRIS STREAMS

The City of Lambertville suffers mostly from flood events and the debris streams are limited to household items, building materials, heating oil, gas, vehicles, and houses.

List of anticipated debris streams

Vegetative Debris; C&D Debris; Building Contents; Animal Carcasses; Displaced soils and sediments;

Description of each debris stream

| | |
|--|--|
| C&D Debris: mixed metals, masonry materials, concrete, lumber, asphalt shingles | Municipal Solid Waste |
| Cylinders and tanks; | PCB-containing waste (transformers, capacitor, other electrical equipment); |
| Electronics waste (e-waste)(televisions, computers, cell phones) | Pharmaceuticals; |
| Food Waste | Radiological-contaminated waste (hospital equipment) |
| Hazardous waste: batteries, pesticides, solvents, paint thinners, mercury-containing devices | Scrap tires; |
| HHW: household cleaners, freezer and refrigerator coolant; | Soils, sediments and sandbags; |
| Lead-based paint; | Treated wood (utility poles, fencing, decks); |
| Marine or waterway debris; | Used oil and oil-contaminated waste; |
| Medical waste; | Vegetative Debris: plants, uprooted trees, branches, vegetation (green waste); |
| Metals; | Vehicles and vessels; |
| Mixed waste (waste containing both radioactive and hazardous waste components) | White goods (household appliances) |

DEBRIS QUANTITIES

**CITY OF LAMBERTVILLE
VOTING SESSION
7:00 P.M. THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE 60**

The tax books maintained by the Assessor list the following:

Vacant Land: 186

| | | |
|-----------------------------|--------------------------|-----------------------|
| Residential Units: 1,633 | Industrial (4b): 8 | Charitable: 28 |
| Farm (3a): 1 | Apartment (4c): 39 | Cemetery: 3 |
| Farm (3b): 11 | Public School: | Miscellaneous : 20 |
| Commercial (4a): 174 | Other School: 1 | |

Forecast quantity of each type of anticipated debris stream

Vegetative Debris; C&D Debris; Building Contents; Animal Carcasses; Displaced soils and sediments;

Method for estimating actual debris quantities during/after a disaster

Tonnage from the most recent disaster (Hurricane Ida) was reviewed to help determine a base estimate for each of the following categories:

- Vegetative Debris;
- C&D Debris;
- Building Contents;
- Animal Carcasses;
- Displaced soils and sediments;

WASTE CHARACTERIZATION SAMPLING AND ANALYSIS

Waste characterization will depend on the type of disaster. Flooding will result in white goods, and municipal waste, while a high wind event will increase vegetative debris (brush).

- a. Sampling
- b. Analysis
- c. Quality assurance

DEBRIS MANAGEMENT STRATEGIES/OPTION

Procedure and Approaches: The City of Lambertville will adopt by ordinance the Debris Management Plan that will outline the procedure and process.

Minimization: in order to maintain order and control illegal dumping, the police department will oversee and manage the Temporary Debris Management Area. Residents will need to:

- Show proof of residency;
- Record damages and categorize their waste

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 61**

COLLECTION

CVS Parking Lot (40.376694,-74.9501668)
Phillip L. Pittore Justice Center (40.3645394,-74.9472444)
Brunswick Avenue east of the gas station (40.3645475,-
74.9472444)
Parking Lot by Ely Field (40.3690957,-74.9464228)
Holcombe Park (40.3748017,-74.9501022)

SEGREGATION

Each site will contain one dumpster for Municipal Waste; and staging areas for white goods, vegetative items, hazardous waste (will be separated into categories)

DECONTAMINATION (EQUIPMENT, PEOPLE, WASTE/MATERIALS)

LMUA will be used as a decontamination site. We will use portable wastewater pretreatment equipment; all waste-water will be contained in storage units and disposed of in a manner as prescribed by NJDEP.

ACCUMULATION/STORAGE: In an effort to keep the streets clean of debris and animals, the city will conduct a Request for Proposals for emergency events only so that when the city has an event, we have already contracted with a vender who is state approved and has the equipment necessary for debris management.

MONITORING OF DEBRIS MANAGEMENT ACTIVITIES: The police department will oversee all Debris Management Areas; The Director of Public Works will oversee the collection of all debris.

PRE-SELECTED DEBRIS MANAGEMENT SITES

Debris staging and storage (short-term and long-term) locations

Short-term:

- a. CVS Parking Lot
- b. Phillip L. Pittore Justice Center
- c. Brunswick Avenue east of the gas station
- d. Parking Lot by Ely Field
- e. Holcombe Park

Long-term:

- f. Public Works Department will maintain an open area that is clear of debris to assist with emergencies.

Equipment staging and storage (short-term and long-term) locations

The city will contract with a company that is state approved for municipal waste and hazardous waste.

Decontamination and treatment stations

LMUA
Fire Department
Police Department

WASTE MANAGEMENT FACILITIES: Anticipated types of waste management facilities needed: Dumpsters, Garbage Trucks, and Recycling Trucks.

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 62

SPECIFIC FACILITIES IDENTIFIED: Transportation will be the sole responsibility of the company who is awarded the contract.

Logistical options

Routes (including maps)

Hauler information

DEBRIS AND MATERIAL TRACKING AND REPORTING SYSTEM: The OEM Deputy Coordinator will be responsible for completing the TDMAs (Temporary Debris Management Areas) as required by the State of NJ DEP.

General principles: The city will:

Pre-disaster: determine the locations for the TDMAs.

North Union and Cherry Street

South Union Street at the Justice Center

Brunswick Avenue by the Gas Station

Dumpsters were also placed on Streets close to the flood area.

Disaster: complete and submit the TDMAs to the State of NJ Department of Environmental Commission.

Database and other tracking software to be used: each contractor picking up municipal waste, e-waste or any other item will submit a day total with a tonnage report for tracking purposes.

Debris tracking report templates: the city will use the tracking templates provided by the State of NJ DEP and FEMA.

COMMUNITY COMMUNICATIONS/OUTREACH PLAN: Strategy: to mitigate the build-up of municipal waste and prevent an overflow into the waterways; mitigate animal control (rats); and rid the area of waste in the most efficient and effective manner.

Contact information for key stakeholder groups: Debris Management information will be maintained in the database by the OEM Deputy Coordinator which will be shared on a google drive and access will be given to all members to ensure good record keeping.

Pre-scripted information for debris management activities involving the public: the police department will oversee the TDMA to ensure only city residents are using the dumpsters provided and for crowd control.

Information for a response website once a disaster occurs: the OEM Deputy will maintain the templates and will insert pertinent data directly related to the event into the templates. They will then be reviewed for correctness and disseminated through the city's listserv, website, and hardcopies will be available at city hall.

HEALTH AND SAFETY FOR DEBRIS MANAGEMENT ACTIVITIES: All employees and volunteers will wear facemasks and gloves provided by the City of Lambertville. All cuts and puncture wounds will be reported immediately to the Field Supervisor. The Field Supervisor will determine if a visit to emergent care is required.

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 63**

RESOURCE SUMMARY

Resource needs
Resources sources

- ii. Mutual Aid Agreements
 - 1. LMUA
 - 2. Township of West Amwell
- iii. Pre-negotiated contracts
 - 1. Waste Management
- iv. Specialized experts
 - 1. NJDEP

Specialized technical assistance contacts
Contracting

- v. Emergency procurement procedures
- vi. Contract oversight plan

Cost accounting/financial management

FEMA eligibility guidance

APPENDICES

Job aids for debris management staff positions
List of training classes available for different debris management roles
Pre-written debris management emergency ordinances, orders, directives, declarations, designations, permits, etc.
Maps of waste management facilities and sites, transportation routes, critical waste management infrastructure and key resources
Links to health and safety information
Protective Actions Guides
Glossary and list of acronyms

INTRODUCED FOR FIRST READING: June 15, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 20-2023 and he asked for public comment. There being no public questions or comments, Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 20-2023. Councilwoman Kominsky made the motion to close the public hearing. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor Nowick asked for a motion to adopt Ordinance Number 20-2023 on second reading, granting final approval. Councilwoman Kominsky made the motion to adopt Ordinance Number 20-2023. Councilwoman Lambert seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ORDINANCE NUMBER 21-2023: *An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and the South Hunterdon Regional School District for use of the City-*

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 64

Owned North Union Street Parking Lot, Justice Complex Parking Lot, or Portions of Both Parking Lots, Pursuant to the Terms Set Forth Herein

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this Ordinance allows the school to lease parking spaces from the City while they are leasing the school from the Church.

ORDINANCE NUMBER 21-2023

An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and the South Hunterdon Regional School District for use of the City-Owned North Union Street Parking Lot, Justice Complex Parking Lot, or Portions of Both Parking Lots, Pursuant to the Terms Set Forth Herein

WHEREAS, the City of Lambertville (the “**City**”), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530, owns the properties shown on the City Tax Maps as Block 1039, Lot 8.01, commonly known as 14 N. Union Street, the site of the N. Union Street Parking Lot (the “**N. Union Parking Lot**”), and Block 1044, Lot 14, commonly known as 25 S. Union Street, site of the parking lot at the Phillip L. Pittore Justice Center (the “**Justice Complex Parking Lot**,” and together, the “**Properties**”); and

WHEREAS, the South Hunterdon Regional School District (the “**SHRSD**”) has requested to lease the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, from the City to accommodate parking demand during the school year; and

WHEREAS, the SHRSD is a regional school district operating pursuant to N.J.S.A. 18A-1, et seq., and a public body of the State of New Jersey; and

WHEREAS, the SHRSD desires to continue to provide adequate parking for its employees working within the City, and has requested the use of nineteen (19) parking spaces on all school days from August 28, 2023 to June 12, 2024, from 7:30 a.m. to 4:00 p.m., and has agreed to make payments to the City in the total amount of \$25,000.00, payable in installments of \$15,000.00 on or before November 15, 2023, and \$10,000.00 on or before May 31, 2024; and

WHEREAS, the SHRSD will be responsible for the installation of appropriate signage at either the N. Union Parking Lot, or the Justice Complex Parking Lot, or portions of both, while the City will continue to provide snow plowing services and make accommodations for street sweeping at the Properties; and

WHEREAS, the City may lease the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, to SHRSD by ordinance, pursuant to N.J.S.A. 40A:12-14(b) of the Local Lands and Buildings Law; and

WHEREAS, there is a desire to approve a lease agreement with SHRSD for use of the N. Union Parking Lot or the Justice Complex Parking Lot, or portions of both, to memorialize the terms set forth herein, in the form attached hereto as Exhibit A (the “**Lease Agreement**”).

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 65

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the execution of the Lease Agreement with SHRSD for use of the Properties, as more fully described in the Lease Agreement.
3. The Mayor is authorized to execute the Lease Agreement in substantially the same form attached hereto as Exhibit A, and subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion and in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCED FOR FIRST READING: June 15, 2023
PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 21-2023 and he asked for public comment.

Eric Richardson, local restaurant owner: Mr. Richardson thanked the members of the Governing Body for their support. He expressed concern over the impact of this Ordinance on customer parking in the CBD.

Megan Warner, of Lambertville: Ms. Warner noted that she is a member of the Board of Education, however, she is not representing the Board of Education. She expressed her support of the proposal to allow the teachers to use the N Union Street lot.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 21-2023. Council President Stegman made the motion to close the public hearing. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council discussed, noting that it has yet to be decided if teacher parking will be limited to one lot, or split over multiple locations. There are several factors to consider to meet the needs of the teachers as well as those of residents and the businesses in the CBD.

Mayor Nowick asked for a motion to adopt Ordinance Number 21-2023 on second reading, granting final approval. Councilman Lide made the motion to adopt Ordinance Number 21-2023.

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 66

Council President Stegman seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 22-2023: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Parking Meters, to Create a Parking Services Agency*

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public that this will allow the City to create a Parking Services Agency and we will then qualify for grant funding to purchase and use e-tickets for parking only.

ORDINANCE 22-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Parking Meters, to Create a Parking Services Agency

WHEREAS, the City of Lambertville (the “City”) is a municipal corporation of the State of New Jersey; and

WHEREAS, in accordance with *N.J.S.A. 2B:12-30*, the Administrative Office of the Courts of the State of New Jersey provided for the procurement and maintenance of hand-held data entry devices and related equipment for use by the New Jersey parking authorities or agencies in connection with the Parking Authority Tickets System (the “PATs System”); and

WHEREAS, the viability of the PATs System in the City would promote efficiency in the administration of parking enforcement in the City; and

WHEREAS, the City desires that, upon the effective date of the within ordinance, the PATs System will be utilized in the City under the supervision of the Parking Services Agency which is hereby created in the City as a division of the City government, as follows:

§ 2-10.5 Creation of Parking Services Agency.

Within the Department of Public Safety there is hereby created a Parking Services Agency. Under the supervision and direction of the Police Director, or in the absence of a Police Director, the Officer in Charge of the Lambertville Police Department, the Parking Services Agency shall have oversight over and control of the City's parking system that consists of on-street parking and parking within City lots and garages, as well as equipment owned, leased or otherwise under the control of the City of Lambertville.

a. Function of Agency. The functions of the Parking Services Agency shall be to manage parking within the City, including, but not necessarily limited to, on-street parking and parking within City lots as well as any equipment owned, leased or otherwise under the control of the City of Lambertville and used for parking regulation enforcement.

b. Employees. The Parking Services Agency shall be managed by the Police Director or Officer in Charge, who shall be appointed by the Mayor. This division shall include the Police Director or Officer in Charge, and may include Parking Enforcement Officers and such additional support, maintenance and enforcement staff as may be approved from time to time by the Mayor.

c. Enforcement responsibilities. Enforcement of parking regulations in the City, including but not limited to time limits and general prohibitions, shall be by the Police Director or Officer in Charge, City Police Officers and any Parking Enforcement Officers.

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 68

Council President Stegman stepped off the dais and recused himself for the duration of the public hearing for Ordinance Number 24-2023.

Mayor Nowick read the Ordinance into the record by title. He noted a change in the fees structure for amusement devices.

ORDINANCE NUMBER 24-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, Mechanical Music Machines, Amusement Devices and Vending Machines

§ 5-2 MECHANICAL MUSIC MACHINES, AMUSEMENT DEVICES AND VENDING MACHINES.

§ 5-2.1 Definitions. As used in this section:

[1990 Code § 5-2.1]

ARCADE

An amusement center offering mechanical, automated, electronic games and music for purchase through any means, including but not limited to coin, cash, game or membership card, credit card, admittance fee, or similar method of payment.

Any Arcade offering redemption prizes is required to file an application with the State of New Jersey, Legalized Games of Chance Control Commission, as well as with the City of Lambertville.

AUTOMATIC, AUTOMATED, MECHANICAL OR VIDEO AMUSEMENT DEVICE OR ELECTRONIC AMUSEMENT DEVICE

Shall mean a machine of the type commonly known and designated as bagatelle, baseball, football, or pinball amusement games or similar machines and particularly, but not by way of limitation, any and all coin-operated amusement devices of any and all types and kinds, which, upon the payment of a user fee, including but not limited to coin, slugs, credit card, game card, or membership card used to operate or may be operated for use as a game, contest, amusement or entertainment of any description, or which may be used for any such game, contest, amusement or entertainment, and which contain no automatic payoff device for the return of slugs, money, coins, checks, tokens, or merchandise, or which provide for no such pay-off by any other means or in any other manner whatsoever.

AUTOMATIC, AUTOMATED VENDING MACHINE

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, operated machine used for the purpose of selling liquids, candy, food or general merchandise. Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered to be one machine and require one license. The license fee shall be calculated based on the highest dispensing fee of the bulk vending machines.

AUTOMATIC, AUTOMATED VENDING MACHINE

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 69**

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, used to operate a machine for the purpose of selling liquids, candy, food or general merchandise.

Non-Electric Vending Machines (AKA Gumball Type)

Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered as one machine and require one license. Annual fee of \$10.00

MECHANICAL MUSIC MACHINE

Shall mean any method of payment, including but not limited to coin, slugs, credit cards, membership cards or game card used to operate a musical machine or device over and through which music by transcription is played.

PERSON

Includes any natural person, association, partnership, firm or corporation, company, utility or organization of any kind.

PROPRIETOR

Any person, firm, corporation, partnership, association, entity or club who, as the owner, leaseholder, or proprietor, has under his, her or its control any establishment, place or premises in or at which any mechanical, electronic or video amusement device is placed or kept for use or play or on exhibit for the purpose of use or play. In addition to aforesaid, the above-designated definition of "proprietor" shall include any lawful, separate business entity which engages in its primary operation the use of the aforesaid devices.

RESTRICTIONS

1. Issuance to person or proprietors convicted of a crime is restricted, except as provided by State of New Jersey law, no license shall be issued to or held by any person who has been convicted of a crime or by any corporation, partnership or association, a member or officer, director or holder of ten percent 10% or more of the stock of which has been convicted of any crime.
2. No license shall be approved for any applicant unless he, she and or they shall be twenty-one (21) years of age.
3. Four (4) or fewer mechanical, electronic or video amusement devices or jukeboxes in any premises are subject to the Zoning laws of the City of Lambertville.
4. Gambling and Gambling devices are prohibited. Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling, game and/or device whatsoever, including but not limited to card games, not any machine or mechanism that has judicially been determined to be a gambling device or to be in any way contrary to any present or future laws of the City of Lambertville, County of Hunterdon or State of New Jersey.
5. Maintenance of order: the person or proprietor in charge of the place or premises where any jukebox or mechanical, automated, electronic or video amusement device is kept or located shall

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 70**

maintain good order on or about the place or premises in which any jukebox or mechanical, automated, electronic or video amusement device is kept or located, which shall include but shall not be limited to the following:

- a. Possession or consumption of alcoholic beverages without a license issued by the State of New Jersey Alcoholic Beverage Control Commission;
 - b. Gambling of any type
 - c. The use of cannabis products.
6. Hours of Operation
- a. No jukebox or mechanical, electronic or video amusement device may be operated between the hours of 10:00 p.m. and 9:00 a.m. on any day, under any circumstances.

SOCIAL CLUB

An organization established for social, or recreational purposes that provides related opportunities exclusively for its members and is primarily supported by dues, fees, charges or other funds paid by its members.

TRANSFER OF LICENSE is prohibited.

§ 5-2.2 License Required.
[1990 Code § 5-2.2]

It shall be unlawful for any person to maintain, operate or use within the City any mechanical coin machine, automatic, automated or electronic amusement device, automatic vending machine, without first having obtained a license from the City or without complying with all provisions concerning the same contained in this section; and the maintaining, operating or using of such mechanical music machines, automatic or electronic amusement devices, automatic vending machines, without first having obtained a license from the City, or without complying with any and all provisions contained in this section, shall constitute a separate violation for each and every day that such machines and devices are maintained, operated or used.

§ 5-2.3 License Fees; License Transfer Not Permitted.
[1990 Code § 5-2.3]

Vending Machines. The annual license fee, per machine or device, for maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines in any one place shall be as follows:

- a. Mechanical Music Machines - \$75 per year per machine (previously \$100.00).
- b. Automatic Amusement Devices - \$75 per year per machine for the first ten machines, and \$25.00 for each additional machine (previously \$100.00 per machine).
- c. Automatic Vending Machines - yearly fee: \$40.00

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 71

The licenses granted pursuant to this section are not transferable.

§ 5-2.4 Application for License.
[1990 Code § 5-2.4]

- a. Application. Every person maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines, shall, on or before May 1 annually, make application to the City Clerk for a license to maintain, operate or use such machines or devices. The application shall be filed with the City Clerk and shall be accompanied by the license fee required in subsection **5-2.3**.
- b. Investigation. The City Clerk shall cause an investigation of each application to be made by the Police Department to determine whether the owner, occupant or tenant of the premises upon which or within these machines or devices are to be maintained, operated or used, is complying with all laws of the State of New Jersey and ordinances of the City of Lambertville relating and pertaining to the preservation and protection of the lives, health, morals and general welfare of the inhabitants of the City; and for the purpose of such investigation, such applicants for licenses shall allow and permit the inspection of any such place or premises at all reasonable hours by any Police Officer of the City of Lambertville. The Police Department shall make a report of their investigation to the City Clerk.
- c. Favorable Report. If the investigation report is favorable, the City Clerk shall issue the licenses. The effective date of each license shall be June 1 annually and such license shall expire on May 31 annually. Every person maintaining, operating or using these machines or devices shall keep said license posted and exhibited, while in force, in some conspicuous part of the premises.
- d. Unfavorable Report. If the investigation report is unfavorable, it shall be the duty of the City Clerk to refuse the issuance of the license in question. This action of the City Clerk may be appealed to the City Council who shall, after notice and hearing, determine whether the action of the City Clerk shall be affirmed or reversed.
- e. Licenses are not Prorated. When any such machine or device is installed on any premises in the City before or after May 1 in any year, an application for a license for such machine or device must be made immediately and the same procedure must be followed as outlined above in the case of the annual application. In such cases there will be no pro-rating of the annual license fee and any license issued upon such application shall be effective only to the time for the next annual license.
- f. Licensee to Be Proprietor, Tenant or Occupant. All licenses hereunder shall be issued to and in the name of the proprietor, tenant or occupant of the premises where the machine or device is to be installed for the maintenance, operation and use thereof.
- g. Investigation Charge. Whenever any application for a license hereunder is rejected, the City Clerk shall retain for the use of the City 20% of the annual license fee as an investigation charge.

§ 5-2.5 Operation of the Machine Regulated.
[1990 Code § 5-2.5]

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 72

The payment of the license fee required by this section, its acceptance by the City, and the issuance of a license to any person, shall not entitle the holder thereof to use any such machine or device so licensed in any manner which would be in violation of any law or ordinance.

§ 5-3 CIRCUSES, SHOWS, AND CARNIVALS.

§ 5-3.1 License Required.

[1990 Code § 5-3.1]

It shall be unlawful for any person whether as principal or agent, clerk or employee, either for himself or any other person, or for anybody corporate or as an officer of any corporation, or otherwise, to commence or carry on any traveling circus, traveling show or carnival, whether under canvas or not in the City without first having procured a license from the City and without complying with the provisions contained in this section or in any other ordinance heretofore or hereafter adopted by the City which is or may be in full force and effect; and the carrying on of any traveling circus, traveling show or carnival, whether under canvas or not, without having first procured a license from the City, or without complying with any and all of the provisions contained in this section, or in any other ordinance adopted by the City which is or may be in full force and effect, shall constitute a separate violation of this section for each and every day that such business is so carried on.

§ 5-3.2 Fees.

[1990 Code § 5-3.2]

The license fees which are fixed for the raising of revenue and for regulation and control, to be paid to the City for the conducting of or engaging in any traveling circus, traveling show or carnival, whether under canvas or not, shall be as follows: \$250 per day.

§ 5-3.3 Issuance of License; Posting.

[1990 Code § 5-3.3]

It shall be the duty of the City Clerk to issue a license under this section for every person liable to pay a license hereunder and to state in each license the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued, the particular business licensed, and the location or place of business where the same is to be carried on. Every person having a license under the provisions of this section and the carrying on such a licensed business shall keep such license posted and exhibited while in force, in some conspicuous part of the place of business. No refund shall be made on any license fee paid on account of a cessation of business after such license shall have been issued.

§ 5-3.4 Inspections; Violations.

[1990 Code § 5-3.4]

Every person licensed under this section shall comply with all laws of the State of New Jersey and ordinances of the City relating and pertaining to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, and, for that purpose, such licensees shall allow and permit inspection of any place licensed under this section at all reasonable hours of the Chief of the Fire Department, the Health Officer and any Police Officer of the City, which officers are hereby authorized and directed and it shall be their duty to make such inspections and report any violation of any laws of the State

CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
*****MEETING MINUTES*****
PAGE NUMBER 73

of New Jersey or of the ordinances of the City of Lambertville relating to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, to the Mayor and Council, who shall order and direct the officers aforementioned to take such steps that they may deem necessary and lawful to remedy and correct any such violations.

§ 5-4 BILLIARDS, POOL PARLORS AND MOVIE THEATERS.

§ 5-4.1 Licenses Authorized.

[1990 Code § 5-4.1]

The Mayor and Council are hereby authorized to grant licenses to carry on or conduct billiard parlors, pool parlors and movie theaters.

§ 5-4.2 Fees.

[1990 Code § 5-4.2]

The charges for such licenses shall be as follows, for each billiard or pool table, \$25 for the first table per year and \$15 for each additional table per year; for each movie theater \$240 per year.

INTRODUCED FOR FIRST READING: June 22, 2023

PUBLIC HEARING AND SECOND READING: July 20, 2023

Mayor Nowick opened the public hearing for Ordinance Number 24-2023 and he asked for public comment.

Councilman Lide commented that this was a good collaborative effort on behalf of the City and the customer.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 24-2023. Councilman Lide made the motion to close the public hearing. Councilwoman Kominsky seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor Nowick asked for a motion to adopt Ordinance Number 24-2023 on second reading, granting final approval. Councilwoman Kominsky made the motion to adopt Ordinance Number 24-2023. Councilman Lide seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

BOARD APPOINTMENTS

Mayor Nowick made the following nominations to fill unexpired terms on boards:

HUMAN RIGHTS COUNCIL: Mary Inzana to serve as liaison to the Senior community in the City. Mary has served as the Senior Service Rep. four years now and would, I believe,

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 74**

benefit from the support and dedication of the HRC. She's a wonderful person and would be a terrific addition to the HRC.

SHADE TREE COMMISSION: Deborah Mercer and Matt DeProspero

ZONING BOARD OF ADJUSTMENT: Kevin Brady to move from the second alternate position to the first alternate position, term ending 12/31/24, Brian Kelly to move from the first alternate position into Bill Neely's position, term ending 12/31/25. Wayne Bregel to serve as the second alternate, with a term ending 12/31/2023.

Councilman Lide made a motion to confirm Mayor Nowick nominations. Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

CORRESPONDENCE

Mayor Nowick read the correspondence into the record by title.

SOUTH HUNTERDON REGIONAL MUNICIPAL ALLIANCE: Letter from John Dupuis, Coordinator, asking the City to take over the administration of the grant.

DUBOIS & ASSOCIATES: Freshwater Wetland Individual Permit, Flood Hazard Area Individual Permit, Veolia Swan Creek Water Main Replacement & Bank Stabilization, Block 1059, Lot 29, Lambertville City, Block 16, Lot 3, West Amwell Township. Plans are on file in the Clerk's Office.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY: North Union Street Pumping Station, Project to Replace Pumping Station Temporary Access Areas for Construction. The request is to prohibit parking along North Union Street from the pumping station to Cherry Street and for a temporary construction easement on the City property as shown on the plans.

STATE OF NEW JERSEY DOT: Letter to Mayor Nowick regarding his request for a bridge at Holcombe Park. Mayor Nowick informed the members of the public that the State of NJ has declined the City's request for a bridge to cross Ely Creek at Holcombe Park.

ANNOUNCEMENTS

Mayor Nowick read the announcements into the record.

GREENHOUSE AND CONTENTS: The City of Lambertville is accepting sealed bids for the purchase of the Greenhouse and the contents. Sealed bids will be opened and read aloud on Thursday, July 20, 2023 at 10:00 a.m. Additional information can be found on the City's website at www.lambertvillenj.org. The City accepts the right to reject all bids.

NOTE: the City received one bid for the steel table in the amount of \$106.00.

CONVENIENCE CENTER HOURS

Saturday, August 5 and 19

Wednesday, August 16

**CITY OF LAMBERTVILLE VOTING SESSION
7:00 P.M., THURSDAY, JULY 20, 2023
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MEETING MINUTES
PAGE NUMBER 75**

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting for the second public participation session.

There being no public comment, Mayor Nowick asked for a motion to close the public participation session. Councilwoman Kominsky made the motion, Council President Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.

ADJOURNMENT

The meeting adjourned at 8:36 p.m. with a motion made by Councilman Lide and seconded by Councilwoman Kominsky. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege

Cynthia L. Ege
CMR, RMC, City Clerk