



Borough of Rocky Hill
Borough Council
Minutes of the Regular Meeting
December 5, 2016

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Jeff Donahue at 7:30 PM followed by the salute to the flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

ROLL CALL

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Councilman	Absent	
Thomas Bremner	Council President	Present	
Billy Dawson	Councilman	Present	
John Hagemann	Councilman	Present	
Phil Kartsonis	Councilman	Absent	
Robert Uhrik	Councilman	Present	
Jeff Donahue	Mayor	Present	

MAYOR'S COMMENTS

The Mayor thanked the Community Group, constables, and Fire Department for organizing and helping with the holiday party. The work on the Route 518 bridge is ongoing, but no schedule has been provided by the DOT. The new radar speed limit sign has been installed, and the County has also agreed to continue to work on signs.

APPROVAL OF MINUTES

- A. Motion to Approve 11/21/16 Regular Meeting Minutes

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Bremner, Council President
SECONDER:	John Hagemann, Councilman
AYES:	Bremner, Dawson, Hagemann, Uhrik
ABSENT:	Ashbaugh, Kartsonis

STATE POLICE REPORT

- A. State Police Report October 2016

PUBLIC COMMENT

Raymond Whitlock, 94 Crescent Avenue, noted that the bridge work has begun and that there are two generators with portable lights on site.

Christine Witt, 19 Montgomery Avenue, expressed concern about the new massage therapy business on Washington Street. The Mayor responded that it is a legitimate business that has complied with all ordinances and licenses.

ENGINEER'S REPORT

A. Engineers Report

Mr. Tanner summarized the report, see attached. The Council discussed having additional parking space lines painted across the street from the Post Office. The consensus was to have the lines painted. The Council also discussed adjusting the leaf pick up dates for next year.

CHIEF FINANCIAL OFFICER'S REPORT

A. CFO Report November 2016

The CFO received an email from Montgomery Township stating that they had undercharged the Borough for Van Horne Park maintenance in previous years. They are requesting the under payment from last year be paid this year. The total payment requested this year exceeds the Borough budget of \$12,000 for Van Horne Park maintenance. A transfer will be needed at the next meeting.

B. RESOLUTION-2016-90 RESOLUTION FOR THE CANCELLATION OF APPROPRIATIONS IN THE CURRENT FUND IN THE Borough OF Rocky Hill FOR THE BUDGET YEAR 2016

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Billy Dawson, Councilman
SECONDER:	John Hagemann, Councilman
AYES:	Bremner, Dawson, Hagemann, Uhrik
ABSENT:	Ashbaugh, Kartsonis

APPROVAL OF VOUCHERS TO BE PAID

A. Bill List Dated 12/5/16

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Bremner, Council President
SECONDER:	Billy Dawson, Councilman
AYES:	Bremner, Dawson, Hagemann, Uhrik
ABSENT:	Ashbaugh, Kartsonis

SPECIAL BUSINESS

A. ORDINANCE-2016-04 An Ordinance Repealing Chapter 100, Titled "Flood Damage Prevention", and Repealing Article Xii, Titled "Flood Damage Prevention", Sections 80-128 to 80-132, of the Code of the Borough of Rocky Hill and Replacing with a New Article Xii, Titled "Flood Damage Prevention."

Public Hearing: the floor was to public comment on the ordinance, hearing none, the floor was immediately closed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Bremner, Council President
SECONDER:	Billy Dawson, Councilman
AYES:	Bremner, Dawson, Hagemann, Uhrik
ABSENT:	Ashbaugh, Kartsonis

UNFINISHED BUSINESS

NEW BUSINESS

COMMUNICATIONS

FINAL PUBLIC COMMENT

Raymond Whitlock, 94 Crescent Avenue, thanked the Mayor and Council for working to get the additional signs on Crescent Avenue.

ADJOURNMENT

Mr. Dawson moved to adjourn at 8:16PM. Mr Bremner seconded the motion, and motion carried on voice vote.

Borough Council

15 Montgomery Ave.
Rocky Hill, NJ 08553

SCHEDULED**MEETING TOPIC 2016-90**

Meeting: 12/05/16 07:30 PM
Department: Administration
Category: Agreement
Prepared By: Rebecca Newman
Initiator: Admin Manager
Sponsors:
DOC ID: 1178

State Police Report October 2016

New Jersey State Police - Kingwood Station
Rocky Hill Borough (clerk@rockyhill-nj.gov)
Monthly Activity Report - Month of October 2016
Municipal Code: 1817 FAX (609) 924-2274

Type of Activity: Calls for Service

Medical Assistance 1
 Landlord and Tenant Disputes 2 - Washington St. - both incidents

Type of Activity: Investigations and/or Investigations Resulting in Arrests

Theft by Unlawful Taking 1 - Van Horne Park

Type of Activity: Accidents (0)

Nothing To Report

Killed	Injured	Ejected

Type of Activity: Driving Under the Influence (0)

Nothing To Report

Report submitted by: Station Commander R. Malone 5181 Date: 10/31/2016

Attachment: Rocky Hill OCT 2016 (DOC-2016-90 : State Police Report October 2016)

Borough Council

15 Montgomery Ave.
Rocky Hill, NJ 08553

SCHEDULED

Meeting: 12/05/16 07:30 PM
Department: Administration
Category: Agreement
Prepared By: Rebecca Newman

Initiator: Admin Manager

Sponsors:

MEETING TOPIC (ID # 1179)

DOC ID: 1179

Engineers Report



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Neil I. Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E. & P.P.
Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

TO: Mayor and Council
Borough of Rocky Hill

FROM: William C. Tanner, P.E.
Borough Engineer

DATE: December 2, 2016

SUBJECT: ENGINEER'S REPORT NOVEMBER 2016

1. RT. 518 BRIDGE REPLACEMENT

Work has re-started.

I had asked the County to install some additional signs to alert people the downtown businesses were open. This has not been done and I question whether it is needed at this point.

2. PROJECTS

Montgomery Avenue – At the last meeting the Borough made the final payment to the Contractor. We can now do the necessary paperwork to submit for payment to the state. We will need copies of all the checks, both front and back, as part of the submission documents.

Generator Grant – I was scheduled to have a meeting with our Electrical Engineer and Tim Lesko to lock up the final issues on Tuesday this past week but unfortunately he has Pneumonia. We will reschedule.

I have also inquired with my FEMA contact regarding the possibility of using any left over money from the grant to assist in the purchase of a replacement generator at the firehouse. It appears this may be allowed.

We are on still on track to have this work accomplished next spring. This is well in advance of the deadline which is June of 2017.

Please Reply To:
CENTRAL NJ OFFICE • 32 Brower Lane, Bldg. B, PO Box 5877 • Hillsborough NJ 08844 • 908.359.8291
Fax: 908.359.1580

With Other Offices In:
Hamilton NJ • Lebanon NJ • Phillipsburg NJ • Freehold NJ • Doylestown PA • Bethlehem PA • Wyomissing PA • Newark DE

Attachment: Engineer's Report -November-2016 (1179 : Engineers Report)

December 2, 2016
November Report

3. **NJDEP WATER RESTRICTION**

Nothing to report.

4. **SPOT REPAIRS ON SIDEWALKS/ MISCELLANEOUS**

I have pulled together a group of small projects that will send them out to a couple of contractors for a quote. Specifically:

1. 24 linear feet of sidewalk near the library on Washington Street
2. The water meter box for the Rescue Squad.
3. The repair of an existing house street valve which is broken at 78 Princeton Avenue. This would also entail some sidewalk replacement. The price I received was too high to consider without a second quote.

Mr. Bremner and I met last month at the Crescent Pond to locate the pipe that was known to exist in the pond. This pipe acted as a way to maintain the pond water surface level. It was located but it is not within the pond. It was found outside the water edge indicating the pond surface is currently lower than in the past. There is still some work necessary specifically where it is connected and whether it is still usable.

5. **COUNTY ROAD PROJECTS FOR THE BOROUGH**

The County began the repair at 11 Princeton Avenue. Their original exploration does not indicate that the pipe is leaking and may be more due to the backfill settling. Since the curb has settled, the County suggested the curb be replaced. Attached is a copy of the quote for the replacement of curb.

The County has a list of pothole repairs that they will begin fixing as part of the project above. This includes resetting of several water valves.

6. **WASHINGTON STREET SIDEWALK CONTRACT**

We are working on the final paperwork for submission to the state for reimbursement. Several resolutions will be required and will be ready for adoption at the Council Meeting.

7. **STAGE II TREATMENT PLANT**

On hold pending information from Montgomery on the proposed study.

December 2, 2016
November Report

8. **SEWER FLOWS**

A budget is being prepared for your consideration for potential inclusion in next year's budget. At league this year we were shown a way to video the manholes which may be useful in the task as it maps out all the areas that indicate leaks.

9. **COUNTY ROAD STRIPING**

For follow up once the County awards a contract.

10. **LEAF PICKUP**

The pickup for Thanksgiving, was conducted on November 17th & 18th. The final pickup will be December 15th.

11. **EAGLE SCOUT PROJECT**

Still waiting on the Eagle Scout proposal; in the meantime a Girl Scout has proposed a Gold Star Project (the equivalent to Eagle Scout) do a portion as well.

12. **LEMORE – DRAINAGE ISSUE**

The sidewalk has been repaired.

13. **NEW ORDINANCE – FLOOD DAMAGE PREVENTION**

To be adopted on Monday night.

14. **CURB & PARKING SPACE STRIPING**

The contract for the original work has been completed as well as some additional striping as discussed.

In a discussion with Mr. Uhrig, he proposed to add new spaces across from the Post Office. This was not done for several reasons one of which I expressed was that creation of new spaces should be discussed by the Council. I also expressed a concern that there might be some disagreement with the placement of spaces or requests for other spaces to be striped. I am asking the Council for direction in this matter.

December 2, 2016
November Report

15. **PRACTICE WALL**

Montgomery has approached the Borough to allow the construction of a combined Lacrosse and Tennis practice wall. This would look similar to the wall the Borough constructed behind the Municipal Building.

We discussed this at the last meeting but I do not remember reaching a conclusion/consensus.

It should be noted that the Township Lacrosse League and/or the Township would be paying the bill if it were to move forward.

Borough Council

15 Montgomery Ave.
Rocky Hill, NJ 08553

Meeting: 12/05/16 07:30 PM
Department: Administration
Category: Agreement
Prepared By: Rebecca Newman

Initiator: Admin Manager
Sponsors:

SCHEDULED

MEETING TOPIC (ID # 1180)

DOC ID: 1180

CFO Report November 2016

Expenditure Budget

10.A.a

CURRENT FUND

Activity to 12/ 5/2016

* ACTIVITY = Budget - (Balance + Encumbered) (You can include the break out by journal from the report options)

Account Number	Description	Budget	Activity	Encumbered	Balance
=====					
01-201-20-100-020	GENERAL ADMINISTRATION - OTHER EXPENSE	21,550.00	18,775.69	-	2,774.31
01-201-20-110-020	MAYOR AND COUNCIL - OTHER EXPENSE	4,375.00	2,141.08	-	2,233.92
01-201-20-120-010	MUNICIPAL CLERK - SALARY AND WAGES	30,000.00	29,945.88	-	54.12
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXPENSE	1,150.00	711.13	230.41	208.46
01-201-20-130-010	FINANCE- SALARY AND WAGES	15,402.00	15,366.45	-	35.55
01-201-20-135-020	AUDIT SERVICES - CONTRACTUAL SERVICES	18,000.00	3,500.00	-	14,500.00
01-201-20-145-010	TAX COLLECTION - SALARY AND WAGE	12,036.00	11,688.72	-	347.28
01-201-20-145-020	TAX COLLECTION - OTHER EXPENSE	1,100.00	771.25	-	328.75
01-201-20-150-010	TAX ASSESSMENT - SALARY AND WAGES	11,730.00	11,582.40	-	147.60
01-201-20-150-020	TAX ASSESSMENT - OTHER EXPENSE	600.00	579.61	-	20.39
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	34,200.00	19,390.87	-	14,809.13
01-201-20-165-020	ENGINEERING SERVICES - OTHER EXPENSE	63,000.00	42,082.50	-	20,917.50
01-201-21-180-010	PLANNING BOARD - SALARY AND WAGES	10,796.20	10,773.36	-	22.84
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	7,625.00	4,888.00	-	2,737.00
01-201-21-190-010	COAH -SALARY AND WAGES	500.00	-	-	500.00
01-201-21-190-020	COAH - OTHER EXPENSE	27,500.00	23,576.25	-	3,923.75
01-201-22-209-010	POLICE- SALARIES AND WAGES	10,010.00	9,987.84	-	22.16
01-201-22-209-020	POLICE- OTHER EXPENSES	250.00	-	-	250.00
01-201-23-210-020	LIABILITY INSURANCE - OTHER EXPENSE	67,500.00	67,334.00	-	166.00
01-201-23-215-020	WORKER S COMPENSATION INS. - OTHER EXPEN	23,000.00	22,760.00	-	240.00
01-201-25-252-010	OEM- SALARY AND WAGES	9,180.00	6,120.00	-	3,060.00
01-201-25-252-020	EMERGENCY MANAGEMENT - OTHER EXPENSE	15,820.00	7,782.80	4,471.28	3,565.92
01-201-25-255-020	AID TO VOLUNTEER FIRE COMPANIES - CONTRI	28,000.00	13,150.00	14,850.00	-
01-201-25-260-020	AID TO VOLUNTEER AMBULANCE COMPANIES - C	28,000.00	23,150.00	-	4,850.00
01-201-25-265-010	FIRE PREVENTION BUREAU - SALARY AND WAGE	12,760.00	12,734.52	-	25.48
01-201-25-275-010	MUNICIPAL PROSECUTOR - SALARY & WAGES	3,060.00	-	-	3,060.00
01-201-26-290-020	STREETS AND ROAD- OTHER EXPENSES	57,450.00	10,597.93	3,655.00	43,197.07
01-201-26-297-020	GARBAGE AND TRASH-OTHER EXPENSE	50,000.00	41,150.80	-	8,849.20
01-201-26-306-020	RECYCLING - OTHER EXPENSE	17,500.00	13,018.03	-	4,481.97
01-201-26-310-020	BUILDINGS AND GROUNDS - OTHER EXPENSE	42,950.00	40,880.46	-	2,069.54
01-201-27-330-010	BOARD OF HEALTH- SALARIES AND WAGES	931.00	929.50	-	1.50
01-201-27-332-020	BOARD OF HEALTH- OTHER EXPENSES	365.00	-	-	365.00
01-201-27-340-020	ANIMAL CONTROL - OTHER EXPENSE	1,500.00	-	-	1,500.00
01-201-28-370-020	RECREATION SVS AND PROGRAMS - OTHER EXPE	6,350.00	2,438.40	-	3,911.60
01-201-28-375-020	MAINTENANCE OF PARKS - OTHER EXPENSE	4,000.00	-	-	4,000.00
01-201-30-420-020	CELEBRATION OF PULBIC EVENTS - OTHER EXP	1,500.00	1,500.00	-	-
01-201-31-430-020	ELECTRICITY - OTHER EXPENSE	7,100.00	5,069.28	-	2,030.72
01-201-31-435-020	STREET LIGHTING - OTHER EXPENSE	8,500.00	8,235.60	-	264.40
01-201-31-437-020	FIRE HYDRANT SERVICE-OTHER EXPENSES	6,000.00	2,100.00	-	3,900.00
01-201-31-440-020	TELEPHONE - OTHER EXPENSE	3,800.00	2,893.06	-	906.94
01-201-31-447-020	WATER & SEWER - OTHER EXPENSE	500.00	202.50	-	297.50
01-201-36-471-020	PERS- OTHER EXPENSES	11,550.00	11,550.00	-	-
01-201-36-472-020	SOCIAL SECURITY - OTHER EXPENSE	10,000.00	9,987.47	-	12.53
01-201-40-497-020	LOSAP-Length of Service Award Program	30,000.00	25,000.00	-	5,000.00
01-201-41-700-020	GRANTS	84,000.00	84,000.00	-	-
01-201-43-490-010	MUNICIPAL COURT - SALARY AND WAGES	23,970.00	23,477.16	-	492.84
01-201-43-490-020	MUNICIPAL COURT - OTHER EXPENSE	2,075.00	1,867.15	-	207.85
01-201-43-492-020	FREE COUNTY LIBRARY-OTHER EXPENSES	15,000.00	15,000.00	-	-
01-201-43-493-020	SHADE TREE COMMITTEE-OTHER EXPENSE	3,200.00	1,029.72	-	2,170.28
01-201-43-495-020	PUBLIC DEFENDER - OTHER EXPENSE	1,000.00	-	-	1,000.00
01-201-44-901-020	CAPITAL IMPROVEMENTS - CIF	35,000.00	23,886.00	-	11,114.00
01-201-45-940-020	DEBT SERVICE GREEN TRUST- OTHER EXPENSES	34,137.40	34,137.40	-	-
01-201-46-896-020	DEFERRED CHARGES	117,699.10	117,699.10	-	-
01-201-49-451-020	SOUTH BD BROOK- OTHER EXPENSES	50,000.00	36,972.00	-	13,028.00
01-201-49-461-020	COUNTY OF SOMERSET - ROAD REPAIRS	12,000.00	9,706.64	645.00	1,648.36
01-201-49-471-020	COUNTY OF SOMERSET- SNOW REMOVAL	25,000.00	14,141.59	-	10,858.41
01-201-49-481-020	COUNTY OF SOMERSET BD OF HEALTH	11,000.00	-	-	11,000.00
01-201-49-491-020	MONTGOOMERY TWP VAN HORNE PARK	12,000.00	-	-	12,000.00
01-201-50-899-020	RESERVE FOR UNCOLLECTED TAXES	62,710.09	62,710.09	-	-
=====					
TOTALS		1,205,931.79	958,972.23	23,851.69	223,107.87

Attachment: Jan to Dec 5 Expenses Current (1180 : CFO Report)



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

RESOLUTION-2016-90

**RESOLUTION FOR THE CANCELLATION OF APPROPRIATIONS IN THE
CURRENT FUND IN THE Borough OF Rocky Hill FOR THE BUDGET YEAR 2016**

ATTEST:

By:

Rebecca P. Newman, RMC
Borough Clerk

By:

Jeff Donahue, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on December 5, 2016.

Rebecca P. Newman, RMC
Borough Clerk

**RESOLUTION FOR THE CANCELLATION OF APPROPRIATIONS IN THE CURRENT
FUND IN THE
Borough OF Rocky Hill FOR THE BUDGET YEAR 2016**

BE IT RESOLVED on this 5th day of December, 2016 by the Borough Council for the Borough of Rocky Hill, County of Somerset, that from the surplus balance in the 2016 budget appropriations the following balances be cancelled to fund balance:

CURRENT FUND: Inside the CAP to Inside the CAP
Operating Expenses and Salaries & Wages

<u>Title</u>		
Streets	OE	20,000.00
Parks	OE	3,000.00
LOSAP	OE	5,000.00
Fire Hydrants	OE	3,000.00
Recreation	OE	3,000.00
Total		34,000.00

Attachment: 20161205190108329 (RESOLUTION-2016-90 : Cancellation of Budget Appropriations)

Borough Council

15 Montgomery Ave.
Rocky Hill, NJ 08553

Meeting: 12/05/16 07:30 PM
Department: Administration
Category: Agreement
Prepared By: Rebecca Newman

Initiator: Admin Manager
Sponsors:

ADOPTED**MEETING TOPIC 2016-91**

DOC ID: 1176

Bill List Dated 12/5/16

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Bremner, Council President
SECONDER: Billy Dawson, Councilman
AYES: Thomas Bremner, Billy Dawson, John Hagemann, Robert Uhrik
ABSENT: Robert Ashbaugh, Phil Kartsonis

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
CURRENT FUND			
71 - DIFRANCESCO BATEMAN PC	PO 6091 COAH Legal Services	643.00	643.
102 - HODULIK & MORRISON	PO 5578 Municipal Audit 2015	16,000.00	16,000.
115 - JML LANDSCAPING INC.	PO 6093 Sidewalk replacement after sinkhole	500.00	500.
628 - NATIONAL LINE STRIPING LLC	PO 6085 Road Striping on Washington St.	645.00	645.
594 - PREMIER DISPOSAL	PO 6092 Garbage service November 2016	3,741.08	3,741.
457 - REBECCA NEWMAN	PO 6088 League Hotel expense	230.41	230.
354 - RICOH USA, INC.	PO 6094 Copy machine rental	109.73	109.
81 - ROCKY HILL FIRE COMPANY NO 1	PO 6083 Fire Company Aid	14,850.00	14,850.
81 - ROCKY HILL FIRE COMPANY NO 1	PO 6084 OEM expenses from Fire Dept.	4,471.28	4,471.
627 - TRAFFIC SYSTEMS INC.	PO 6066 Radar Sign	3,655.00	3,655.
530 - WOOLSON SUTPHEN MAZIARZ	PO 6095 PB legal services	678.00	678.
UTILITY OPERATING			
380 - HANS OLSEN	PO 6086 Water Dept. maintenance	250.00	250.
102 - HODULIK & MORRISON	PO 5578 Municipal Audit 2015	6,500.00	6,500.
163 - MONTGOMERY TOWNSHIP	PO 5736 2015 Sewer Service Charges	44,378.67	44,378.
450 - ONE CALL CONCEPTS INC	PO 6090 November One Calls	3.75	3.
311 - TIM LESKO	PO 6087 Water Dept. maintenance	275.00	275.
TOTAL			96,930.92

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-001	CASH			0.00	45,523.50
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXPENSE	230.41			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	678.00			
01-201-21-190-020	COAH - OTHER EXPENSE	643.00			
01-201-25-252-020	EMERGENCY MANAGEMENT - OTHER EXPENSE	4,471.28			
01-201-25-255-020	AID TO VOLUNTEER FIRE COMPANIES - CONTRI	14,850.00			
01-201-26-290-020	STREETS AND ROAD- OTHER EXPENSES	4,155.00			
01-201-26-297-020	GARBAGE AND TRASH-OTHER EXPENSE	3,741.08			
01-201-26-310-020	BUILDINGS AND GROUNDS - OTHER EXPENSE	109.73			
01-201-49-461-020	COUNTY OF SOMERSET - ROAD REPAIRS	645.00			
01-203-20-135-020	(2015) AUDIT SERVICES - CONTRACTUAL SERV		16,000.00		
TOTALS FOR	CURRENT FUND	29,523.50	16,000.00	0.00	45,523.50
08-101-01-001	CASH			0.00	51,407.42
08-201-26-290-020	Other Expense	528.75			
08-201-31-447-020	Sewer Service Fee	30,143.02			
08-201-45-800-199	Capital Outlay	14,235.65			
08-203-26-290-020	(2015) Other Expense		6,500.00		
TOTALS FOR	UTILITY OPERATING	44,907.42	6,500.00	0.00	51,407.42

Total to be paid from Fund 01 CURRENT FUND 45,523.50
 Total to be paid from Fund 08 UTILITY OPERATING 51,407.42
 =====
 96,930.92

Attachment: 20161205190201984 (DOC-2016-91 : Bill List Dated 12/5/16)



Ordinance # ORDINANCE-2016-04

AN ORDINANCE REPEALING CHAPTER 100, TITLED “FLOOD DAMAGE PREVENTION”, AND REPEALING ARTICLE XII, TITLED “FLOOD DAMAGE PREVENTION”, SECTIONS 80-128 TO 80-132, OF THE CODE OF THE BOROUGH OF ROCKY HILL AND REPLACING WITH A NEW ARTICLE XII, TITLED “FLOOD DAMAGE PREVENTION.”

BE IT ORDAINED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 100, titled “Flood Damage Prevention” is hereby repealed.

Section 2. Article XII, titled “Flood Damage Prevention”, Sections 80-128 to 80-132, are hereby repealed and replaced with the following:

FLOOD DAMAGE PREVENTION

SECTION 80-128

**STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

80-128.1 STATUTORY AUTHORIZATION

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

80-128.2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Rocky Hill are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary

public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

80-128.3 STATEMENT OF PURPOSE

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

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

80-128.4 METHODS OF REDUCING FLOOD LOSSES

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

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 80-129 DEFINITIONS

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

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

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

Appeal - A request for a review of the Borough Engineer's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding - A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard -Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

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

Base Flood Elevation (BFE) - The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

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

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

Digital Flood Insurance Rate Map (DFIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion - The process of the gradual wearing away of land masses.

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

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

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

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

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

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 accumulatively 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 flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure - Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

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

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

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

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

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

Start of Construction - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

Violation - The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 80-130 GENERAL PROVISIONS

80-130.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Rocky Hill, Somerset County, New Jersey.

80-130.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Rocky Hill Somerset County, Community No. 340443 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions)" dated November 4, 2016.
- b) "Flood Insurance Rate Map for Somerset County County, New Jersey (All Jurisdictions)" as shown on Index and

panel(s) 34035C 0242 REV F and 34035C 0244 REV F whose effective date is November 4, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 15 Montgomery Avenue, Borough of Rocky Hill, New Jersey.

80-130.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a disorderly persons offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, after a thirty (30) day period in which the person has the opportunity to cure or abate the condition and after an opportunity for a hearing before the Borough Municipal Court pursuant to N.J.S.A. 40:49-5, upon conviction thereof be fined not more than \$2,000.00 or a period of community service not to exceed ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

80-130.4 ABROGATION AND GREATER RESTRICTIONS

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

80-130.5 INTERPRETATION

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

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

80-130.6 WARNING AND DISCLAIMER OF LIABILITY

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

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

**SECTION 80-131
ADMINISTRATION****80-131.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 80-130.2. Application for a Development Permit shall be made on forms furnished by the Borough Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 80-133.2B; and
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

80-131.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

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

80-131.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Borough Engineer shall include, but not be limited to:

A. PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 80-133.2Da) are met.

B. USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 80-130.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Borough Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 80-133.2A, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 80-133.2B, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

C. INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in Section 80-131.1c).

c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. ALTERATION OF WATERCOURSES

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

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

E. SUBSTANTIAL DAMAGE REVIEW

a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.

c) Ensure substantial improvements meet the requirements of Sections 80-133.2A, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 80-133.2B, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

F. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 80-132.

80-132 VARIANCE PROCEDURE

80-132.1 APPEAL BOARD

a) The Borough Planning Board as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Borough Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement,

- decision, or determination made by the Borough Engineer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Borough Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Law Division, Somerset County, as provided in R. 4:69.
- d) In passing upon such applications, the Borough Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of Section 180-132.1d) and the purposes of this Ordinance, the Borough Planning Board may attach such conditions to the granting of

variances as it deems necessary to further the purposes of this ordinance.

- f) The Borough Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

80-132.2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in Section 80-132.1d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
- i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 80-132.1d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base

flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION 80-133
PROVISIONS FOR FLOOD HAZARD REDUCTION**

80-133.1 GENERAL STANDARDS

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

A. ANCHORING

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

B. CONSTRUCTION MATERIALS AND METHODS

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

C. UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. SUBDIVISION PROPOSALS

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

E. ENCLOSURE OPENINGS

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

80-133.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 80-130.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 80-131.3B, USE OF OTHER BASE FLOOD DATA, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- b) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on

slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Section 80-131.3Cb)ii.

C. MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with Section 80-133.1Ab).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage;
 - ii. Be constructed to minimize flood damage;
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

D. FLOODWAYS

Located within areas of special flood hazard established in Section 80-130.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

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

- b) If Section 80-133.2D is satisfied, all new construction and substantial improvements must comply with Section 80-133 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 80-134
SEVERABILITY**

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

**SECTION 80-135
ENACTMENT**

80-135.1 ADOPTION

This Ordinance shall be effective according to law and shall remain in force until modified, amended or rescinded by the Borough of Rocky Hill, County of Somerset, State of New Jersey.

INTRODUCED:

ADOPTED:

Introduced and passed on first reading:

Adopted:

ATTEST:
APPROVED: _____

Rebecca Newman, Borough Clerk

Edward Zimmerman, Mayor