

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS

REGULAR MEETING

TUESDAY

September 19, 2017

4:30 p.m.

ORDINANCE 1506 Street Openings 2nd 3rd and final (1) Lane

ORDINANCE 1507 Flood Damage Prevention 2nd 3rd and final (2) Parzych

ORDINANCE 1508 Zoning changes – delete sub section “Political Signs” 2nd 3rd and final (3) Lane

- a.** Resolution – Refunds Recreation (4) Gallagher
- b.** Resolution – Award Master Plan Reexam Mott Associates (5) Krafczek
- c.** Resolution – 2 SLEO II officers continued (6) Parzych
- d.** Resolution – Refund Utility Overpayment Sgalio (7) Krafczek
- e.** Motion Stone Harbor Fitness Retreat (8) Gallagher

DISCUSSION:

(1)

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE NO. 1506

**AN ORDINANCE AMENDING CHAPTER 475
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF STONE HARBOR 2005
(Updating Requirements for Street Openings)**

Section 1. Chapter 475, Article II, is hereby amended as follows:

[Delete existing Article II and Replace with new Article II below]

Article II - Street Openings and Excavations

§ 475-3 Permit required.

It shall be unlawful to dig, excavate, open or in any manner interfere with or disturb within the right-of-way of any municipal street within the Borough of Stone Harbor for any purpose whatsoever without first securing a permit therefor as hereinafter provided.

§ 475-4 Application; fee.

I. Application for permission to make an excavation in any Borough street between

the curblines, driveways or in any sidewalk area shall be made to the Borough Zoning Official. Such application shall be made on the required application form and shall be signed by the applicant and shall specify:

- A. The applicant's name, address and phone number (local and out of town).
- B. The name, address and phone number of the person or firm who will be performing the work.
- C. The length and width of such excavation.
- D. The purpose for which the excavation is to be made.
- E. The estimated time required to complete the work and restore the surface.
- F. Such other information as may be prescribed by the Borough Engineer.

II. A fee of four hundred dollars (\$400.00) shall be paid to the Borough Zoning Office prior to the issuance of the permit for all excavations of less than or equal to six (6) square yards. If said area to be opened, disturbed or undermined exceeds six (6) square yards, the additional yardage shall be classified as "excess yardage," and an additional fee shall be due and payable by the applicant for all yardage in excess of six (6) square yards at a rate of ten dollars (\$10.00) per square yard.

The applicant shall be responsible to provide all additional fees associated with multiple reinspections that are necessary due to defective workmanship, lack of coordination, lack of work progression and any aspect of work that is unacceptable to the Borough. The Borough Engineer shall advise the applicant in writing said additional fee if warranted.

III. The area to be opened, disturbed or undermined by the applicant shall be measured and determined by the Office of the Borough Engineer and the Department of Public Works.

§ 475-5 Issuance of permit.

The Borough Engineer upon receipt and examination of the application and the fee referred to herein above, shall issue a permit under his hand for the excavation. He shall specify on the permit that it is good for a thirty-day period from the date of issuance. He shall further specify on the permit that such work shall be completed and restored within forty-eight (48) hours after work is commenced or within a duration of time which his opinion is reasonable and fair. The applicant shall notify the Borough Engineer twenty-four (24) hours before the commencement of any work so that appropriate inspection can be made where required.

Whenever the Borough resurfaces or reconstructs a street, no permit shall be issued for the opening of said street for a period of seven years subsequent to the completion of the reconstruction and acceptance of such work by the Borough, provided the property owners have been properly notified. The Borough Clerk shall give written notice, by certified mail, to all owners of property abutting the portion of the street or streets to be reconstructed or resurfaced, and to the Public Utilities and Authorities who routinely locate their facilities in the beds of public streets, no less than four months prior to commencing the Borough's construction. The notice shall specify the anticipated start date for the construction, and advise the property owner that any anticipated new facilities or repairs to their existing facilities must be completed prior to the start of the Borough's project. Emergency situations are exempt from the seven-year restriction.

§ 475-6 Restoration of excavated area.

I The applicant to whom such permit is issued shall, within the time limited in such permit, replace the earth and pavement in the excavation in such manner that the same shall be left in as good condition as it was before the excavation was commenced. Except as otherwise herein stated, all street work performed shall be in accordance with the applicable provisions of the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction including all amendments. Reference to articles or sections hereinafter refer to said NJDOT standard specifications.

A. Trenches shall be backfilled in layers not to exceed six (6) inches and a vibratory tamper must be used. Ninety-five per cent (95%) compaction shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency, additional backfill material shall be supplied by the permittee.

Whenever the Borough Engineer shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.

B. Roadways with a concrete base shall be restored using a combination of concrete and asphalt. The amount of concrete and asphalt to be used at each such excavation shall be as directed by the Borough Engineer. See detail at end of chapter.

C. Hot Mix Asphalt street restoration specifications.

1. Gravel.

a) Gravel shall be installed six inches thick. The gravel shall consist of compact soil aggregate. Type I-5. The use

of a recycled asphalt product (RAP) or recycled concrete product may be substituted for the soil aggregate as long as it meets the NJDOT requirements for I-5 materials. The Borough Engineer may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the costs of said analysis borne by the applicant.

2. Temporary restoration.

a) Less than one hundred (100) square feet.

(1) For openings in asphalt roadways that are less than one hundred (100) square feet, the temporary restoration will consist of the installation of six (6) inches of soil aggregate, Type I-5, to a level of six inches below the level of adjacent paved surfaces. A four-inch lift of hot mix asphalt base course, Mix I-2, followed by a two-inch lift of a bituminous concrete cold patch installed to grade.

(2) These temporary surfaces shall be in place for a period of not less than forty-five (45) days to allow sufficient settlement to occur. Should settlement continue to occur, the Borough Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the Borough Engineer until such time as the final restoration is completed.

b) Greater than one hundred (100) square feet.

(1) For openings in asphalt roadways that are greater than one hundred (100) square feet, the temporary restoration will consist of the installation of six (6) inches of soil aggregate, Type I-5, to a level six (6) inches below the level of the adjacent paved surfaces. A six-inch lift of hot mix asphalt, Mix I-2, shall then be installed to grade.

(2) These temporary surfaces shall be left in place for a period of not less than forty-five (45) days to allow sufficient settlement to occur. Should settlement continue to occur, the Borough Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the Borough Engineer until such time as the final restoration is completed.

3. Final restoration.

a) Less than one hundred (100) square feet.

(1) For openings less than one hundred (100) square feet, the final restoration will involve the removal of the top two (2) inches of bituminous concrete cold patch. All edges shall be saw cut six (6) inches beyond the actual trench width disturbed to produce a clean edge and said edges shall be prepared with an asphaltic tack coat. A two-inch lift of hot mix asphalt surface course, Mix I-5, shall then be placed to a level even with the existing road grade.

b) Greater than one hundred (100) square feet.

(1) For openings greater than one hundred (100) square feet, the trenches shall be milled to a depth of two (2) inches to a distance of at least twelve (12) inches beyond the actual trench width to produce a clean edge. All edges shall be coated with an asphaltic tack coat prior to a two-inch lift of hot mix asphalt surface course, Mix I-5, being placed to a level even with the existing road grade.

4. No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the Borough Engineer.

D. If more than three (3) individual excavations would be required within a one hundred (100) foot length, a single trench must be used rather than the individual excavations. Final restoration will require a minimum of one-half (1/2) width of the cartway. The trench shall be milled to a depth of two (2) inches to a distance of at least twelve (12) inches beyond the actual trench limit from the centerline of the cartway to the curblin. (See construction detail at end of chapter.) All edges shall be coated with an asphaltic tack coat prior to a two-inch lift of hot mix asphalt surface course, Mix I-5, being placed to a level even with the existing road grade

E. In all cases where concrete has to be removed prior to any excavation, saw cut methods of removal shall be used. The restoration of the concrete shall be according to the following specifications:

1. It shall be NJDOT Class B with a class design strength of three thousand seven hundred (3,700) psi at 28 days.
2. It shall have a minimum thickness of not less than four (4) inches for sidewalk, six (6) inches for driveway aprons and eight (8) inches for gutter.
3. It shall have a minimum width of not less than five (5) feet for sidewalks.
4. It shall have control joints not more than five (5) feet for sidewalk, ten (10) feet for curb and gutter and expansion joints not more than twenty (20) feet for sidewalk, curb and gutter.

II. By the acceptance of such a permit, the applicant shall be deemed to have agreed to comply with the terms hereof, and upon his failure to do so to pay on demand any cost or expense that the Borough may incur by reason of any shrinkage or settlement in the excavated area resulting from such excavation if such shrinkage or settlement shall occur within three (3) months from the time the surface thereof is restored.

§ 475-7 Newly paved streets.

I. No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of seven (7) years after the completion of said construction, reconstruction or overlay, except in the event of an emergency or hardship as described below. The seven-year period as articulated herein shall be calculated from December

31st of the year in which said road was constructed, reconstructed or overlaid and run seven (7) years thereafter.

A. Emergency Opening.

1. In the event that an entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the Borough Engineer and if the said Borough Engineer shall determine that no such emergency existed, then the entity so opening the street and/or roadway shall have a fine imposed upon such entity in the amount of FIVE THOUSAND DOLLARS (\$ 5,000.00) for the first non-emergency opening, a TEN THOUSAND DOLLAR (\$10,000.00) fine for a second non-emergency opening, and a FIFTEEN THOUSAND DOLLAR (\$15,000.00) fine for a third non-emergency opening.

B. Hardship Condition.

1. In the event in which a property owner has a hardship condition which requires a street opening permit to be issued contrary to Section I above, the Borough of Stone Harbor may grant relief if all of the following conditions are met:

a) A letter addressed to the Borough, c/o Borough Clerk, is received detailing the hardship and necessity of opening the street in lieu of waiting the prescribed period of time.

b) Upon receipt of the letter, a public meeting date will be set for the Borough Council to take formal action.

c) The property owner making request shall serve a notice to all property owners within two hundred (200) feet, by certified mail, return receipt requested, or by personal hand delivery, a minimum of ten (10) days prior to the public meeting.

d) The property owner shall file a copy of the notice served to adjoining property owners with an affidavit of proof of delivery of notice with the Borough Clerk at least three (3) days prior to the public meeting. The notice must:

(1) Identify the property by street address and block and lot.

(2) State the reason for the hardship.

(3) State the type and size of the utility opening.

(4) Advise the adjoining property owners that if they have any objections, they must advise the Borough Clerk, in writing, as to their objections to proposed street opening at least three (3) days in advance of the public meeting.

(5) State date and time of public meeting.

(6) Be approved by the Borough Clerk prior to mailing.

e) The Borough Council shall consider the request at a public meeting and review all objections received, in writing.

Approval or denial of the request shall be through formal adoption of a resolution.

- f) A request based solely on economic savings shall not be considered and will be automatically denied.

C. Roadway Restoration.

1. In the event that an emergency or hardship requires the opening of a roadway that has been resurfaced by the Borough during the previous seven (7) years a full width, infrared restoration will be required. The restoration will consist of six-inch dense graded aggregate base course, and a six-inch hot mix asphalt base course, Mix I-2, brought to existing grade, within the excavated area. A full width, curb to curb, milling two (2) inches in depth to extend twenty (20) feet beyond the limit of excavations will be performed after proper settlement in the trench area. The allowable time for the settlement shall be forty-five (45) days unless otherwise directed by the Borough Engineer. The final surface course shall be a two-inch hot mix asphalt surface course, Mix I-5. See detail at end of chapter.

2. Infrared restoration for repair of asphalt streets that are less than seven (7) years old and have been opened for utility work shall be utilized after one hundred twenty (120) to one hundred eighty (180) day settlement period has elapsed.

(a) The following methods of construction shall apply:

- 1) After completion of permanent restoration, the permittee shall provide Infrared restoration.
- 2) The area *shall* be swept clean of dirt, loose aggregate, or standing water.
- 3) A chalk line shall be drawn twelve (12") inches back from the seam of the original opening to use as a guide raking.
- 4) The infrared chamber shall be lowered over the repair being sure to allow at least twelve to eighteen (12'-18") inches of heated area beyond the perimeter of the original opening.
- 5) To insure the proper heating time, the contractor shall check the surface temperature of the asphalt at seven minutes and every minute thereafter using an infrared thermometer so as not to allow the surface temperature to exceed three hundred fifty (350°) degrees Fahrenheit. This is required since the ambient temperature, the color of the pavement, the size of the aggregate, and the moisture content influence the heating time.
- 6) After the appropriate heating time (typically eight to ten (8-10) minutes), the asphalt surface will be softened to a depth of two to two and one-half (2"-2 1/2") inches.
- 7) The infrared chamber shall be then removed from the heated area

8) The backside of a steel rake shall be used to neatly square off the repair, cutting twelve (12") inches back from the original excavation along the chalk line.

9) The area inside the repair shall be deeply scarified, taking special care to eliminate the original seam between the repair and the road.

10) Approximately one-half to one (1/2"-1") inch of existing three-fourths (3/4") inch stones shall be raked out and removed from the patch.

11) Maltenes rejuvenator shall be applied to the repair and surrounding heated asphalt surface. Emulsified maltenes recycling agent (rejuvenator) shall be applied in a ratio of 1:1 with water. This solution shall be well dispersed with a commercial grade sprayer at a rate of eight (8) ounces per square yard of heated area. This application area shall include both the area under repair as well as the area heated by left undisturbed around the perimeter of the repair. The application shall take place after the area has been scarified and just prior to the addition of new asphalt. The rejuvenator replaces the light oil component of asphalt, which has oxidized out over time.

12) Hot mix asphalt I-5 (1/4-3/8 aggregate) shall be added to the area to bring it up to proper grade and luted smooth.

3. Trench restoration may be permitted under special circumstances and at the option of the Borough of Stone Harbor and Borough Engineer for openings having a minimum impact on the longevity and serviceability of the street in question. See detail at end of chapter.

§ 475-8 Performance and maintenance surety.

Before any permit is issued for any work in a public street, certain performance and maintenance sureties are to be posted with the Borough Clerk.

A. Performance surety.

1. The performance surety shall be in the form of either a corporate guaranty bond or a surety guaranty bond issued by a company authorized to do business in the State of New Jersey, in a form satisfactory to the Borough Clerk and in the penal sum of 100% of the full amount of the total estimated construction costs. A certified check drawn in favor of the Borough of Stone Harbor for the same amount (100% of the total estimated construction costs) may be substituted for the performance surety. The estimated costs of the proposed work shall be based upon current market values, and said amount shall be prepared by the applicant and approved by the Borough Engineer.

2. In lieu of the above-mentioned performance surety, public utility companies or authorities may post an annual performance surety for \$20,000.00 or for an increased amount determined by the

Borough Engineer. The form of surety shall be approved by the Borough Solicitor.

B. Maintenance surety.

1. In addition to the posting of a performance surety, and as a condition to the release of same, the Borough of Stone Harbor may, at their discretion, require the applicant to post a maintenance surety in the form of either a surety or guaranty bond issued by a company authorized to do business in the State of New Jersey, in a form satisfactory to the Borough Solicitor and in the penal sum of 15% of the performance surety. A certified check, drawn in favor of the Borough of Stone Harbor, for the same percentage (15% of the performance surety) may be substituted for the maintenance surety.
2. Public utility companies or authorities posting and continually maintaining a performance surety in accordance with this section will not be required to post a separate maintenance surety.

C. The applicant shall be responsible for all maintenance and repairs required at the site for a period of one year following completion of construction.

§ 475-9 Insurance.

- I. All applicants and their agents and employees are required to be covered by a policy or policies of liability insurance. Said insurance shall provide coverage for public liability of at least \$100,000.00 per person per occurrence, \$300,000.00 per occurrence for bodily injury liability and at least \$50,000.00 per occurrence for property damage.
- II. A certificate of insurance that confirms the aforementioned coverage shall be submitted to the Borough Engineer whenever a performance surety is posted.

§ 475-10 Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of debris, construction materials or other obstructions.

§ 475-11 Protection of traffic.

- I. The permittee shall erect and maintain suitable barriers to confine the earth from trenches or other excavations so as to encroach upon highways as little as possible.
- II. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to vehicular and pedestrian traffic at all street intersections.
 - A. Vehicular crossings shall be constructed and maintained of plant, timbers and blocking of adequate size to accommodate vehicular traffic safely. Decking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples.
 - B. Pedestrian crossings shall consist of planking three inches thick, 12 inches wide and of adequate length, together with necessary blocking. The walk shall be not less than three feet in width and shall be provided with a railing, as required by the Borough Engineer.

III. Traffic control plans and devices shall conform to the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

§ 475-12 Responsibility and liability of the Borough.

- I. The Borough shall not be responsible for any injury or damage to persons or property resulting from the negligence of the applicant or his servants, agents or employees in making, grading or filling any excavation permitted under the terms of this Article.
- I. This Article shall not be construed as imposing upon the Borough or any official or employee any liability or responsibility for damages to any person injured in the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 475-13 Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof before the Judge of the Borough Court, be subject to a fine not exceeding ONE THOUSAND DOLLARS (\$1,000.00) or to imprisonment in the Borough or county jail for a period not exceeding to ninety (90) days, or both. Penalties for violating the Emergency road opening provisions are contained above in Newly Paved Roads section I,A of the Borough Street Openings and Excavations Code.

§ 475-14 Exemptions.

Street Openings and Excavations performed by the Borough of Stone Harbor or agents of the Borough of Stone Harbor are exempt from the provisions of this chapter.

§ 475-15 Construction Details. See Appendix I.

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY
ORDINANCE 1507

THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) E
(REPLACES CHAPTER 300 – FLOOD DAMAGE PROTECTION)

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

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

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Stone Harbor are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

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

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

1.4 METHODS OF REDUCING FLOOD LOSSES

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

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

SECTION 2.0 DEFINITIONS

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

Advisory Base Flood Elevation (ABFE) - The elevation shown on a community's Advisory Flood Hazard Area Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a one percent (1 %) or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) - The land in the floodplain within a community subject to flooding from the one percent (1 %) annual chance event depicted on the Advisory Flood Hazard Area Map.

Advisory Flood Hazard Area Map - The official map on which the Federal Emergency Management Agency has delineated the areas of advisory flood hazards applicable to the community.

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 ~~(local administrator)~~ Flood Plan Manager'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. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

Best Available Flood Hazard Data - The effective Flood Insurance Risk Maps or most recent Advisory Flood Hazard Area Maps FEMA has provided.

Best Available Flood Hazard Data Elevation - Is depicted on the effective FIRM or FIS, or an Advisory Flood Hazard Area Map;; or Advisory FIS.

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.

Coastal A Zone — The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 40%40 (SF & SI are 50%) percent of the market value of the structure at the time of the initial improvement or repair when counted cumulatively for 10 years. Appraisal will be required for each subsequent permit application.

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 or, in the case of a building in a Coastal High-Hazard Area or **Coastal A Zone**, to have the bottom of the lowest horizontal structural member 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. In Areas of Coastal High Hazard and **Coastal A Zones** "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

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.

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 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.

Limit of Moderate Wave Action (LiMWA) — Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable 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.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

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.

Sand Dunes — Naturally occurring or ~~man-made~~ accumulations of sand in ridges or mounds landward of the beach.

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 ~~piles~~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.

~~{optional—higher standard—cumulative losses—replace Substantial Damage below with the following}~~

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed ~~40%~~50 percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25%~~25~~ percent of the market ~~value~~value of the structure before the damages occurred.

~~{optional—higher standard—cumulative losses—end}~~

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 40 percent of the market value of the structure before the damage occurred.

~~*[optional — higher standard — cumulative losses — replace Substantial Improvement below with the following]*~~

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 40%50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) 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
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

~~*[optional — higher standard — cumulative losses — end]*~~

~~**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40 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:~~

~~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
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 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Stone Harbor, Cape May County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Stone Harbor, Community No. 345323, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Cape May County, New Jersey (All Jurisdictions)" dated ~~(effective date)~~ October 5, 2017
- a) —
- b) "Flood Insurance Rate Map for Cape May County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34009C0234F, 34009C0243F, 34009C0242F, 34009C0241F, 34009C0244F, 34009C0261F 34009C0253F, whose effective date is October 5, 2017.
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Advisory Base Flood Elevation conflict or overlap, whichever imposes the more stringent requirement shall prevail

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 9508 Second Avenue, Stone Harbor, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, ~~re-located~~ to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than ~~[\$]~~ \$2,000.00 or imprisoned for not more than ~~30~~ 30 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 of Stone Harbor, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

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

3.5 INTERPRETATION

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

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

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural

causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

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

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

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 3.2. Application for a Development Permit shall be made on forms furnished by the (local administrator) Flood Plain Manager 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 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The (local administrator) Flood Plain Manager is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the (local administrator) Flood Plain Manager shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits in the coastal high hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
- d) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.3-2 d).

4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the (local

~~administrator~~ Flood Plain Manager shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record 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 4.1 c).
- c) In coastal high hazard and ~~Coastal A Zone areas~~, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.3-2 a) and 5.3-2 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, ~~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.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

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

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

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

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The ~~(appeal board)~~ Planning/Zoning Board as established by ~~(governing body)~~ Borough of Stone Harbor shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The ~~(appeal board)~~ Planning/Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the

~~(local administrator)~~ Flood Plain Manager in the enforcement or administration of this ordinance.

- c) Those aggrieved by the decision of the ~~(appeal board)~~ Planning/Zoning Board, or any taxpayer, may appeal such decision to the ~~(name of appropriate court)~~ Superior Court of New Jersey, [REDACTED]
- d) In passing upon such applications, the ~~(appeal board)~~ Planning/Zoning Board of the Borough of Stone Harbor, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the ~~(appeal board)~~ Planning/Zoning Board of the Borough of Stone Harbor may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The ~~(local administrator)~~ Flood Plain Manager shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

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

5.1-1 ANCHORING

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

5.1-2 CONSTRUCTION MATERIALS AND METHODS

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

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) ~~On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding~~ There shall be no on-site waste disposal system installed within the Borough of Stone Harbor; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

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

5.1-5 ENCLOSURE OPENINGS

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

5.2 SPECIFIC STANDARDS

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

5.2-1 RESIDENTIAL CONSTRUCTION

- a) For Coastal A Zone construction see section 5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.
- b) 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 (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus () or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive ~~optional~~ ~~higher standard~~ ~~freeboard~~ ~~replace "one foot" with two feet or three feet~~;
- c) 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 () above the highest adjacent grade ~~optional~~ ~~higher standard~~ ~~freeboard~~ ~~replace "one foot" with two feet or three feet~~ (at least three (3) feet if no depth number is specified), or at or above the best available flood hazard data elevation, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

- a) 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 (for Coastal A Zone construction see section 5.3 COASTAL HIGH HAZARD AREA AND COASTAL A 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 ~~()~~ or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive ~~optional higher standard freeboard replace "one foot" with two feet or three feet~~; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one-three (13) footfeet, above the highest adjacent grade ~~optional higher standard freeboard replace "one foot" with two feet or three feet~~ (at least three (3) feet if no depth number is specified) or the best available flood hazard data elevation, whichever is more restrictive. 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 ~~()~~ or as required by ASCE/SEI 24-14, Table 6-1, or the best available flood hazard data elevation, whichever is more restrictive ~~optional higher standard freeboard replace "one foot" with two feet or three feet~~, 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 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
- Be consistent with the need to minimize flood damage,
 - Be constructed to minimize flood damage,
 - Have adequate drainage provided to reduce exposure to flood damage; and,
 - Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one-three (13) footfeet or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive; and, ~~optional higher standard freeboard replace "one foot" with two feet or three feet~~.
 - The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards

associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.3-1 LOCATION OF STRUCTURES

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

5.3-2 CONSTRUCTION METHODS

a) ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus ~~()~~ ~~optional freeboard standard—replace “one (1) foot” with two (2) feet or three (3) feet~~ or as required by ASCE/SEI 24-14, Table 4-1, or the best available flood hazard data elevation, whichever is more restrictive, and,
- ii. All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated ~~()~~ feet above the base flood elevation, or the best available flood hazard data elevation, whichever is more restrictive, and
- iii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 5.3-2 d).

b) STRUCTURAL SUPPORT

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

c) CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 5.3-2 a) and 5.3-2 b) i. and ii.

d) SPACE BELOW THE LOWEST FLOOR

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural

damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

- (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
- (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.3-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

SECTION 6.0 SEVERABILITY

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

SECTION 7.0 ENACTMENT

7.01 ADOPTION

This Ordinance shall be effective on *(effective date)* and shall remain in force until modified, amended or rescinded by *(twp/city/boro) Borough Council of (municipality) the Borough of Stone Harbor, (county) Cape May County, New Jersey.*

ENACTED AND ADOPTED by the *{Board, Council, etc.} Borough Council* this *[day]* day of *[month], [year]*.

ATTEST: *{Board, Council, etc.} Borough Council* of the *(twp/city/boro) Borough of (municipality) Stone Harbor,*

(twp/city/boro) of (municipality), Secretary Suzanne Stanford, Borough Clerk
{Board, Council, etc.} President

| Judith M. Davies-Dunhour, Mayor

| APPROVED, this [day] day of [month], [year], by the Mayor of [~~Name of Municipality~~ Stone Harbor]

ATTEST:

| ~~[Name of Municipality]~~ Borough of Stone Harbor Secretary Clerk

Mayor

(3)

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE 1508

**AN ORDINANCE AMENDING CHAPTER 560 ZONING, ARTICLE V, Sub-
Section 560-32 E, OF THE GENERAL ORDINANCES OF THE BOROUGH
OF STONE HARBOR**

Whereas, Borough Council deems it to be in the best interest of the Citizens of Stone Harbor to amend the within ordinance; now, therefore be it ordained by the Borough Council, the Governing body of the Borough of Stone Harbor, New Jersey as follows:

Section 1. Chapter 560 ZONING, ARTICLE V, Sub-Section 560-32 E, entitled "Political Signs", is hereby stricken.

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Judith M. Davies Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(4)

WHEREAS, the following have requested refunds from the Recreation Department for various reasons; and

WHEREAS, the Recreation Director has received and approved these request.

NOW, THEREFORE, BE IT RESOLVED, on this 19th day of September, 2017 by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that the following refunds be approved.

- 1. Meredith Caprio – Surf Camp – rough water - \$30.00
- 2. Jenny Rosen – Surf Camp – rough water - \$120.00
- 3. Jenny Rosen – Surf Camp – rough water - \$90.00
- 4. Rob Parisi – Surf Camp – couldn’t get into right camp \$30.00
- 5. Jill Harris – Surf Camp – rough water - \$60.00
- 6. Karen Juengert – Surf Camp – rough water \$30.00
- 7. Jenny McGinley – Surf Camp – rough water \$30.00
- 8. Susan Quatresols – Surf Camp – rough water \$30.00
- 9. Joanna Korker – Pickleball Tourn – broke arm \$30.00
- 10. Kelley Chatman – Pickleball Tourn – paid twice - \$24.00

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council
duly held on theday of, 2017

.....

Borough Clerk

The above resolution approved this day of....., 2017

.....
Mayor



BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**AUTHORIZING THE AWARD AND PAYMENT OF PROFESSIONAL SERVICES CONTRACT FOR
MASTER PLAN REEXAMINATION**

WHEREAS, the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for "Professional Services," without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body; and

WHEREAS, the Borough of Stone Harbor required specialized expert services in connection with the Reexamination of the Master Plan; and

WHEREAS, Mott Associates, LLC of 3122 Fire Road, Suite 201, Egg Harbor Township, N.J. 08234 submitted the attach proposal featuring the framework for the Master Plan, short and long term objectives, and a proposed timeline; and

WHEREAS, the contract is non-fair and open in accordance with NJSA 19:44A-20.5 and the Business Entity Disclosure was received and there are no reportable contributions; and

WHEREAS, the Planning Board and the Borough Council agree to the proposal offered by Mott Associates, LLC

WHEREAS, the cost of these services amounted to \$ 50,000; and

WHEREAS, funds are available for award and payment of this contract to Mott Associates LLC p as evidenced by the Chief Financial Officers certification of funds attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey, duly assembled in public session this 19th day of September, 2017, that Mott Associates LLC is hereby authorized to perform the Master Plan Reexamination according to the Proposed Timeline attached.

BE IT FURTHER RESOLVED that the notice of letting of the additional funding of this contract be published in accordance with law.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council
duly held on theday of, 2017

.....

Borough Clerk

The above resolution approved this day of....., 2017

.....
Mayor

3122 Fire Road, Suite 201
Egg Harbor Township, NJ 08234
(609) 569-1551 Phone
(609) 569-1521 Fax

MOTT
ASSOCIATES, LLC
CONSULTING ENGINEERS & PLANNERS

42 Waterway Road
Ocean City, NJ 08226
(609) 399-6767 Phone
www.mottassociates.net

REPLY TO: ☒ Egg Harbor Township Office
Ocean City Office

James A. Mott, PE, PP, PLS, CME
Robert A. Watkins, PE, PP, CME, CFM
Gregory K. Schneider, PE, PP, PLS, CME, CFM
Paul D. Kates, PE, CME

August 7, 2017

DJP 8/19
Mayor Davies-Dunhour
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, NJ 08247

Deletion: no award yet coming
Re: **Master Plan Reexamination
Project Update
Stone Harbor
Cape May County, NJ**

Dear Mayor Davies-Dunhour,

On August 2, 2017 the first official meeting of the Master Plan Reexamination sub-committee was held. The entire committee was present and included Joselyn O. Rich, Charles Krafczek, William Cathcart, Mia Donnell, and Wayne Conrad. At the outset of the meeting a proposed timeline was reviewed and agreed upon. The sub-committee will meet at a minimum of once per month, on the first Wednesday of the month at 3pm, with the exception of September and July where the meeting will be the second Wednesday of the month due to holidays. Attached is the proposed meeting schedule which includes milestones to be reached to ensure the Master Plan Reexamination is completed on time. Mrs. Rich then brought up the necessity for the involvement of the Borough Council as well as community organizations, committees, and the general public. It was agreed that an open format seeking input from the well informed in all areas of the Borough would yield the best result. Once the sub-committee has laid out the framework for the Master Plan we will work to develop questionnaires and foster discussions in several meetings designed to shape the Master Plan with all those who will be vital in implementing it.

The next step was to identify short and long term objectives for the Borough. Short term objectives being a list of issues Stone Harbor is currently dealing with that require immediate attention at the start of this process. We will begin working immediately on these areas by drafting their sections of the Master Plan and also bring recommendations for implementing them as quickly as possible where necessary. The short term objectives were identified as

Municipal Engineering ♦ Surveying ♦ Planning ♦ Water ♦ Wastewater ♦ Construction Management



follows: the existing electric transmission lines, moving future electric transmission along with service lines underground, bulkhead heights, individual lot runoff, outdoor seating, and parking needs.

The long term objectives were discussed within the framework set into the Municipal Land Use Law which requires municipalities to complete and maintain an up to date Master Plan. The Master Plan Elements discussed were: land use plan, housing plan, circulation plan, utility service plan, community facilities plan, recreation plan, conservation plan, economic plan, historic preservation plan, recycling plan, and a green buildings and environmental sustainability plan. Within those areas there was much discussion which resulted in many ideas that will be examined through this process. The long term objectives included but were not limited to: rezoning the light industrial to promote growth, increasing pedestrian and cyclist safety, promoting architectural diversity, water reclamation, additional restrooms, continued green initiatives, promoting recycling and the use of recycled containers within local establishments, flood mitigation, maintenance dredging, and additional community facilities.

The next meeting will be held on September 13th at 3pm where we will be discussing the current Master Plan as well as the short term objectives previously outlined. If there is anything you or any member of the council and community would like us to consider and discuss please feel free to contact myself, Bob Watkins from this office or any member of the Master Plan Sub-Committee.

Very truly yours,

MOTT ASSOCIATES

A handwritten signature in black ink, appearing to read 'Paul Kates', written over a horizontal line.

Paul Kates, PE, CME

Cc: Jill Gougher, Borough Administrator
Diane Frangiose, Planning Board Secretary
Joselyn O. Rich
Charles Krafczek
William Cathcart
Mia Donnell
Wayne Conrad



Proposed Timeline -

August 2, 2017

Develop a list of long and short term objectives.

Discuss short term objectives and means of accomplishing them.

September 13, 2017

October 4, 2017

Review in depth the existing Master Plan and Existing Condition of Stone Harbor.

Identify the current needs, challenges, and opportunities of the town and how they can be addressed.

November 1, 2017

December 6, 2017

January 3, 2018

February 7, 2018

Develop detailed goals and objectives for addressing the areas of the Borough previously identified.

March 7, 2018

April 4, 2018

Strategize ways to implement the goals and objectives identified in the previous meetings.

May 2, 2018

June 6, 2018

Plan preparation and review of sections outlined for change.

July 11, 2018

Final plan prepared. Changes or omissions dealt with at this meeting prior to being submitted for adoption by the planning board.

Suzanne Stanford

From: Jim Craft
Sent: Monday, September 11, 2017 3:50 PM
To: Suzanne Stanford; Jill Gougher
Subject: RE: master plan resolution

Sue, It needs the Pay-to-play compliance stuff:

Statement that the contract is non-fair and open in accordance with NJSA 19:44A-20.5

Business entity disclosure was received and no reportable contributions.

From: Suzanne Stanford
Sent: Monday, September 11, 2017 2:10 PM
To: Jim Craft <craftj@shnj.org>; Jill Gougher <GougherJ@shnj.org>
Subject: master plan resolution

Does this look ok? Sue

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(6)

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the following have been appointed as SLEO II Officers, with the Stone Harbor Police Department and will continue to serve as SLEO II Officers from October 1, 2017 through December 31, 2017.

Don B. Hessler 3rd
Josue Cintron-Torres

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council
duly held on theday of, 2017

.....
Borough Clerk

The above resolution approved this day of....., 2017

.....
Mayor

Suzanne Stanford

From: Palmer, Chris <CPalmer@police.stone-harbor.nj.us>
Sent: Thursday, September 07, 2017 4:17 PM
To: Suzanne Stanford
Cc: Schutta, Thomas
Subject: SLEO II Resolution

Good Afternoon Mrs. Stanford,

We would like to have a resolution for SLEO II Don B. Hessler III and SLEO II Josue Cintron-Torres to continue to serve as SLEO II officers from October 1st through December 31st placed on the agenda for council meeting scheduled for Tuesday, September 19, 2017. Thank you in advance!

Respectfully,

Chris

Captain Christopher A. Palmer #122

Stone Harbor Police Department
9508 Second Avenue
Stone Harbor, NJ 08247
cpalmer@police.stone-harbor.nj.us
Phone: (609) 368-1455
Fax: (609) 368-1430

(1)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

Council Meeting: September 19, 2017

REFUND UTILITIES OVERPAYMENT

WHEREAS, the Utilities Department charged Edward R Sgalio, General Contractor, \$1,513 for a replacement meter box & fittings for the domestic water service for the jobsite located at Block 200.01 Lot 436 a.k.a. 557 Berkley Road; and

WHEREAS, the Utilities Department determined the domestic meter can be reset in the existing meter box requiring a reset fee of \$145; and

WHEREAS, the Utilities Collector requests a refund to Edward R Sgalio in the amount of \$1,368; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$1,368 be issued to Edward R Sgalio, T/A 2301 Petty Cash Acc. 11 50th St, PO Box 525, Sea Isle City NJ 08243; and

BE IT FURTHER RESOLVED that the Tax/Utilities Collector make the proper adjustment in her records.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2017

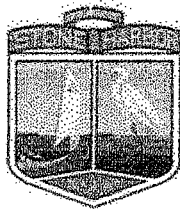
.....

The above resolution approved this day of....., 2017

Borough Clerk

.....
Mayor

(8)



Date of Application: 8/14/17

Borough of Stone Harbor 2017 Special Events Application

Name of Event: STONE HARBOR FITNESS RETREAT
Date of Event: 10/20/17 Time of Event: ALL DAY
Type of Event: ☐ Festival ☐ 1K / 5K / Athletic / Bike Race / Marathon ☒ Other FITNESS RETREAT

The Borough of Stone Harbor requires all organizations, corporations, and/or individuals planning to stage an event to file an official application with the Clerk's Office. No Person shall conduct a special event on public lands owned or leased by the Borough of Stone Harbor unless authorized to do so by the Borough of Stone Harbor Municipal Code: Chapter 275. A non-refundable application review fee shall be paid to the Borough Clerk when the application is filed. There shall be a fee charged to each organization operating a special event. A contract will then be executed stating the terms and conditions in which both parties will adhere to. Sanction of the event is contingent upon approval from the Borough and its officials. Special events sponsored solely by the Borough of Stone Harbor are exempt from the payment of the fee for special event permit. Such special events shall be governed by applicable Borough policies. Borough Council retain the discretion to waive any provision of this chapter where deemed appropriate in the sole discretion of the Borough Council.

APPLICATION REVIEW FEES

- ☒ \$50 if filed prior to 60 Days of event
☐ \$75 if filed prior to 30 Days of event
☐ \$125 if filed prior to 15 Days of event

Organization is responsible for the non-refundable application review fee. Additional event and public land fees may apply. You will be notified of any applicable fees following the review of your application.

2017 EVENT FEES

5k: \$150 (0-250 Participants) 10k or Triathlons \$500
(Designated Route Only) \$250 (250-500 Participants)
\$500 (500 Participants or More)
Event Fees \$250 Per Day (1000 Participants and Under) / \$500 Per Day (1000 Participants and Over)
Seasonal use of facilities by Local Schools \$1500 per season / \$750 per season for each additional sport
(No Application Review Fee is required)
Use of 80th St. Fields \$250 per day
(Before Friday of Memorial Day and after Labor Day)
Use of 80th St. Fields \$500 per day (first two days) / \$250 per each additional day
(Memorial Weekend-Labor Day Weekend)
Use of Recreation Support Building (82nd & Second Avenue) \$300
Chamber of Commerce \$60 per event

CANCELLATION POLICY

The Special Event is a rain or shine event. If weather, major disaster, or other circumstances beyond the control of the Borough of Stone Harbor cause the cancellation of the event, event fees will not be returned. The Borough of Stone Harbor cannot be held liable by applicants for the failure of the event to take place. Cancellations at least 30 days prior to the event date, must be in writing and submitted by mail or email to the respective Borough coordinator. Refunds will not be awarded for cancellations within 30 days.

APPLICANT INFORMATION

- 1) Name of Organization: STONE HARBOR FITNESS RETREAT.
- 2) Address of Organization: 371 FORT STEWART DRIVE, HBL, PA 17112.
- 3) Contact Person: ERICA SEHAR Phone: 717 695 1257.
- 4) Email: Stoneharborfitnessretreat@gmail.com
- 5) Is your organization tax exempt? NO Tax ID # 189 60 2257.
- 6) Is this a non-profit event? NO NJ Registered Charitable Organization # ✓

CERTIFICATE OF INSURANCE

Events are required to provide the Borough of Stone Harbor with a Certificate of Insurance indicating the continuation of insurance coverage and designating the Borough of Stone Harbor as an "Additional Insured." A copy of the Additional Insured Endorsement page(s) must be provided with the certificate. The policy must be current and not expire before or on the dates of the event.

I. INDIVIDUALS

- A. General Liability Limit \$100,000
Evidence that the individual has personal liability insurance in force is usually sufficient.
This will normally take the form of a Homeowners, Condo, or Tenants policy where the personal liability coverage is included along with other coverages for the individual. A copy of the policy should be kept with rental agreement as evidence of coverage.

II. NON-PROFIT/CHARITABLE GROUPS

- A. General Liability Limit \$300,000
B. Municipality named as "Additional Insured"
C. Hold Harmless Agreement required in "Use of Facilities" agreement
D. 501(c)(3) Document (proof of tax exemption status)

III. COMMERCIAL (FOR PROFIT) GROUPS

- A. Commercial General Liability Limit \$1,000,000
B. Municipality named as "Additional Insured"
C. Hold Harmless Agreement required in "Use of Facilities" agreement

HOLD HARMLESS

To the fullest extent permitted by law, ERICA SEHAR, agrees to defend, pay on behalf of, indemnify, and hold harmless the Borough of Stone Harbor, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Borough of Stone Harbor against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Borough of Stone Harbor, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Borough of Stone Harbor, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the use of or is in any way connected or associated with the use of the Borough of Stone Harbor public lands during the event.

SIGNATURE OF APPLICANT: Erica Sehar

Signature

10/14/17
Date

1K / 5K / ATHLETIC / BIKE RACE / MARATHON

- 1) Name of Race: _____
 - 2) Location of Event: _____
 - 3) Purpose of Event: _____
 - 4) Beneficiary: _____
 - 5) Race Distance: _____ Number of Participants Expected: _____ Fee Charged: \$ _____
 - 6) Do participants complete a registration form (**Please include a registration form with application**): ☐ Yes ☐ No
 - 7) Proposed Route (include turn-by-turn directions): _____

 - 8) Location(s) of barricades or enclosures (identify on site-plan): _____

 - 9) Location(s) of water stations (identify on site-plan): _____

 - 10) Location(s) and size/type of tent(s) (eg) first aid, registration, etc - identify on site-plan): _____

 - 11) Location(s) and number of trash receptacles and recycling cans requested (identify on site-plan): _____

 - 12) Location(s) of Borough electrical services (identify on site-plan): _____

 - 13) Location(s) of Portable Toilet(s) (identify on site-plan): _____

- PLEASE NOTE: Applicant must contract a company to setup and remove restrooms. An appropriate number of these toilets should be **handicap accessible**. Number of restrooms should double if expecting 50% of females.
- 14) Location(s) of requested street closings (identify on site-plan): _____

 - 15) Location(s) of any/all signage (identify on site-plan): _____

<PLEASE CONTINUE TO PAGE 4 TO COMPLETE APPLICABLE ITEMS BEFORE COMPLETING PAGE 6>

FESTIVAL & OTHER SPECIAL EVENTS

- 1) Name of Event: STONE HARBOR FITNESS RETREAT
- 2) Address of Event: 105th STREET BEACH.
- 3) Setup Time: 1 am/pm Start Time: 1 am/pm End Time: 9 am/pm
- 4) Purpose of Event: FITNESS
- 5) Beneficiary: _____
- 6) Number of Attendees Expected: 23 Entrance Fee Charged: \$ 5/CLASS
- 7) Location(s) of requested street closings (identify on site-plan): NONE
- 8) Location(s) of barricades or enclosures (identify on site-plan): NONE
- 9) Number of Non-Food Vendor Spaces: 10 Number of Food Vendor Spaces: 10
Attach a list of Vendors and Contact Numbers - fully updated list must be turned in two weeks prior to event.

Open Flame - Barbeque - Permit Fees

The Uniform Fire Code States: Permits shall be required and obtained from the local enforcing agency for activities pursuant to N.J.A.C. 5:70-2.7(a). Permits are \$42.00. Applications for a permit are on file in the Borough Clerk's Office or online at www.SHNJ.org

Permit #:

Application for a permit required by this code shall be made to the fire official in such form and detail as the fire official shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the fire official for evaluation of the application.

Food Festival Events - Cape May County Department of Health

All food vendors are subject to regulation in Chapter XII N.J.A.C. 8:24-8 and 9 in order to operate.

The filing fee for a Food Festival Event is \$25.00 and must be filed with the County Health Department at least fourteen (14) days before the event involving five (5) or fewer booths and thirty (30) days prior to an event involving more than five (5) booths. Applications are on file in the Borough Clerk's Office.

- 10) Location(s) and size/type of tent(s) (eg) first aid, registration, etc - identify on site-plan):

10x10 ☒ 20x20 ☒ Other ☒

- 11) Location(s) and number of trash receptacles and recycling cans requested (identify on site-plan):

Trash: ☒ Recycling: ☒

Food / Craft Vendors Obligations

- All trash from set-up to clean-up must be removed and placed in dumpsters provided. No stockpiling of trash behind space. If it was not there when you got there, you must remove it!
- If available electricity can be rented by a vendor, a **20-amp service cord** will be available at that space. One (1) service is provided for each space rented. If a vendor setup requires additional power, the vendor is responsible for supplying a generator or inverter.
- Walkways behind vendors must be kept clear of all obstructions at all times.
- In cooking areas, the complete floor space must be covered with approved material to protect the ground surface, for example, tarpaper.
- Water is available at the sink location. All grey water must be contained and disposed of in containers at the sink location. No dumping of any water in the event area is allowed.

FOR OFFICIAL USE ONLY

DEPARTMENT OF PUBLIC WORKS

APPLICATION RECEIVED ON: _____

APPROVED: ☒ DENIED: ☐

Brief Explanation if Denied: _____

Signature _____

Date

8/28/17

Projected Departmental Costs for this event: _____

SAFETY OFFICER

APPLICATION RECEIVED ON: _____

APPROVED: ☒ DENIED: ☐

Brief Explanation if Denied: _____

Signature _____

Date

8-29-17

CHIEF OF POLICE

APPLICATION RECEIVED ON: 8/30/17

APPROVED: ☒ DENIED: ☐

Brief Explanation if Denied: _____

Signature _____

Date

8/30/17

Projected Departmental Costs for this event: _____

FIRE OFFICIAL

APPLICATION RECEIVED ON: _____

APPROVED: ☒ DENIED: ☐

Brief Explanation if Denied: _____

Signature _____

Date

8/30/17

Projected Departmental Costs for this event: _____

BRT CHAIR

APPLICATION RECEIVED ON: _____

APPROVED: ☒ DENIED: ☐

Brief Explanation if Denied: _____

Signature _____

Date

Mantua Guller



*This contract effective on September 5, 2017 by and between Erica Sehar and
and the Borough of Stone Harbor shall consist of this agreement.*

Client Information

Client Contacts: Erica Sehar
Client Address: 371 Fort Stewart Drive
Harrisburg, PA 17112
Phone Number(s): 717-695-1257
Fax Number: N/A
E-Mail: stoneharborfitnessretreat@gmail.com

General Event Information

Event Name: Stone Harbor Fitness Retreat
Date: Friday, October 20, 2017
Rain Date: N/A
Time Block: See attached itinerary
Function Space: 105th St Beach
Approximate Guest Count: 23

Event Details

Client does not require use of Borough resources other than permission to host yoga sessions on the beach.
Client will not use or need equipment to hold the fitness class; participants provide their own beach towels

Payment Schedule

Item	Qty	Price	Subtotal	Tax	Total
Application Review Fee (non-refundable)	1	\$ 50.00	\$ 50.00	- \$	50.00
Event Fees	1	\$ 250.00	\$ 250.00	- \$	250.00
Event Total					\$300.00
Less Deposits					
Check #405					\$300.00
Total Due					\$0.00

Final payment and signed contract due by September 15, 2017

Special Notes

N/A



1. The applicant for a special events permit shall provide liability insurance in the amount of \$1,000,000.00, which covers the special event. The Borough of Stone Harbor shall be named as an additional insured under the policy of insurance. Proof of said insurance shall be filed with the Borough Clerk before the permits are issued. The governing body may lower or waive the insurance requirement by resolution approving the special event when the liability risks are minimal for the type of special event approved. The Contractor shall not commence work under this contract until it has obtained the insurance required under this section. All coverage shall be with insurance carriers licensed and admitted to do business in New Jersey and acceptable to the municipality.

COMMERCIAL GENERAL LIABILITY INSURANCE

During the life of this contract the Contractor shall procure and maintain Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$ per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following: (A.) Contractual Liability; (B.) Products and Completed Operations; (C.) Independent Contractors Coverage; (D.) Broad Form General Liability Extensions or equivalent; (E.) Deletion of all Explosion, Collapse, and Underground (XCU) Exclusions; (F.) Per contract aggregate.

MOTOR VEHICLE LIABILITY INSURANCE

During the life of this contract the Contractor shall procure and maintain Motor Vehicle Liability Insurance, including applicable No-Fault coverage, with limits of liability not less than \$___N/A___ per accident combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

WORKERS COMPENSATION

During the life of this contract the Contractor shall procure and maintain Workers Compensation insurance, including Employers' Liability Coverage in accordance with the statutes of the State of New Jersey.

ADDITIONAL INSURED

The following shall be Additional Insureds: The (Name of Municipality), including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees, and volunteers. This coverage shall be primary to the Additional Insureds, and shall not be contributing with any other insurance or similar protection available to the Additional Insureds, whether other available insurance be primary, contributing or excess.

NOTICE OF CANCELLATION

Commercial General Liability Insurance, Motor Vehicle Liability Insurance, and Workers Compensation insurance, as described above shall include an endorsement stating the following:

"Sixty (60) days advance written notice of cancellation, nonrenewal, reduction and/or material change" shall be sent to:

Suzanne Stanford, Borough Clerk
Borough of Stone Harbor
9508 Second Ave
Stone Harbor, NJ 08247

PROOF OF INSURANCE COVERAGE

The Event Sponsor shall provide the municipality at the time the contracts are returned to him for execution, Certificates of Insurance and/or policies acceptable to the municipality as listed below:

a. Two (2) copies of Certificate of Insurance for Commercial General Liability, Motor Vehicle Liability, and Workers Compensation.

CONTINUATION OF COVERAGE

If any of the above coverages expire during the term of this contract, the Event Sponsor shall deliver renewal Certificates and/or policies to municipality at least ten(10) days prior to the expiration date.

2. Except as otherwise provided herein, all persons shall comply with all applicable ordinances regulating the use of public lands including those regulations contained in Chapter 275 of the Code of the Borough of Stone Harbor. No special event shall be held on public lands pursuant to this article without the approval of the governing body.

3. No alcoholic beverages shall be sold or distributed on the public lands pursuant to this article.

4. The applicant must execute an indemnification agreement with the Borough of Stone Harbor which agrees to indemnify and save the Borough harmless from all liability related to the special event. The form of agreement is included in the Special Event Application.

5. Application will not be approved unless the following documentation is attached: Written consent from Sponsor, State of New Jersey Tax Sale Certificate, Board of Health Certificate, copy of driver's license, copy of vehicle registration, etc.

6. The permittee shall comply with these regulations, all conditions imposed, and all applicable state and local laws and regulations.

7. All Applications for Festivals, Parades, Sporting Events and Special Request must include a proposed site plan. Final site plan must be made available to Recreation Director 30 Days prior to the event for final approval.

8. All Event Planners are subject to meeting with Recreation Department, Public Works & Public Safety 30 Days prior to the event for final review and approval.

9. All Events 4 hours and longer must provide a schedule of activities.

This contract is legally binding on the parties hereto. This written contract constitutes the entire agreement between the parties. This contract may only be amended in writing. I agree to the above information and all items found on the reverse and in any event-specific addendums to this contract.

Approved (Client's Signature): _____

Date: _____