

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 13-05

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NEPTUNE
TO EXCEED THE 2% COLA RATE APPROPRIATION LIMITS AND
ESTABLISH A CAP BANK FOR PURPOSES OF INTRODUCING
THE 2013 MUNICIPAL BUDGET

Approved on First Reading: March 11, 2013

Approved, passed and adopted on final reading: March 25, 2013

NOTICE
ORDINANCE NO. 13-06
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-06

AN ORDINANCE AMENDING VOLUME I, CHAPTER XXIII,
SECTION 23-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE
BY PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC
PARKS AND RECREATION AREAS AND UPDATING THE LIST OF
DESIGNATED PARKS AND PLAYGROUNDS

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, New Jersey, that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1. Volume I, Chapter XXIII, Section 23-2.1 "Use of Public Parks and Recreation Areas; Conduct" be and is hereby amended as follows:

Add to prohibited activities:

hh. Smoke, chew, or possess lighted cigarettes, pipes, cigars, electronic cigarettes, or any

other type of tobacco product.

SECTION 2. Volume I, Chapter XXIII, Section 23-1.1 – “Locations Designated: - be and is hereby amended as follows:

Amend:

d. Change “Jumping Brook Park, Old Corlies Avenue” to “Bert Willis Fields, Old Corlies Avenue”

g. Change “West Lake Mini Park, Lake Avenue” to “Midtown Commons Park, West Lake Avenue”

Remove:

n. Inskip Avenue Basketball Court, Ocean Grove

SECTION 3. This ordinance shall become effective immediately upon its adoption and publication according to law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-07
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-07

AN ORDINANCE AMENDING VOLUME I, CHAPTER XIII, SECTION 13-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING THE EXCAVATION OF STREETS IN THE OCEAN GROVE HISTORIC DISTRICT BETWEEN MAY 1ST AND SEPTEMBER 15TH

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, New Jersey, that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1. Volume I, Chapter XIII, Section 13-1 "Excavation of Street and Sidewalks" be and is hereby amended as follows:

Section 13-1.3a – "Excavation of Streets Not Permitted During The Summer Season in the Ocean Grove Historic District" is by added as follows:

A road excavation permit issued for any street within the Ocean Grove Historic District shall only be valid between September 16th and April 30th. No excavation of streets shall be permitted within the Ocean Grove Historic District between May 1st and September 15th. A road excavation permit may be issued for a road excavation during the prohibited time period in the event of emergency circumstances as determined by the Director of Public Works or Township Engineer.

SECTION 2. This ordinance shall become effective immediately upon its adoption and publication according to law.

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-08
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON EMBURY AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.2 - Handicapped Parking Spaces on Public Roads -

Locations Designated, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Embury Avenue	1	South side of Embury Avenue beginning 78 feet east of the southeast intersection of Embury Avenue and Central Avenue

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-09
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON BOTH SIDES OF HECK AVENUE WITHIN 100 FEET OF THE CENTER OF THE INTERSECTION WITH ROUTE 35

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.7 – Parking Prohibited at All Times on Certain Streets, is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Heck Avenue	Both	Between 100 feet East or West of the center of the intersection with Route 35.

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-10
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-10

AN ORDINANCE VACATING DEDICATED BUT UNIMPROVED
STREETS IN THE TOWNSHIP OF NEPTUNE KNOWN AS A
PORTION OF PARK PLACE AND A PORTION OF SOUTH
RIVERSIDE DRIVE

WHEREAS, there exists certain municipal right-of-ways within the Township of Neptune in the form of an unimproved portion of Park Place and an unimproved portion of South Riverside Drive on the Neptune Township Tax Map, in the Township of Neptune, County of Monmouth, State of New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune is of the opinion that said unimproved portion of these streets is no longer needed for any public purpose; and,

WHEREAS, the Township Committee believes that the interests of the Township of Neptune would be best served by vacating and extinguishing all public rights and interests in the unimproved portion of said streets,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, as follows:

SECTION 1

Pursuant to N.J.S.A. 40:67-1, et seq., the Township of Neptune hereby vacates, extinguishes, releases and abandons all public rights and interests in and to the municipal right-of-ways as described as follows:

Beginning at a point in the southerly line of South Riverside Drive (60 feet in width), distant 22.15 feet on a course of South 57 degrees 16 minutes 00 seconds East from the intersection of the tangents of a curve connecting the southerly line of South Riverside Drive with the easterly line of Park Place (60 feet in width); thence,

1. South 57 degrees 16 minutes 00 seconds East along the southerly line of South Riverside Drive a distance of 152.02 feet to a point; thence,
2. North 23 degrees 19 minutes 00 seconds East along a projection of the dividing line between Lot 52 and Lot 53 in Block 481 as shown on the Tax Map of the Township of Neptune a distance of 11.15 feet to the proposed southerly line of South Riverside Drive; thence,
3. North 57 degrees 16 minutes 00 seconds West along the proposed southerly line of South Riverside Drive a distance of 149.84 feet to a point of curvature; thence,
4. Continuing in a westerly and southerly direction following a curve bearing to the left, having a radius of 26.00 feet and a central angle of 112 degrees 39 minutes 00 seconds, an arc distance of 51.12 feet to a point of tangency in the proposed easterly line of Park Place; thence,
5. South 10 degrees 05 minutes 00 seconds West along the proposed easterly line of Park Place a distance of 115.80 feet to a point; thence,
6. South 66 degrees 41 minutes 00 seconds East along a projection of the dividing line between Lots 58 and 59 a distance of 11.30 feet to a point in the easterly line of Park Place; thence,
7. North 10 degrees 05 minutes 00 seconds East along the easterly line of Park Place a distance of 118.75 feet to a point of curvature; thence,
8. Continuing in a northerly and easterly direction following a curve bearing to the right, having a radius of 14.76 feet and a central angle of 112 degrees 39 minutes 00 seconds, an arc distance of 29.02 feet to the point and place of Beginning.

Containing 3,386 square feet or 0.0777 acres.

This description has been prepared in accordance with the current tax map of the Township of Neptune prepared by Michael J. Williams Land Surveying, LLC dated January 11, 2013

SECTION 2

The provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by the Township of Neptune, any public utility company (as defined as N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

SECTION 3

This street vacation is subject to any other covenants, restrictions and easements of record, if any, except those that have expired by their own limitations.

SECTION 4

This Ordinance shall take effect immediately upon passage and publication in accordance with the law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-11
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-11

AN ORDINANCE AMENDING LAND DEVELOPMENT
ORDINANCE VOLUME II, SECTION 201 ENTITLED
“DEFINITIONS” AND SECTION 419 ENTITLED “FLOOD HAZARD
REGULATIONS”

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, Volume II, Section 201, entitled “Definitions” and Section 419 entitled “Flood Hazard Regulations” shall be amended as follows:

§201 DEFINITIONS.

Advisory Base Flood Elevation (ABFE). The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. (100 Year Flood Event)

Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation (AACFE) (500 Year Flood Event) . The coastal water service elevation of a flood having a 0.2 percent (0.2%) annual chance of being equaled or exceeded in any given year. It is expressed in feet referenced to the North American Vertical Datum of 1988 (NAVD 88).

Advisory Flood Hazard Area (AFHA)/Area of Special Flood Hazard (ASFH). The land in the floodplain within a community subject to flooding from the 1 percent (1%) annual chance event, or 0.2 percent (0.2%) annual chance event depicted on the Advisory Flood Hazard Map.

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

Advisory Flood Hazard Zone A. Is comprised of the areas subject to storm surge flooding from the 1 percent (1%) annual chance coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas.

Advisory Flood Hazard Zone V. Is comprised of areas subject to high velocity wave action (a 3 foot breaking wave) from the 1 percent (1%) annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the mean height of the roof. In a Special Flood Hazard Area, the building height shall be measured from the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

Porches in FHA. Porches (as defined elsewhere in §201 of the Township's Land Use Ordinance) are permitted in the FHA, however, after accounting for the requirements of stairs as defined in this section, no porch shall extend farther than ½ the distance from the building plane to the front and side lot lines and the actual depth of said porch shall be no larger than eight (8) feet.

Stairs in Flood Hazard Areas (FHA). In the FHA portions of the Township, stairs from elevated structures shall be able to project into the front yard setback – as defined herein. For stairs that provide access from the front of a structure, stairs may project up to fifty percent (50%) of the required front yard setback to accommodate stair access, but in no case shall they be closer than ten (10) feet from the front lot line. In the case of stairways that are accessed from the side of a structure, stairs shall be permitted to project up to fifty percent (50%) of the side yard setback – as defined herein – but may not encroach further

than three (3) feet from the prevailing side lot line.

Stairway Landings in FHA. To accommodate stairwell access to elevated structures in the FHA and keeping with the restrictions of stairwell projections as defined in this section, the use of stairway landings may be necessary to effectuate access to a given structure. For the purposes of this Code, stairway landing is defined as a level, uncovered platform installed at the point where stairs change direction, either at the top of or in between flights.

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

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” if designated as a key structure and one that would be adversely affected in terms of historic character as determined by the Municipal Construction Official/Floodplain Administrator. Alteration of a “historic structure” shall not be considered a relocation.

§419 FLOOD HAZARD REGULATIONS.

F. Permit Required. A zoning permit, grading permit, a construction permit and a HPC permit, if applicable, must be obtained before construction or development begins within any Area of Special Flood Hazard established by the Federal Emergency Management Agency (FEMA). In addition to the normal information required for a zoning permit application, the following specific information is required to be reviewed by the Township Engineer prior to the issuance of an approved zoning permit:

1. New construction and the substantial improvement of any principal dwelling or commercial building, including attached garages, in an Area of Special Flood Hazard (ASFH) shall follow the Advisory Base Flood Elevation (ABFE) Standard for the type of construction set forth more fully in Chapter XIX entitled “Flood Damage Prevention”
2. In the areas the base flood elevation has not been determined, the applicant must determine the base flood elevation in accordance with the current NJ DEP Flood Hazard Area regulations and obtain the Township Engineer’s Approval;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non residential structure meet the flood proofing criteria in Sub-section J.2 below;
4. Description of the extent to which any water course will be altered or relocated as a result of the proposed development;
5. Elevation in relation to mean sea level of any ground areas to be disturbed, filled, graded or re-graded;

6. Certification that all necessary permits have been obtained from those Federal, State or County Government agency from which prior approval is required; and
 7. All base flood elevation and floodway data used to determine whether the proposed development is located in the floodway shall assure that the encroachment provisions of Sub-section K below are complied with. When base flood elevation and floodway data has not been provided in accordance with Subsection C above, the Township Engineer shall obtain, review and reasonably utilize any base flood elevation and flood water data available from a Federal, State or other source, in order to administer Sub-section J. below.
 8. The height limitations required in each zone district shall not apply to Churches.
- H. Areas of Special Flood Hazard. In all areas of Special Flood Hazard, compliance with the requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the standards set forth under Chapter XIX § 19-5 of the General Ordinances of the township of Neptune entitled "Flood Damage Prevention" shall be followed.
- J. New Construction. In all areas of Special Flood Hazard where base flood elevation data have been provided as set forth in Subsection F, the standards set forth more fully under Chapter XIX § 19-5.1, §19-5.2, §19-5.3 and §19-5.4 of the General Ordinances of the Township of Neptune entitled "Flood Damage Prevention" shall be followed.
- L. Architectural Design. In all cases where elevation of a constructed or reconstructed improvement is either necessary or desirable, façade treatment shall be necessary to at least two and one half (2 ½) feet from the finished grade of the building with regard to all sides of the building.
- M. Historic District. Construction and reconstruction of buildings in the Historic District shall be subject to the same standards of Section 419 of the Land Development Ordinance and Chapter XIX entitled "Flood Damage Prevention" of the General Ordinances, except for key structures, as set forth in the Land Development Ordinance or other designated Ordinances. Applicability to the aforesaid Ordinance or historic exclusion based on the key structure nature of the building shall be determined after review by the Municipal Construction Official/Floodplain Administrator. Should the Municipal Construction Official/Floodplain Administrator determine that the building is subject to §419 of the Land Development Ordinance and Chapter XIX of the General Ordinances entitled "Flood Damage Prevention" and that Substantial Improvements are needed, the Municipal Construction Official/Floodplain Administrator shall issue a Notice of Determination with regard to the need for Substantial Improvements. The determination of the Municipal Construction Official/Floodplain Administrator shall be appealable to the Historic Preservation Commissions (HPC). An aggrieved party can appeal the determination of the Municipal Construction Official/Floodplain Administrator to the HPC within forty-five (45) days of the determination. Any decision of the HPC may be appealed to the Zoning Board of Adjustment in the manner set forth in §706 (Appeals and Application to ZBOA) of the Land Development Ordinance.
- N. Building Coverage, Special Flood Hazard Area. In all Special Flood Hazard Areas

within the Township, and only in those cases where residential dwellings will be elevated or demolished and elevated as part of reconstruction, the maximum percentage of building coverage may be increased by ten percent (10%) above the existing building coverage requirement for the zoning district in which the property lies. This standard shall apply to both conforming and nonconforming lots.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 13-12
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 25th day of March, 2013, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 8th day of April, 2013, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 13-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIX OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE
ENTITLED "FLOOD DAMAGE PREVENTION"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the General Ordinances of the Township of Neptune, and in particular, Chapter XIX, entitled "Flood Damage Prevention" shall be amended as follows:

19-2 DEFINITIONS.

Advisory Base Flood Elevation (ABFE) shall mean the elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater

elevation plus wave effect (ABFE = SWEL +wave effect) resulting from a flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. (100 Year Flood Event)

Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation (AACFE) (500 Year Flood Event) shall mean the coastal water service elevation of a flood having a 0.2 percent (0.2%) annual chance of being equaled or exceeded in any given year. It is expressed in feet referenced to the North American Vertical Datum of 1988 (NAVD 88).

Advisory Flood Hazard Area (AFHA) shall mean the land in the floodplain within a community subject to flooding from the 1 percent (1%) annual chance event, or 0.2 percent (0.2%) annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map shall mean the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Advisory Flood Hazard Zone A is comprised of the areas subject to storm surge flooding from the 1 percent (1%) annual chance coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas.

Advisory Flood Hazard Zone V is comprised of areas subject to high velocity wave action (a 3 foot breaking wave) from the 1 percent (1%) annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk.

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

- b. 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
- c. Any alteration of a "historic structure," if designated as a key structure and one that would be adversely affected in terms of historic character as determined by the Municipal Construction Official/Floodplain Administrator. Alteration of a "historic structure" shall not be considered a relocation.

19-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The area of special flood hazard for the Township of Neptune, Community No. 340317, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated December 12, 2012.
- d. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on index and panels, Asbury Park NE, Asbury Park OE E NW, Asbury Park SE, Asbury Park NW whose effective date is December 12, 2012.
- c. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps 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 25 Neptune Boulevard, Neptune New Jersey.

19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

19-5.1 General Standards.

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

- c. *Utilities.*
 - 4. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. *Subdivision Proposals.*
 - 1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
 - 2. 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;
 - 3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
 - 4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty percent (50%) lots or five (5) acres (whichever is less).

19-5.2 Specific Standards.

- a. *Residential Construction.*
 1. New construction and substantial improvements of any residential structure within any Advisory Hazard Zones V and A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.
- b. *Nonresidential Construction.* In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
 1. Elevated to or above the base flood elevation or advisory base flood elevation, or above the Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.
- bb. or
 1. Be floodproofed so that below the base flood level plus one (1) foot, or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. 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 subsection 19-4.3c,2b.
- c. *Manufactured Homes.*
 1. Manufactured homes shall be anchored in accordance with subsection 19-5.1a,2.
 2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base floor elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive).
- d. *Historic District.*

Construction and reconstruction of buildings in the Historic District shall be subject to the same standards as this Ordinance, except for key structures, as set forth in the Land Development Ordinance or other designated Ordinances. Applicability to the aforesaid Ordinance or historic exclusion based on the key structure nature of the building shall be determined after review by the Municipal Construction Official/Floodplain Administrator. Should the Municipal Construction Official/Floodplain Administrator determine that the building is subject to this Ordinance and the standards of this Ordinance, and that Substantial Improvements are needed, the Municipal Construction Official/Floodplain Administrator shall issue a Notice of Determination with regard to the need for Substantial Improvements. The determination of the Municipal Construction Official/Floodplain Administrator shall be appealable to the Historic Preservation Commissions (HPC). An aggrieved party can appeal the determination of the Municipal Construction Official/Floodplain Administrator to the HPC within forty-five (45) days of the determination. Any decision of the HPC may be appealed to the Zoning Board of Adjustment in the manner set forth in §706 (Appeals and Application to ZBOA) of the Land Development Ordinance.

19-5.4 Coastal High Hazard Area.

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 19-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. *Location of Structures.*

1. All buildings or structures shall be located landward of the reach of the mean high tide.
2. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home division.

b. *Construction Methods.*

1. Elevation.

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

(a) The bottom of the lowest horizontal structural member of the lowest (excluding piling or columns) is elevated to or above the base flood elevation, Advisory Base Flood Elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and

(b) with all space below the lowest floor's supporting member so as not to impede with the flow of water, except for breakaway walls as provided for in subsection 19-5.4b,4.

4. Space Below the Lowest Floor.
- (a) 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.
 - (b) Breakaway walls, open 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 ten (10) and no more than twenty (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.
 - (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (2) 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.
 - (c) 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.
 - (d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrell,

Municipal Clerk

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE NO. 13-13 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on March 25, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey, on April 8, 2013 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 2013 IMPROVEMENTS TO PARKS AND OTHER TOWNSHIP FACILITIES, INCLUDING IMPROVEMENTS TO JUMPING BROOK BALLFIELDS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$390,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$250,000) AND AUTHORIZING THE ISSUANCE OF \$133,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various improvements to various parks and other Township facilities in the Township, including but not limited to, Jumping Brook Ballfields (the portion of the improvements or purposes for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, the repair and restoration of the Jumping Brook Ballfields, including excavation, fill, grading and seeding, various drainage improvements, the acquisition and installation or repair, as applicable, of clay, fertilizer, sod, irrigation, a backstop with ten foot extensions, fencing, foul poles, benches, bleachers, dugouts, field bases, recycling and refuse containers, landscaping, improvements to walking paths, plantings for the rain garden, and lighting, concrete foundations for lighting and electrical work in the parking lot, and other similar improvements.

Appropriation: \$390,000

**Bonds/Notes
Authorized:** \$133,000

**Grants
Appropriated:** \$250,000 grant received or expected to be received from Monmouth County Open Space Program

Section 20 Costs: \$50,000

Useful Life: 15 years

RICHARD J. CUTTRELL,
Clerk of the Township of Neptune

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE NO. 13-14 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on March 25, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey, on April 8, 2013 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 2013 ROADWAY AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$248,700) AND AUTHORIZING THE ISSUANCE OF \$1,188,735 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various 2013 roadway and drainage improvements to the entire lengths or portions, as applicable various roads, including but not limited to, reconstruction and resurfacing of Wayside Road (the portion of the improvements for which the Grant is appropriated herein), such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, various storm drainage improvements, roadway painting, landscaping and aesthetic improvements.

Appropriation: \$1,500,000

**Bonds/Notes
Authorized:** \$1,188,735

**Grants
Appropriated:** \$248,700 grant received or expected to be received from New Jersey Department of Transportation

Section 20 Costs: \$200,000

Useful Life: 20 years

RICHARD J. CUTTRELL,
Clerk of the Township of Neptune