

**TOWNSHIP OF BYRAM
COUNCIL MEETING AGENDA
MONDAY, JUNE 6, 2011- 7:00 P.M.**

1. CALL MEETING TO ORDER

2. OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting has been made in accordance with the Open Public Meetings Act, NJSA 10:4-6 by forwarding the annual notice to the New Jersey Herald, the Township Journal, posting the agenda on the bulletin board located in the Council Meeting Room and the Township website and by filing same with the Township Clerk.

3. ROLL CALL

4. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT REFLECTION

5. APPROVAL OF AGENDA

6. REPORTS

- Township Manager
- Mayor and Council Members

7. PRESENTATION OF THE WASTE WATER MANAGEMENT PLAN

- RESOLUTION NO. 62-2011 – STATEMENT OF CONSENT FOR SUBMISSION OF THE TOWNSHIP OF THE WASTE WATER MANAGEMENT PLAN TO THE NEW BYRAM CHAPTER OF THE SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.A.C. 7:15-3.4(g)4

8. PUBLIC PARTICIPATION I – Meeting open to the public for comments on matters not on the agenda or items on the agenda for which no public discussion is provided.

9. APPROVAL OF MINUTES

- May 17, 2011 Regular Meeting Minutes
- May 17, 2011 Executive Session Minutes
- May 31, 2011 Special Council Meeting Minutes

10. CONSENT AGENDA: These items are considered to be routine by the Members of the Township Council and will be enacted on by one motion. There will be no separate discussion of these items unless a citizen or Council member so requests in which event the item may be removed from the general order of business and considered in its normal sequence on the agenda.

A. Renewal of Liquor Licenses

- Resolution No. 56 - 2011 – Barone Restaurants Inc.
- Resolution No. 57 – 2011 – BBG Restaurant LLC, Trading as NJ Bar and Grill West
- Resolution No. 58 – 2011 – June M Wallace, Trading as Tomahawk Lake
- Resolution No. 59 – 2011 – Byram Beverage Inc.
- Resolution No. 60 – 2011 – Byram Liquor’s LLC
- Resolution No. 61 – 2011 – The Pink Elephant of Cranberry Lake, Trading as Golden Nugget Saloon
- Resolution No. 64-2011 – Authorizing Refund of Overpayment of Taxes due to State Tax Court

11. APPROVAL OF JUNE 6, 2011 BILL LIST
12. ORDINANCES

Introduction/1st Reading

- **Bond Ordinance Appropriating \$465,000 and Authorizing the Issuance of \$352,350 Bonds or Notes of the Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township of Byram, in the County of Sussex, State of New Jersey**
- **Ordinance to Petition the Highlands Council for Plan Conformance for the Planning Area**

This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the Highlands Council for Plan Conformance approval of such planning and regulatory documents.

- **Ordinance of the Mayor and Council of the Township of Byram Amending Chapter 3 Entitled “Administration of Government” to decrease the membership of the Recreation Committee**
The purpose of this ordinance is to amend to Code to decrease the size of the Recreation Commission to seven regular members and two alternate members.
- **Ordinance of the Mayor and Council of the Township of Byram Amending, Updated and Replacing in its Entirety Chapter 136 Entitled “The Flood Damage Prevention Ordinance” of the Township Code**

The purpose of this ordinance is to amend, update and replace the Flood Damage Prevention Ordinance of the Township to update it to the 2011 requirements of the Federal Emergency Management Agency (FEMA).

13. DISCUSSION ITEM - Parks & Recreation Areas – Chapter 182-6 - Permits
14. PUBLIC PARTICIPATION II

15. RESOLUTION FOR EXECUTIVE SESSION

- a. **Attorney Client Privilege Information – Fire Dept- Indemnification Agreement**
- b. **Contract Negotiations – 911**

16. RETURN TO OPEN SESSION

17. ANY OTHER BUSINESS THE COUNCIL DEEMS NECESSARY

18. ADJOURNMENT

TOWNSHIP OF BYRAM

RESOLUTION NO. 62 - 2011

STATEMENT OF CONSENT FOR SUBMISSION OF THE TOWNSHIP OF BYRAM CHAPTER OF THE SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.A.C. 7:15-3.4(g)4

WHEREAS, N.J.A.C. 7:15 provides that each county and municipality within the State of New Jersey shall be subject to a Wastewater Management Plan (“WMP”) adopted by the New Jersey Department of Environmental Protection (“Department”); and

WHEREAS, the Township of Byram is located in the Highlands Region with lands lying within both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.); and

WHEREAS, on September 23, 2010 the Highlands Water Protection and Planning Council (“Highlands Council”) adopted Resolution No. 2010-6, conditionally approving the Petition for Plan Conformance of the Township of Byram with respect to the entire municipality, one condition of which is the development of a WMP for the entire municipality; and

WHEREAS, where a municipality has received approval of Plan Conformance for the entire municipality, the Department has determined that the municipal chapter of the County WMP shall be developed in collaboration by the Highlands Council and the municipality subsequent to the date of the Highlands Council resolution, and the WMP shall be deemed consistent with Plan Conformance by the Highlands Council prior to submission to the Department for adoption; and

WHEREAS, the Highlands Council prepared the Draft Byram Township Chapter of the Sussex County WMP (“Draft WMP”) in close collaboration with the Township of Byram, and the Highlands Council has deemed the Draft WMP consistent with Plan Conformance and the Regional Master Plan; and

WHEREAS, the Governing Body of the Township of Byram, Sussex County, State of New Jersey (“Governing Body”), has reviewed the Draft WMP;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body hereby consents to the submission of the Township of Byram Chapter of the Sussex County WMP to the Department for review and adoption pursuant to the provisions of N.J.A.C. 7:15.

BE IT FURTHER RESOLVED, that the Township of Byram chapter of the Sussex County WMP shall be provided to the Sussex County Planning Board, to all sewerage agencies affected by said WMP, and to all other entities as required pursuant to N.J.A.C. 7:15-22, with statements of consent being sought from the County and the sewerage agencies as required pursuant to N.J.A.C. 7:15-22(b).

**BYRAM TOWNSHIP
COUNCIL**

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the Byram Township Council at a meeting held on June 6, 2011 adopted the foregoing resolution.

Doris Flynn, Municipal Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 56 – 2011

**RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
TO BARONE RESTAURANTS INC. VALID FROM 7/1/2011 THROUGH
6/30/12**

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to Barone Restaurants Inc., trading as Barone's Lockwood Tavern, located at 77 Route 206, Stanhope New Jersey 07874. The same license being No. 1904-33-006-002. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 57 – 2011

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO BBG RESTAURANT LLC VALID FROM 7/1/2011 THROUGH 6/30/12

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to BBG Restaurant LLC, trading as NJ Bar and Grill West, located at 172 Lackawanna Drive, Stanhope New Jersey 07874. The same license being No.1904-33-003-007. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olsson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 58 – 2011
RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
TO JUNE M. WALLACE, TRADING AS TOMAHAWK LAKE, VALID
FROM 7/1/2011 THROUGH 6/30/12**

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to June M. Wallace, trading as Tomahawk Lake, located at Tomahawk Trail, Sparta New Jersey 07871, subject to the following conditions: 1) a plan setting forth security, parking and traffic control measures to be submitted to the Byram Township Police Department at least seven days prior to the Independence Day holiday and in response to the Police Department's request as to other holidays or events, 2) Township personnel may be assigned to Tomahawk Lake in furtherance of public order, safety and welfare and at the expense of Tomahawk Lake, in the sole discretion of the Byram Township Police Department, 3) any invoice for services rendered by personnel of Byram Township must be paid within thirty days of receipt, 4) prohibition on service of alcohol immediately upon police/emergency services being summoned due to an alleged breach of the peace, until and unless instructed otherwise by police personnel. The same license being No.1904-33-013-001.

Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscovich
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township

Council at a meeting held on June 6, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 59 – 2011

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO BYRAM BEVERAGE INC. VALID FROM 7/1/2011 THROUGH 6/30/12

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the Renewal of a Plenary Retail Distribution License be issued to Byram Beverage Inc., trading as Shop Rite Liquors of Byram, located at 90-70 Route 206, Stanhope New Jersey 07874. The same license being No. 1904-44-012-006. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor-Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

 Doris Flynn, RMC
 Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 60 – 2011

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO BYRAM LIQUORS LLC. VALID FROM 7/1/2011 THROUGH 6/30/12

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to Byram Liquor’s LLC, trading as Byram Liquors, located at 11 Route 206, Stanhope New Jersey 07874. The same license being No. 1904-33-009-003. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER		Councilman Olson	Councilwoman Raftery	Councilman Raftery	Councilman Thompson	Mayor Oscovitch
	Motion					
	2nd					
	Yes					
	No					
	Abstain					
Absent						

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

 Doris Flynn, RMC
 Township Clerk

TOWNSHIP OF BYRAM

RESOLUTION NO. 61 – 2011

RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO THE PINK ELEPHANT OF CRANBERRY LAKE, TRADING AS GOLDEN NUGGET SALOON, VALID FROM 7/1/2011 THROUGH 6/30/12

BE IT RESOLVED by the Mayor and Township Council, Township of Byram, Sussex County New Jersey, that the renewal of a Plenary Retail Consumption License be issued to The Pink Elephant of Cranberry Lake, trading as Golden Nugget Saloon, located at 50 Lackawanna Drive, Stanhope New Jersey 07874. The same license being No.1904-33-008-001. Said license shall be valid from July 1, 2011 through June 30, 2012.

BYRAM TOWNSHIP COUNCIL

COUNCIL MEMBER	Councilman Olson	Councilwoman Rafferty	Councilman Rafferty	Councilman Thompson	Mayor Oscovitch
Motion					
2nd					
Yes					
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

Doris Flynn, RMC
Township Clerk

**TOWNSHIP OF BYRAM
RESOLUTION NO. 64 – 2011**

**RESOLUTION AUTHORIZING A REFUND
OF OVERPAYMENT OF TAXES DUE TO THE STATE TAX COURT**

WHEREAS, the State of New Jersey Tax Court has issued a Civil Action Judgment for the reduced assessments for the following properties for the years of 2009 and 2010 in the Township of Byram:

Owner	Block	Lot	2009 Taxes	2010 Taxes	Tax Rate	2009 Taxes	2010 Taxes	Tax Rate	Taxes
Griff	365.01	20	\$378,200	\$9,144.88	2.418	\$342,000	\$342,000	2.547	\$8,710.74
			<u>\$302,600</u>	<u>\$7,316.87</u>	2.418	<u>\$302,600</u>	<u>\$302,600</u>	2.547	<u>\$7,707.22</u>
			<u>\$75,600</u>	<u>\$1,828.01</u>	2.418	<u>\$39,400</u>	<u>\$39,400</u>	2.547	<u>\$1,003.52</u>
Shah	365.01	22	\$503,300	\$12,169.79	2.418	\$467,600	\$467,600	2.547	\$11,909.77
			<u>\$402,600</u>	<u>\$9,734.87</u>	2.418	<u>\$402,600</u>	<u>\$402,600</u>	2.547	<u>\$10,254.22</u>
			<u>\$100,700</u>	<u>\$2,434.93</u>	2.418	<u>\$65,000</u>	<u>\$65,000</u>	2.547	<u>\$1,655.55</u>
Singh	365.01	22.01	\$447,200	\$10,813.30	2.418	\$411,500	\$411,500	2.547	\$10,480.91
			<u>\$357,800</u>	<u>\$8,651.60</u>	2.418	<u>\$357,800</u>	<u>\$357,800</u>	2.547	<u>\$9,113.17</u>
			<u>\$89,400</u>	<u>\$2,161.69</u>	2.418	<u>\$53,700</u>	<u>\$53,700</u>	2.547	<u>\$1,367.74</u>
Parrish	365.06	5	\$396,400	\$9,584.95	2.418	\$358,000	\$358,000	2.547	\$9,118.26
			<u>\$317,100</u>	<u>\$7,667.48</u>	2.418	<u>\$317,100</u>	<u>\$317,100</u>	2.547	<u>\$8,076.54</u>
			<u>\$79,300</u>	<u>\$1,917.47</u>	2.418	<u>\$40,900</u>	<u>\$40,900</u>	2.547	<u>\$1,041.72</u>
Alles	365.06	6	\$445,200	\$10,764.94	2.418	\$408,900	\$408,900	2.547	\$10,414.68
			<u>\$356,200</u>	<u>\$8,612.92</u>	2.418	<u>\$356,200</u>	<u>\$356,200</u>	2.547	<u>\$9,072.41</u>
			<u>\$89,000</u>	<u>\$2,152.02</u>	2.418	<u>\$52,700</u>	<u>\$52,700</u>	2.547	<u>\$1,342.27</u>
Gordon	365.06	9	\$384,200	\$9,289.96	2.418	\$352,200	\$352,200	2.547	\$8,970.53
			<u>\$307,400</u>	<u>\$7,432.93</u>	2.418	<u>\$307,400</u>	<u>\$307,400</u>	2.547	<u>\$7,829.48</u>
			<u>\$76,800</u>	<u>\$1,857.02</u>	2.418	<u>\$44,800</u>	<u>\$44,800</u>	2.547	<u>\$1,141.06</u>
Lumani	365.06	10	\$433,200	\$10,474.78	2.418	\$399,900	\$399,900	2.547	\$10,185.45
			<u>\$346,600</u>	<u>\$8,380.79</u>	2.418	<u>\$346,600</u>	<u>\$346,600</u>	2.547	<u>\$8,827.90</u>
			<u>\$86,600</u>	<u>\$2,093.99</u>	2.418	<u>\$53,300</u>	<u>\$53,300</u>	2.547	<u>\$1,357.55</u>
Kowalski	365.06	12	\$571,700	\$13,823.71	2.418	\$538,000	\$538,000	2.547	\$13,702.86
			<u>\$457,400</u>	<u>\$11,059.93</u>	2.418	<u>\$457,400</u>	<u>\$457,400</u>	2.547	<u>\$11,649.98</u>
			<u>\$114,300</u>	<u>\$2,763.77</u>	2.418	<u>\$80,600</u>	<u>\$80,600</u>	2.547	<u>\$2,052.88</u>
Natiello	365.07	6	\$446,200	\$10,789.12	2.418	\$410,000	\$410,000	2.547	\$10,442.70
			<u>\$357,000</u>	<u>\$8,632.26</u>	2.418	<u>\$357,000</u>	<u>\$357,000</u>	2.547	<u>\$9,092.79</u>
			<u>\$89,200</u>	<u>\$2,156.86</u>	2.418	<u>\$53,000</u>	<u>\$53,000</u>	2.547	<u>\$1,349.91</u>

WHEREAS, the State of New Jersey Tax Court has settled with the following properties for the years of 2009 and 2010 in the Township of Byram; and the Township is awaiting the Civil Action Judgments, and in the interest of not delaying these refunds to the property owners who would be due these refunds:

Owner	Block	Lot	2009	Tax Rate	Taxes	2010	Tax Rate	Taxes	original assmt judgment difference
Belfiore	365.07	5	\$359,800	2.418	\$8,699.96	\$324,500	2.547	\$8,265.02	
			\$287,800	2.418	\$6,959.00	\$287,800	2.547	\$7,330.27	
			<u>\$72,000</u>	<u>2.418</u>	<u>\$1,740.96</u>	<u>\$36,700</u>	<u>2.547</u>	<u>\$934.75</u>	
Schneider	365.06	7	\$527,100	2.418	\$12,745.28	\$492,600	2.547	\$12,546.52	
			\$421,700	2.418	\$10,196.71	\$421,700	2.547	\$10,740.70	
			<u>\$105,400</u>	<u>2.418</u>	<u>\$2,548.57</u>	<u>\$70,900</u>	<u>2.547</u>	<u>\$1,805.82</u>	
Boucher	365.01	19	\$443,400	2.418	\$10,721.41	\$407,800	2.547	\$10,386.67	
			\$354,700	2.418	\$8,576.65	\$354,700	2.547	\$9,034.21	
			<u>\$88,700</u>	<u>2.418</u>	<u>\$2,144.77</u>	<u>\$53,100</u>	<u>2.547</u>	<u>\$1,352.46</u>	

WHEREAS, the Byram Tax Collector has calculated the amount due to the taxpayer waiving the statutory interest as per N.J.S.A. 54:3-27.2 and as agreed upon by the taxpayer; and

WHEREAS, Mayor and Council of the Township of Byram is in agreement with the refund of taxes based on the State Court Judgment, in the amount as stated to the respective parties.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council, Township of Byram, County of Sussex, N.J., that the finance officer be authorized to refund to the above taxpayers the aforementioned refund of taxes.

BYRAM TOWNSHIP COUNCIL

James Oscovitch, Mayor

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on June 6, 2011.

Doris Flynn, RMC
Township Clerk

TOWNSHIP OF BYRAM

ORDINANCE NO. 5 - 2011

BOND ORDINANCE APPROPRIATING \$465,000, AND AUTHORIZING THE ISSUANCE OF \$352,350 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less

than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Byram, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as described below, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$465,000 including the aggregate sum of \$17,650 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$70,000 from the 2011 operating budget of the Township and the sum of \$25,000 from the Capital Improvement Fund of the Township.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$465,000 appropriations not provided for by application hereunder of said down payments and funds on hand, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$352,350 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$352,350 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned buildings and locations in and by the Township, including the Municipal Complex including the rehabilitation of the roof thereof and the upgrade of the heating, ventilation and conditioning system therein and the installation of fencing and security gates at the recycling complex, together with all architectural designs, studies, surveys, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$260,000	\$247,600

(b) Improvement of various streets and locations in and by the Township by the surfacing or resurfacing thereof to provide a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, roads in the West Brookwood area, including Roseville Road, together with all drainage improvements, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and

specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$205,000 estimated cost thereof being inclusive of the sum of \$70,000 appropriated therefor by the 2011 budget of the Township and the sum of \$25,000 hereby appropriated therefor from the Capital Improvement Fund of the Township

<u>205,000</u>	<u>104,750</u>
Totals	\$352,350

Except as otherwise stated in paragraph (b) above with respect to the said \$95,000 funds on hand for financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.51 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows

that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$352,350, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$75,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

BYRAM TOWNSHIP MAYOR AND COUNCIL

Introduced: 6/6/11

Adopted:

Attest:

Doris J. Flynn, Clerk

James Oscovitch, Mayor

**ORDINANCE NO. - 2011
TOWNSHIP OF BYRAM
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Section 1 Purpose

The Township of Byram is located partially within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the “Planning Area” (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Township of Byram establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality’s Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on November 23, 2009, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2010-6, adopted on September 23, 2010. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as

applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Township of Byram, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 2, 2009, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On September 23, 2010 the Highlands Council adopted Resolution No. 2010-6 approving the Township of Byram's Petition for Plan Conformance. The approval was conditioned upon the Township of Byram's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of Township of Byram, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

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

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

Township of Byram hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council

Resolution No. 2010-6, adopted on September 23, 2010.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Township of Byram may withdraw [that portion of] its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2010-6, will not be binding upon the Township of Byram. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

Section 6 Planning Grants and Technical Assistance

Upon application of Township of Byram, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Township of Byram for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Township of Byram retains the right to withdraw [that portion of] the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MAYOR AND COUNCIL

Introduced: 6/6/2011

Adopted:

Attest:

Doris J. Flynn, Clerk

James Oscovitch, Mayor

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. - 2011**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
BYRAM AMENDING CHAPTER 3 ENTITLED "ADMINISTRATION OF
GOVERNMENT" TO DECREASE THE MEMBERSHIP OF THE RECREATION
COMMITTEE**

Statement of Purpose: The purpose of this ordinance is to amend to Code to decrease the size of the Recreation Commission to seven regular members and two alternate members.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Byram that Chapter 3 in the Byram Township Code entitled "Administration of Government" be hereby revised as follows:

SECTION 1. Section 3-50 entitled "Recreation Committee" is hereby amended as follows:

"§3-50. Recreation Committee.

A. A Recreation Committee, advisory to the manager and Council, is hereby created. It shall have seven members and two alternate members appointed by the Council for staggered three-year terms.

SECTION 2. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; which shall continue in full force and effect; and to this end the provision of this Ordinance are hereby declared severable.

SECTION 3. This ordinance shall take effect in the time and manner as prescribed by law.

BYRAM TOWNSHIP COUNCIL

Attest:

Doris J. Flynn, RMC
Township Clerk

James Oscovitch, Mayor

Introduced: 6/6/2011

Adopted:

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. - 2011**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM AMENDING, UPDATING AND
REPLACING IN ITS ENTIRETY CHAPTER 136 ENTITLED
“THE FLOOD DAMAGE PREVENTION ORDINANCE” OF
THE TOWNSHIP CODE**

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend, update and replace the Flood Damage Prevention Ordinance of the Township to update it to the 2011 requirements of the Federal Emergency Management Agency (FEMA)

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Byram, County of Sussex and State of New Jersey, that Chapter 136 of the Code of the Township of Byram shall be and hereby is amended as follows:

SECTION 1: Chapter 136 entitled “Flood Damage Prevention Ordinance” is hereby amended in its entirety and replaced by the following new Chapter 136:

ARTICLE I - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

136-1 STATUTORY AUTHORIZATION

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

136-2 FINDINGS OF FACT

- A. The flood hazard areas of Township of Byram 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.

136-3 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 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.

136-4 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.

ARTICLE II, DEFINITIONS

136-5 Definitions

- A. 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.
- B. As used in this chapter, the following terms shall have the meanings indicated:

Appeal — A request for a review of the Township of Byram Construction Officials interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO 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 — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

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

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

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

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

Elevated Building — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level 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.

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

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

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.

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.

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.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

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

Historic Structure — Any structure that is:

- (1) 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;
- (2) 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;
- (3) 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
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved State program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in States without approved programs.

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

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

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

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

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

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

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

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

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

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

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

- (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".

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.

ARTICLE III, GENERAL PROVISIONS

136-6 LANDS TO WHICH THIS ORDINANCE APPLIES

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

136-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the areas of special flood hazard for the Township of Byram, Community No. 340557, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. A scientific and engineering report "Flood Insurance Study, Sussex County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- B. Flood Insurance Rate Map for Sussex County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34037C0315E, 34037C0318E, 34037C0319E, 34037C0383E, 34037C0384E, 34037C0391E, 34037C0392E, 34037C0401E, 34037C0402E, 34037C0403E, 34037C0404E, 34037C0406E, 34037C0408E, 34037C0410E, 34037C0411E, 34037C0412E, 34037C0416E; whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 10 Mansfield Dr, Stanhope, New Jersey.

136-8 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, 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 \$1000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Byram from taking such other lawful action as is necessary to prevent or remedy any violation.

136-9 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.

136-10 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.

136-11 WARNING AND DISCLAIMER OF LIABILITY

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

This ordinance shall not create liability on the part of the Township of Byram, 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.

ARTICLE IV, ADMINISTRATION

136-12 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 136-7. Application for a Development Permit shall be made on forms furnished by the Township of Byram Construction Official 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 136-29; and,
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

136-13 DESIGNATION OF THE LOCAL ADMINISTRATOR

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

136-14 PERMIT REVIEW

The Administrator shall:

- A. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of 136-31A are met.

136-15 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

The Administrator shall:

When base flood elevation and floodway data has not been provided in accordance with 136-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer 136-28, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 136-29, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

136-16 INFORMATION TO BE OBTAINED AND MAINTAINED

The Administrator shall:

- 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:
 - [1] verify and record the actual elevation (in relation to mean sea level); and
 - [2] maintain the floodproofing certifications required in 136-12C .
- C. Maintain for public inspection all records pertaining to the provisions of this ordinance.

136-17 ALTERATION OF WATERCOURSES

The Administrator shall:

- 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.

136-18 INTERPRETATION OF FIRM BOUNDARIES

The Administrator shall:

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 136-19 .

136-19 APPEAL BOARD

- A. The Township of Byram Planning Board as established by Mayor and Township Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Township of Byram Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- C. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court, as provided in N.J.S.A. 40:55D-1 et seq.
- D. In passing upon such applications, the Planning Board , shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger to life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) the importance of the services provided by the proposed facility to the community;
 - (5) the necessity to the facility of a waterfront location, where applicable;
 - (6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) the compatibility of the proposed use with existing and anticipated development;
 - (8) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) 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,
 - (11) 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 136-19D and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- F. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

136-20 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 (1-11) in 136-19D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (3) 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 136-19D, or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V, PROVISIONS FOR FLOOD HAZARD REDUCTION

136-21 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required

- A. The Planning Board shall also determine, with the advice and assistance of the Township Engineer, Construction Official and other competent authorities, that:
 - (1) The proposed utilities and facilities, such as water, sewer and electrical systems, are located, elevated and constructed to minimize or eliminate flood damage. These shall include watertight manholes with vents, raised vents, flap valves, etc. Such facilities shall be constructed with overflow elevations two feet above flood level.
 - (2) Drainage is provided to reduce exposure to flood hazards.
 - (3) Watertight doors will be installed.
 - (4) The construction makes use of paints, membranes or mortars to reduce seepage of water through walls.
 - (5) Backfill should be of soils with natural low permeability.

- (6) Eight inches of compacted granular fill is used beneath the ground floor; said fill materials shall act as a french drain.
- (7) No buried fuel oil tanks shall be permitted unless properly anchored and vented, with the vent two feet above the flood level.

136-22 ANCHORING

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured homes 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.
 - (a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.
 - (b) Frame ties shall be provided at each corner of the home, with five additional ties at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) Any additions to the mobile home shall be similarly anchored.

136-23 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.

136-24 UTILITIES

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

136-25 SUBDIVISION PROPOSALS

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals 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 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 development which contain at least fifty (50) lots or five (5) acres (whichever is less).

136-26 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 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.

136-27 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in 136-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in 136-15 USE OF OTHER BASE FLOOD DATA, the following standards below are required.

136-28 RESIDENTIAL CONSTRUCTION

- A. 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 to or above base flood elevation;
- B. Within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

136-29 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: either

- A. Elevated to the level of the base flood elevation; and
- B. Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at

least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- C. Be floodproofed so that below the base flood level 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 136-12C .

136-30 MANUFACTURED HOMES

- A. Manufactured homes shall be anchored in accordance with 136-22B.
- B. 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 flood elevation.
- C. No mobile homes shall be placed in a floodway.

136-31 FLOODWAYS

Located within areas of special flood hazard established in 136-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If 136-31A is satisfied, all new construction and substantial improvements must comply with **ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION**.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 2 Severability

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3 Repealer

All ordinances or parts of ordinances inconsistent with the provision of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4 This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

DATED: _____, 2011

ADOPTED: TOWNSHIP OF BYRAM

By: _____
James Oscovitch, Mayor

By: _____
Doris, Flynn, Township Clerk