



CITY OF LAMBERTVILLE
VOTING SESSION MEETING
MAY 20, 2021, 6:00 P.M.
VIRTUAL MEETING
USING THE ZOOM MEETING PLATFORM
MINUTES

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 6:00 p.m. and she asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record:

This meeting is being held in compliance with the Open Public Meetings Act with the annual notice advertised in the January 11, 2021 Trenton Times, notice was provided to the Hunterdon County Democrat and the Trenton Times, members on the list serve, to department heads, the City Attorney and City Engineer, and the meeting agenda was posted on the Bulletin Board at City Hall, the glass doors of the elevator entrance, and to the City's website at www.lambertvillenj.org.

The meeting agenda provides for action items to the extent known at the time of publication.

This meeting will be recorded using the Zoom meeting platform.

ROLL CALL

The City Clerk called the roll as follows:

Present: Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

Also present: William Opel- City Attorney, Cynthia Ege – City Clerk, Kristina Majeski – Deputy Clerk.

CLOSED SESSION: Authorizing a Closed Session at the May 20, 2021 Session of the Lambertville City Council to Discuss Attorney/Client Issues Related to Contract Negotiation and Updates Related to Ongoing Litigation, Pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

*“Authorizing a Closed Session at the May 20, 2021 Lambertville City Council Meeting to Discuss Attorney/Client Privilege Related to Contract Negotiation and Updates Related to Ongoing Litigation”
Pursuant to: N.J.S.A. 10:4-6 (7)*

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on May 20, 2021, Using the Zoom Meeting Platform, to discuss the following

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matters: *Attorney/Client Privilege Matters Related to Contract Negotiations and Updates Related to Ongoing Litigation, Pursuant to N.J.S.A. 10: 4-12 (7).*

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

ADOPTED:

Mayor Fahl and City Council convened in closed session at 6:02 p.m. with a motion made by Councilman Sanders and seconded by Councilman Stegman. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 6:57 p.m. with a motion made by Mayor Fahl and seconded by Councilman Sanders. An affirmative voice call vote was taken in favor of the motion by all members present. MOTION CARRIED.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Fahl led the public in the Pledge of Allegiance and a moment of silence in honor of those serving in the United States Armed Forces and for those serving on the front lines of COVID.

MARIJUANA ORDINANCE

Councilman Sanders gave a brief update on Ordinance Number 16-2021, An Ordinance of the City of Lambertville, County of Hunterdon, New Jersey, Amending Lambertville's Land Use Regulations to Prohibit All Classes of Cannabis Business with the City to Allow the City More Time and Flexibility in Determining Potential Permitted Uses.

The City Council members have received emails and phone calls regarding this ordinance. After some consideration, the Governing Body decided to hold off on the introduction of the Ordinance to give them more time to understand the position of the members of the public.

MEETING MINUTES

Mayor Fahl asked for a motion to approve the following sets of minutes: April 22, 2021 and May 4, 2021

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

PROCLAMATIONS

Mayor Fahl asked for a motion to approve the following Proclamation:

EAGLE SCOUTS

PROCLAMATION

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WHEREAS, 6% of scouts from the Boy Scouts of America (BSA) achieve the rank of Eagle Scout each year; and

WHEREAS, the 82-year-old Troop 49 is unusual in that all ten of their Eagle Scout candidates will advance in rank as a group; and

WHEREAS, on May 23, 2021 an unprecedented number of 18- and 19-year-old boys from a single Boy Scout Troop (BSA) troop will be awarded the rank of Eagle Scout; and

WHEREAS, each young man receiving this prestigious rank has completed a variety of merit badges as well as community-based Eagle Scout Projects despite of Covid-19 constraints; and

WHEREAS, these eleven Eagle Scouts have been together in Scouting since 2007 where they began as Tiger Scouts in Cub Scout Pack 32, Lambertville, NJ; and their first sleepover event was aboard the *USS Battleship New Jersey* when they were 6-years-old; and

WHEREAS, each Eagle Scout is college bound or already attending college; and

WHEREAS, there has never been an Eagle Scout ceremony of this size on the *USS NJ*. This Eagle Scout ceremony is unusual that there are so many boys advancing in rank en masse as well as holding the ceremony aboard a battleship.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following Eagle Scouts are hereby recognized for achieving the rank of Eagle Scout and congratulated for a job well-done:

The Troop 49: Alex Bauer, Ryan Balog, Matthew Cally, Garrett Christopher, Bailey Claus, Samuel Davis, Seth Geis, Porter Little V, Scott McCloughan, Matthew Young and

Troop 65: Michael Rowe

ADOPTED: May 20, 2021

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

RESOLUTIONS

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

Mayor Fahl asked for a motion to approve Resolution Numbers 77-2021 through 86-2021 as listed on the consent agenda.

RESOLUTION NUMBER 77-2021: *A Resolution to Approve the Sustainable Land Use Pledge;*

RESOLUTION 77-2021

Sustainable Land Use Pledge

WHEREAS, land use is an essential component of overall sustainability for a municipality;

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WHEREAS, poor land use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources;

WHEREAS, well-planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead; and

NOW, THEREFORE, we the City of Lambertville, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Lambertville a truly sustainable community. It is our intent to include these principles in the next master plan revision and to update our zoning accordingly.

I. Facilities Siting – *We pledge*, to the extent feasible, to take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable land-use considerations into account when location their own facilities.

II. Housing Variety – *We pledge*, through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages and walks of life. A variety of housing options, from single family homes to one-bedroom apartments, including housing affordable to people with low, moderate and middle incomes, is vital to allow residents to live and work in a municipality through various stages of their lives.

III. Natural Resource Preservation – *We pledge* to preserve open space and create recreational opportunities within our municipality. As the most-densely populated state in the nation, open space in New Jersey is at a premium. Reserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future. FURTHER, if feasible, *we pledge* to complete a Natural Resources Inventory to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis and land use planning and zoning.

IV. Transportation Choices – *We pledge* to create transportation choices within our municipality by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Given that emissions from transportation, mainly passenger cars, make us the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.

V. Mix of Uses – *We pledge* to use our zoning power to allow for a mix of uses in areas that make the most sense for our municipality and the region. Development is not needed in every municipality. But where development makes sense, land-use patterns that segregate uses such as commercial and residential create an environment where the only feasible mode of transportation is the automobile. Allowing for a mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations.

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VI. **Green Design** – *We pledge* to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting and avoidance of environmentally sensitive features.

VII. **Regional Cooperation** – *We pledge* to reach out to administrations of our neighboring municipalities concerning land use decisions, and to take into consideration their concerns when making regional level land-use decisions. Local land-use decisions can often have regional impacts, even though they are decided exclusively by one municipality. For example, in a large mall built in one municipality can affect traffic and retail opportunities in neighboring towns.

VIII. **Parking Regulations** - *We pledge* to reevaluate our parking requirements with the goal of limiting the amount of required parking spaces and promoting shared parking. In areas where walking, biking, and transit are possible, stringent parking requirements can hinder the goal of creating vibrant centers that have a critical mass or people to support local arts, shopping, and other services. Flexible parking requirements decrease the amount of land dedicated to parking lots, storm water runoff, land clearing, and heat island effects, while promoting transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking. Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

Agenda and Date Voted: May 20, 2021

RESOLUTION NUMBER 78-2021: *A Resolution to Approve the Refund of the Second Quarter Overpayment to Wells Fargo (two properties);*

RESOLUTION NUMBER 78-2021

A Resolution to Approve the Refund of the Second Quarter Over payments to Wells Fargo

NOW THEREFORE BE IT RESOLVED that the refund of overpayment of second quarter taxes paid by Wells Fargo for the following properties is hereby authorized:

Block 1024, Lot 11 in the amount of \$2,197.84

Block 1002.1, Lot 23, in the amount of \$3,143.27

ADOPTED: May 20, 2021

RESOLUTION NUMBER 79-2021: *A Resolution to Authorize the Redemption of a Tax Lien for Block 1069, Lot 7.*

RESOLUTION 79-2021

A Resolution Authorizing the Redemption of a Tax Lien for Block 1069, Lot 7 In the Amount of

\$1,173.37 Plus a Premium in the Amount of \$4,400

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WHEREAS, Tax Lien Certificate 20-00012 issued on Block 1069 Lot 7 was sold then subsequently assigned to Trystone Capital Assets LLC, PO BOX 1030 Brick NJ 08723 on 10/19/2020, and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from mortgage company

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Trystone Capital Assets LLC, PO BOX 1030 Brick NJ 08723 for the redemption of tax lien certificate #20-00012 in the amount of: \$1,173.37

In addition, there is a premium due back to the lienholder in the amount of \$4,400.00

2 checks

- 1- \$1,173.37
- 2- \$4,400.00 (premium)

ADOPTED: May 20, 2021

RESOLUTION NUMBER 80-2021: *A Resolution to Authorize the Redemption of a Tax Lien for Block 1042, Lot 2.*

RESOLUTION NUMBER 80-2021

A Resolution Authorizing the Redemption of a Tax Lien for Block 1042, Lot 5 In the Amount of \$967.88 Plus a Premium in the Amount of \$1,200.00

WHEREAS, Tax Lien Certificate 20-00009 issued on Block 1042 Lot 5 was sold to Mike Graves Investments LLC, 6508 NE 48th Circle, Vancouver, WA 98661 on 10-19-20 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien the property owner.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Mike Graves Investments LLC, 6508 NE 48th Circle, Vancouver, WA 98661 for the redemption of tax lien certificate #20-00009 in the amount of: \$967.88

In addition, the city is holding a premium in the amount of \$1,200.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$967.88

Check 2= for premium= \$1,200.00

ADOPTED: May 20, 2021

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RESOLUTION NUMBER 81-2021: *A Resolution to Authorize the Tax Collector to Prepare and Send out Estimated Taxes for the Third Quarter, 2021.*

RESOLUTION NUMBER 81-2021

**AUTHORIZE TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS
FOR 3RD QUARTER 2021 TAXES**

WHEREAS, N.J.S.A 54:4-66.3, pursuant to Section 3 of P.L 1994 c. 72 and 54:4-66.2, the Council of the City of Lambertville has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills due to the absence of a certified tax rate; and

WHEREAS, the City of Lambertville's Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the City to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Lambertville, County of Hunterdon, State of New Jersey, hereby authorizes that:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City for the third installment of 2021 taxes.
2. The entire estimated tax levy for 2021 is hereby set at \$18,541,175.50. The estimated tax rate for 2021 is hereby set at 2.309.
3. In accordance with law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer for their records.

ADOPTED: May 20, 2021

RESOLUTION NUMBER 82-2021: *A Resolution to Authorize the Refund of Second Quarter Tax Overpayments to Corelogic for the following Properties:*

RESOLUTION NUMBER 82-2021

A Resolution to Authorize the Refund of Second Quarter Tax Overpayments to Corelogic for the for Three Properties

NOW THEREFORE BE IT RESOLVED by the Governing Body, in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following overpayments of second quarter taxes to Corelogic is hereby authorized:

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Block 1035, Lot-30 in the amount of \$2496.40

Block 1096, Lot-11 in the amount of \$2446.98

Block 1005, Lot 26 in the amount of \$363.00

ADOPTED: May 20, 2021

RESOLUTION NUMBER 83-2021: A Resolution to Authorize the Contract with Suburban Consulting Engineering for the 2021 Resurfacing Program in an Amount of \$36,600.00.

RESOLUTION NUMBER 83-2021

A Resolution to Authorize the Contract with Suburban Consulting Engineering for the 2021 Resurfacing Program in an Amount of \$36,600.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the contract with Suburban Consulting Engineering is hereby amended to include engineering fees for the 2021 resurfacing program in a project amount not to exceed \$36,600.00.

ADOPTED: May 20, 2021

RESOLUTION NUMBER 84-2021: A Resolution to Amend the 2021 Meeting Schedule from Virtual Meetings to In-Person Meetings beginning with the June 1, 2021 Work Session.

RESOLUTION NUMBER 84-2021

A Resolution to Amend the 2021 Meeting Schedule from Virtual Meetings to In-Person Meetings beginning with the June 1, 2021 Work Session.

WHEREAS, on March 19, 2020, due to COVID-19, the City of Lambertville postponed the regularly scheduled session; and

WHEREAS, beginning with the April session, the city began holding meetings virtually using the Zoom Meeting Platform; and

WHEREAS, on May 19, 2021, Governor Murphy, relaxed the constraints allowing municipal forms of government to hold in-person sessions with the only stipulation being the requirement of maintaining social distancing; and

WHEREAS, on June 25, 2020, the Governing Body adopted Resolution Number 82-2020 requiring the videotaping of Council meetings during the pandemic.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that beginning with the June 1, 2021 session, the Governing Body will hold all future meetings in-person; and

BE IT FURTHER RESOLVED that the in-person meetings will follow the guidelines set forth by the CDC and as may be outlined in Governor Murphy's orders.

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RESOLUTION NUMBER 85-2021: A Resolution to Authorize the Redemption of a Tax Lien

RESOLUTION NUMBER 85-2021

*A Resolution Authorizing the Redemption of a Tax Lien for Block 1025 Lot 16 In the Amount of \$917.00
Plus a Premium in the Amount of \$3,100.00*

WHEREAS, Tax Lien Certificate 19-00009 issued on Block 1025 Lot 16 was sold to Mike Graves Investments LLC, 6508 NE 48th Circle, Vancouver, WA 98661 on 8-15-19 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien the property owner.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Mike Graves Investments LLC, 6508 NE 48th Circle, Vancouver, WA 98661 for the redemption of tax lien certificate #19-00009 in the amount of: \$917.00

In addition, the city is holding a premium in the amount of \$3,100.00
and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$917.00

Check 2= for premium= \$3,100.00

ADOPTED: May 20, 2021

RESOLUTION NUMBER 86-2021: A Resolution to Amend Resolution Number 06-2021, the Signatures for the Court Account with the Bank of Princeton to Include William Mennen.

RESOLUTION NUMBER 86-2021

A Resolution to Amend Resolution Number 06-2021, the Signatures for the Court Account with the Bank of Princeton to Include William Mennen.

WHEREAS, there is a need to add a second person as a signer on the Municipal Court General Account and Bail Account, and

WHEREAS, William Mennen was appointed the Municipal Court Judge on January 7, 2021; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following amendment to the signatures is hereby approved:

Municipal Court General Account and Bail Account:

Patricia Wozniak, Municipal Court Administrator
William Mennen, Municipal Court Judge

ADOPTED: May 20, 2021

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

RESOLUTION NUMBER 87-2021: A Resolution Establishing the Rules and Procedures for Sparkle Week

Mayor Fahl outlined the proposal for Sparkle Week in August:

- a. Beginning the Sunday before their regularly scheduled garbage pick-up, residents can put garbage and bulk items out to the curb.
- b. If items are not picked-up by Sparkle Pickers, they can choose to either
 - i. Take the item back off the street
 - ii. Purchase a ticket to throw out the item
2. Public Works will red tag items that do not have a permit.
3. The \$250 fine will be imposed for those who do not follow the rules.
4. Public Works may need to work overtime to clear the streets.

RESOLUTION NUMBER 87-2020

A Resolution to Define the Items and Procedure for Sparkle Week for the 2021 Calendar Year

WHEREAS, Sparkle Week has become a treasured event in the City of Lambertville; and

WHEREAS, the Governing Body would like to continue with this tradition and is scheduling the 2021 event for the following dates:

Zone One: Tuesday pick-ups: August 3, 2021
Zone Two: - Wednesday pick-ups: August 4, 2021
Zone Three – Thursday pick-ups: August 12, 2021
Zone Four – Friday pick-ups: August 13, 2021

WHEREAS, the following rules are in place to govern Sparkle Week:

- You can start placing your garbage to the curb the Sunday before your scheduled Sparkle pick-up.
- You cannot place additional items out once your garbage has been picked up.
- Up to 4 forty-pound bags of garbage will be accepted without a fee;
- The official end date for Sparkle Week is August 24, 2021 and a fine of \$250 will be imposed for all unpermitted items placed to the curb.

WHEREAS, participants will need to purchase a Bulk Permit which will be made available through the City's website at www.lambertvillenj.org; and through the City Clerk's Offices through July 30, 2021; and

WHEREAS, the Public Works Department will tag all items that have not been properly paid for with a sticker directing people to the Clerk's Office.

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WHEREAS, the following items will be disposed of at the following fees:

ITEM	Proposed Fees
Plastic bags for furniture	\$5.00
Bathtub	\$50.00
Toilet	\$15.00
Bed Frame	\$10.00
Chair	\$15.00
Couch	\$50.00
Dresser	\$25.00
Headboard/Footboard	\$15.00
Sofa/Love Seat	\$35.00
Mattress or Box Spring	
Single/Twin	\$20.00
Full/Double	\$30.00
Queen	\$40.00
King	\$50.00
Rugs or Carpet Padding	
Smaller than 9 x 12	\$12.00
Larger than 9 x 12	\$24.00
Compactor	\$15.00
Dishwasher	\$15.00
Door	\$15.00
Dryer	\$15.00
Entertainment Center/Armoire, 4-6 Tier Book Shelf	\$35.00
Extra Bags (per bag)	\$7.50
Grill without gas tank	\$15.00
Hopper Load	\$75.00
Shed – Aluminum	\$35.00
Shed – Wooden	\$35.00
Sink	\$15.00
Stove	\$15.00
Various Metals	\$35.00
Various Wood	\$35.00
Washer	\$15.00
Water Heater	\$15.00

WHEREAS, the following items will be picked-up but have limits:

1. Limit two car tires per household,
2. Brush or tree branches must be separated and bundled and nothing larger than 4 inches by diameter,

WHEREAS, the following items will not be picked up by the city:

1. No Clothing,
2. No building construction debris (sheet rock, large pieces of wood, etc.),

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3. No concrete, brick or block,
4. No electronics (televisions, microwaves, monitors, computers, stereos); these may be taken to Hunterdon County. The schedule can be found at the following link: <http://co.hunterdon.nj.us/recycling.html>
5. No paints or oils of any kind; these may be taken to Hunterdon County. The schedule can be found at the following link: <http://co.hunterdon.nj.us/recycling.html>

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to place this on the City's website, post it on the Bulletin Board at City Hall and prior to the scheduled event, send it out through the list serve.

ADOPTED: May 20, 2021

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

BILLS LIST

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

ORDINANCES – FIRST READING

ORDINANCE NUMBER 14-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII, Section 4.7, Parking Restricted for Use by Handicapped Persons, to add a Handicapped Parking Space in Front of 43 Elm Street (south side) and at the Dead End of Swan Street by the Water Company for 40 South Union Street.

Mayor Fahl read the Ordinance into the record by title.

ORDINANCE NUMBER 14-2021

An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 43 Elm Street. And by the Dead End of Swan Street

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space filed by:

Kenneth Nanni on 43 Elm Street, between Union and Main Street, on the south side of the street in front of 43 Elm Street; and

Michael Camerman, 40 South Union Street, at the dead end of Swan Street by the Water Company.

INTRODUCED: May 20, 2021

PUBLIC HEARING AND ADOPTION: June 24, 2021

Mayor Fahl asked for a motion to introduce on first reading Ordinance Number 14-2021. Councilman Sanders made the motion and Councilman Stegman seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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ORDINANCE NUMBER 15-2021: An Ordinance to Amend the Zoning Map, 2015.

Mayor Fahl read the Ordinance into the record by title.

ORDINANCE NUMBER 15-2021

An Ordinance to Amend Zone Line Change and the Zoning Map of the City of Lambertville for Properties Known as Block 1042, Lots 25 and 26

WHEREAS, in 2010, pursuant to Resolution 6-2010, the Planning Board approved a minor subdivision (boundary line adjustment) for the subject lots creating the “flag pole” from Bridge Street to the remainder of lot 26, and

WHEREAS, on June 16, 2015, the City adopted an ordinance to rezone the properties fronting on Bridge Street and Ferry Street to remove the split zoning so that all of the properties fronting on Bridge Street were in the CBD district and all of the properties fronting on Ferry Street were in the R-2 district, and

WHEREAS, the “flag pole” fronting on Bridge Street was zoned R-2 since the majority of lot 26 and the principal use of lot 26 had frontage along Ferry Street, and

WHEREAS, on December 16, 2020, pursuant to 1-2021, the Planning Board approved a minor subdivision (boundary line adjustment) approval to reconfigure lots 25 and 26 such that the “flag pole” was added back to lot 25 and the new common lot line between lots 25 and 26 were adjusted, and

WHEREAS, the minor subdivision approval resulted in two split zoned lots, and

WHEREAS, Condition 7 of the Planning Board approval requires the applicant to apply for a zoning map amendment to remove the split zoning from both lots 25 and 26 as a result of the minor subdivision approval, and

WHEREAS, the applicant submitted an application to rezone lot 25, fronting on Bridge Street, to be entirely within the CBD district and lot 26, fronting on Ferry Street, to be entirely within the R-2 district, and

WHEREAS, the Governing Body introduced the rezoning ordinance on May 20, 2021, and

WHEREAS, the Planning Board members and board professionals recommended the properties in question be rezoned to remove the split zoning on both lots, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF LAMBERTVILLE, in the County of Hunterdon and the State of New Jersey, that the "Zoning Ordinance", of the Code of the City of Lambertville (2014) (hereinafter “Code”) is hereby amended and supplemented as follows:

N 1. Amend Subsection 301, “Zoning Map”, of the Code of the City of Lambertville (2014) to read as follows:

§301 ZONING MAP

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A. The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the City of Lambertville”, dated May 14, 2021 and as it may be amended pursuant to law.
or’s Note: The Zoning Map may be found at the end of this Zoning Ordinance.

B. Zoning Map Amendments.

1.No Change

2.No Change

3.No Change

4.No Change

5.Police Station Redevelopment Zone: An Ordinance to Amend the Zoning Map of the City of Lambertville to create the Police Station Redevelopment Area that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households. The Police Station Redevelopment Zone contains Block 1003, Lot 3.

6.Vaughn Rezoning: An Ordinance to rezone Block 1042, Lots 25 and 26 to remove the split zoning on both lots such that Lot 25, in its entirety, will within the CBD zone and Lot 26, in its entirety, will be within the R-2 zone.

SECTION 2. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Hunterdon County Planning Board, all in accordance with the law.

SECTION 3. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Hunterdon County Planning Board, all in accordance with the law.

INTRODUCED:

May 20, 2021

PUBLIC HEARING AND FINAL ADOPTION: June 24, 2021

Mayor Fahl asked for a motion to introduce Ordinance Number 15-2021 on first reading. Councilwoman Lambert made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present.
MOTION CARRIED.

ORDINANCE NUMBER 16-2021: *An Ordinance of the City of Lambertville in Hunterdon County, New Jersey, Amending Lambertville’s Land Use Regulations to Prohibit All Classes of Cannabis Business Within the City to Allow the City More Time and Flexibility in Determining Potential Permitted Uses.*

No action.

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ORDINANCES – SECOND READING

ORDINANCE NUMBER 08-2021: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIX, Stormwater Management. Reviewed and recommended by the Environmental Commission, the City Engineer, City Planner.*

Mayor Fahl read the ordinance into the record by title.

ORDINANCE NUMBER 08-2021

AN ORDINANCE TO AMEND THE LAMBERTVILLE CITY CODE, CHAPTER Z, ZONING ORDINANCE, ARTICLE XV, STORMWATER MANAGEMENT

§ Z-1500 STORMWATER MANAGEMENT.

[ADDED 4-17-2006 BY ORD. NO. 2006-09; AMENDED 9-15-2015 BY ORD. NO. 23-2015]¹

§ Z-1500.1. Scope and Purpose.

A. Policy Statement.

As municipalities throughout New Jersey are developed, impervious surfaces create increased amounts and rates of stormwater runoff during precipitation events. This runoff picks up large amounts of pollutants that collect on parking lots, roadways, rooftops, and other paved or hardened surfaces, and then flows through stormwater conveyances to our streams, rivers, and beaches. The increased runoff rate and volume also lead to erosion and flooding in and downstream developed areas.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge. Stormwater management measures shall occur with the understanding and acceptance of stormwater as a resource; GI BMPs, LID and non-structural measures shall be tailored to a site and applied wherever and to the maximum extent.

GI BMPs and LID practices not only address stormwater runoff but may also result in multiple benefits, including providing open space and beautifying neighborhoods, cooling and cleansing the air, reducing asthma and heat-related illnesses, and saving on heating and cooling energy costs.

B. Purpose.

The purpose of this § 1500 is to establish minimum stormwater management requirements and controls for major development and to reduce the amount of nonpoint source pollution entering surface and ground waters. This § 1500 guides new development in a manner that is proactive and minimizes harmful impacts to natural resources. The requirements of this ordinance are intended not only to meet but also

¹ Editor's Note: See also the City of Lambertville Stormwater Management Plan dated March 2005 on file at the City Offices.

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exceed the design and performance standards found in the New Jersey Stormwater Management Rules at N.J.A.C. 7:8. The environmental objectives of these requirements are to reduce pollution in waterways from stormwater runoff, reduce flooding and streambank erosion, and enhance groundwater recharge. Specifically, this § 1500 shall:

1. Reduce artificially induced flood damage to public health, life, and property;
2. Minimize increased stormwater runoff rates and volumes;
3. Minimize the deterioration of existing infrastructures that would result from increased rates of stormwater runoff;
4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;
5. Prevent an increase in nonpoint source pollution and improve future water quality;
6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
6. Control and minimize soil erosion and the transport of sediment;
7. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;
8. Maintain adequate baseflow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
9. Protect all surface water resources from degradation; and
10. Protect ground water resources from degradation and diminution.

C. Applicability.

1. This § 1500 shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

- a. Non-residential major developments; and
- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21. The provisions of both this § 1500 and the RSIS are to be applied and reviewed concurrently for any residential major development.
- c. In the case of agricultural or horticultural development that meets the definition of "major development" under N.J.A.C. 7:8, a farm conservation plan that addresses the protection of soil and water resources shall be developed and implemented. Such a plan shall be approved by the Hunterdon County Soil Conservation District.

2. This § 1500 shall also be applicable to all major developments undertaken by the City of Lambertville.

3. This § 1500 does not apply, but the goals here within shall be encouraged, for activities of Hunterdon County, the State of New Jersey and the government of the United States of America when those activities are specifically exempted from municipal regulation by relevant State or Federal law.

D. Compatibility with Other Permit and Ordinance Requirements.

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Development approvals issued for subdivisions and site plans pursuant to this § 1500 are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this § 1500 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This § 1500 shall be construed to assure consistency with the requirements of New Jersey laws and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NJPDES Permits and any amendments or revisions thereto or re-issuance thereof. This § 1500 is not intended to interfere with, abrogate, or annul any other § 1500, rule or regulation, statute, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

§ Z-1500.2. DEFINITIONS. [ORD. NO. 23-2015]

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA CENTER, CORES or NODES

Areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

CATEGORY ONE (C1) WATERS

Waters of the State, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC 14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the anti-degradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources(s).

COMMUNITY BASIN

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in

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accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION

The increase in soil bulk density

CONTRIBUTORY DRAINAGE AREA

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY

The Hunterdon County Planning Board, as designated by the County Board of Chosen Commissioners to review municipal stormwater management plans and implementing ordinance(s).

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGN ENGINEER

A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications. The design engineer shall note his/her education and training specific to stormwater management in the qualification process.

DESIGNATED CENTER

A State Development and Redevelopment Plan Center, such as urban, regional, town, village, or hamlet, as designated by the State Planning Commission.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE

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The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CONSTRAINED AREA

Areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA

An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; well head protection areas; and ground water recharge areas. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at N.J.S.A. 13:20-32k. and 13:20-34a(4).

EMPOWERMENT NEIGHBORHOODS

Neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GREEN INFRASTRUCTURE

A stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

GROUND WATER

A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

"HUC 14" or "HYDROLOGIC UNIT CODE 14"

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An area within which water drains to a particular receiving surface water body, also known as a sub watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

INFILTRATION

The process by which water from precipitation seeps into the soil to a level below the normal root soil of plant species.

LEAD PLANNING AGENCY

One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

LOW IMPACT DEVELOPMENT (LID)

A development approach that uses practices to manage stormwater close to its source that results in or mimics that of natural hydrologic processes in order to preserve hydrologic and ecologic functions of receiving waters, such as preservation of natural landscape features, minimizing impervious surfaces, infiltration, evapotranspiration, or other use of stormwater.

MAINTENANCE PLAN

A document required for all major development projects for stormwater management maintenance. The document shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement).

MAJOR DEVELOPMENT

An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one-half or more acres of land since February 2, 2004;
2. The creation of 5,000 square feet or more of "regulated impervious surface" since February 2, 2004;
3. The creation of 5,000 square feet or more of "regulated motor vehicle surface" since March 2, 2021;
or
4. A combination of 2 and 3 above that totals an area of 5,000 square feet or more. The same surface shall not be counted twice when determining if the combination area equals 5,000 square feet or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

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MAXIMUM EXTENT PRACTICABLE

Compliance with the specific objective to the greatest extent possible taking into account equitable considerations and competing factors, including but not limited to, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement given site-specific environmental conditions, cost and technical or engineering feasibility.

MITIGATION

An action by an applicant -providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this § 1500, and has received a waiver from strict compliance from the municipality. Mitigation, for the purposes of this § 1500, includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan within the same.

MOTOR VEHICLE

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE

Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY

Any city, borough, town, township, or village, but refers specifically to the City of Lambertville in this document.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §1500.4.E.5. of this §1500 and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

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An area designated by the State Planning Commission concentrating facilities and activities that are not organized in a compact form.

NONSTRUCTURAL STORMWATER MANAGEMENT TECHNIQUES

Techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and piped conveyances), such as minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, increasing time of concentration and maintaining and enhancing natural drainage features and characteristics.

NUTRIENT

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of plants, algae and other organisms or vegetation.

NUTRIENT CONCENTRATION

The amount of a nutrient in a defined volume of water (such as milligrams of nitrogen per liter). The relationship between nutrient concentration and nutrient load can vary and depends on the surface water flow, the volume of water in the water body or aquifer, and watershed characteristics.

NUTRIENT LOAD

The total amount of a nutrient such as nitrogen or phosphorus entering the water during a given time, such as "tons of nitrogen per year", or "pounds of phosphorus per day." Nutrients may enter the water from runoff, ground water recharge, point source discharges, or the air (in the form of wet deposition such as rain or snow as well as dry deposition).

PERMEABLE

A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

PERSON

Any individual, corporation, company, partnership, firm, association, City of Lambertville, political subdivision of this State and any state, interstate, or Federal agency subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and non-hazardous pollutants.

POLLUTION

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The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water to the extent that the pollutant concentration or level violates either the Ground Water Quality Standards (N.J.A.C. 7:9C) or the Surface Water Quality Standards (N.J.A.C. 7:9B) of New Jersey.

RECHARGE

The amount of water from precipitation that infiltrates into the ground, and becomes part of a ground water body.

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
3. quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

RETENTION

The storage of runoff indefinitely until it is lost through soil infiltration, evaporation, plant uptake, irrigation, non- potable reuse or any combination of these destinations.

REVIEW AGENCY (MUNICIPAL)

The municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.

SEDIMENT

Solid material, mineral or organic, that is in suspension and is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE

The lot or lots upon which a major development is to occur or has occurred.

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SOIL

All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

SOURCE MATERIAL

Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to raw materials, intermediate products, final products, waste materials, by-products, industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

SPECIAL RESOURCE WATERS

Water bodies receiving special protections due to their drinking water status or role as high-quality habitat for Threatened and Endangered species or species of commercial or recreational importance. This includes waterways so designated through the NJ Stormwater Management Rules (N.J.A.C. 7:8) because of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resource. Waters so designated are protected by a 300-foot buffer extending on either side of the waterway measured perpendicular from top-of-bank or center of channel for waterways lacking a defined top-of-bank.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP

The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management ~~basin~~ BMP may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (a most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE

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Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or ground water recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

The flow of stormwater on or across the surface of the ground, in drainage facilities or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY

A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

STREAM BUFFER

A strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained within a flood plain or floodway or may extend beyond a wetland, floodplain or floodway boundary.

STRUCTURAL STORMWATER TECHNIQUES

A stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

THREATENED AND ENDANGERED SPECIES

Endangered Species are those whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over- exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened Species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, or by the Department pursuant to the Highlands Act at N.J.S.A. 13:20-32k. and 13:20-34a(4).

TIDAL FLOOD HAZARD AREA

A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources.

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In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

TIME OF CONCENTRATION

The time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

TRANSITION AREA

An area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetland's ecosystem. Also called "buffer" area.

"URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD"

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"URBAN ENTERPRISE ZONES"

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. Seq.

"URBAN REDEVELOPMENT AREA"

Previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"WATER CONTROL STRUCTURE"

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE

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

WETLANDS OR WETLAND

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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§ Z-1500.3. GENERAL STANDARDS. [ORD. NO. 23-2015]

A. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be designed to meet the erosion control, ground water recharge, stormwater runoff quantity control and quality treatment standards in § 1500.4, as described in technical guidance documents listed in § 1500.7. As detailed in § 1500.4, to the maximum extent practicable, these standards shall be met by incorporating green infrastructure strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design along with the practicable green infrastructure strategies.

2. The standards in this § 1500 only apply to new major development as defined in this § 1500 and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. When these standards (§ 523) are applicable, they shall be applied in lieu of § 522, Drainage Requirements, of the City's Zoning Ordinance.

§ Z-1500.4. STORMWATER MANAGEMENT REQUIREMENTS. [ORD. NO. 23-2015]

A. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To the maximum extent practicable, the standards in paragraphs C, D, and E shall be met by incorporating green infrastructure measures set forth in this § 1500.4 into the design. The applicant shall identify the green infrastructure measures incorporated into the design of the project. Documentation of the use of stormwater management measures shall require the preparation by the applicant of the NJDEP Low Impact Development Checklist and provide testimony. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any or only specific green infrastructure stormwater management measures identified in paragraph A.2 below into the design of a particular project, the applicant shall identify the strategy or strategies considered and provide a basis for the contention. In both cases, the applicant bears the burden of proving any impracticability.

3. To satisfy the groundwater recharge and stormwater runoff quality standards at § 1500.C and E, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 1500.E. and/or an alternative stormwater management measure approved in accordance with § 1500.C The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres

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Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

4. To satisfy the stormwater runoff quantity standards at § 1500.D, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 1500.C.

5. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 1500.H is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 1500.E may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 1500.4 C, D, and E.

6. The New Jersey Stormwater Best Management Practices Manual provides guidance and qualitative assessment called the Low Impact Development Checklist for green infrastructure BMP's that shall be used to describe the measures proposed by the applicant.

B. Erosion Control

1. For major development projects the minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules. While the trigger to submit an Application for Soil Erosion and Sediment Control Plan Certification is 5,000 square feet, there may be instances, such as with steep slopes, where a lower threshold has merit. In the case where slopes exceed 15% as defined by the City's Steep Slope Ordinance, and a 150 square feet area is proposed to be disturbed, an Erosion Control Design must accompany the application.

C. Onsite Retention and Groundwater Recharge Standards

1. The minimum design and performance standards for onsite retention and ground water recharge are as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff, onsite retention, and ground water recharge calculations in § 1500.5B, the following criteria that results in the greatest infiltration volume :

a. Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains 100% of the site's pre-developed average annual ground water recharge volume;

b. Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's projected stormwater runoff volume produced by the two-year, twenty-four-hour storm from pre-developed to post-developed conditions is fully infiltrated ; or

c. Demonstrate through hydrologic and hydraulic analysis that the onsite retention volume of 1.0

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inches over all impervious surfaces is infiltrated or retained onsite.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below

4. The following two types of stormwater runoff shall not be recharged:

a. Stormwater runoff from areas of high pollutant loading. High pollutant loading areas are: 1) areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; 2) areas where pesticides are loaded/unloaded or stored; 3) areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; and 4) areas where recharge would be inconsistent with a Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

b. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

5. Where the onsite retention volume cannot be infiltrated, reused or evapotranspired, the onsite retention volume shall be slow released at a rate of not more than 0.02 cfs per acre of drainage area to mimic receiving water groundwater discharge flow. The retention volume shall be released within 72 hours.

6. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess and certify the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to, raising the groundwater table so as to cause surface ponding, flooding of basements and other subsurface facilities, and interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity of a ground water recharge measure.

D. Stormwater Runoff Quantity Standards

1. The minimum design and performance standards for the control of stormwater runoff quantity are as follows:

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 1500.5, complete one of the following:

a. Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the two-, ten-, and 100-Year storms do not exceed, at any point in time, the site's pre-developed runoff hydrographs for the same storms;

b. Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions: 1) there is no increase in pre-developed stormwater runoff rates from the project site for the two-, ten-, and 100-Year storms; and 2) any increased stormwater runoff volume or change in stormwater runoff timing for these storms will not increase flood damage at or downstream of the project site. When performing this

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analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances.

c. Design onsite stormwater management measures so that the peak post-developed stormwater runoff rates from the project site for the two-, ten- and 100-Year storms are 50%, 75% and 80%, respectively, of the site's peak pre-developed stormwater runoff rates. Peak stormwater outflow rates for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. The percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application provided that such areas are: 1) protected from future development by conservation easement, deed restriction, or other acceptable legal measures or 2) would be subject to review under these standards if they are proposed for any degree of development in the future.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

E. Stormwater Runoff Quality Standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of 5,000 square feet or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

a. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

b. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm shall be 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

5. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 1500.4A, C, D, and E. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable

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of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.

6. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

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Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

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Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
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Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section §1500.4.A.3;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

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- (g) manufactured treatment devices that meet the definition of green infrastructure at §1500.2;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at §1500.2.

7. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 1500.6. Alternative stormwater management measures may be used to satisfy the requirements at § 1500.4A only if the measures meet the definition of green infrastructure at § 1500.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 1500.4A are subject to the contributory drainage area limitation specified at § 1500.4A for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 1500.4A shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 1500.4H is granted from § 1500.4A.

Table 4 Water Quality Design Storm Distribution					
Time (Minute s)	Cumulati ve Rainfall (Inches)	Time (Minute s)	Cumulati ve Rainfall (Inches)	Time (Minute s)	Cumulati ve Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434

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10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434

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37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

8. If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B - (AXB)/100$, where

R = total TSS percent load removal (expressed as a whole number) from application of both BMPs, and

A = the TSS percent removal rate (whole number) applicable to the first (upstream) BMP

B = the TSS percent removal rate (whole number) applicable to the second (downstream) BMP

In cases where three (or more) BMPs are used in series, the applicant shall calculate the TSS reduction for the two most upstream BMPs in the series using the above formula, then substitute the result (R) of that calculation in the formula for "A" when calculating the combined result with the next BMP in the series.

9. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 1500.4A, C, D, and E shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

10. Stormwater management measures shall also be designed to reduce, to the maximum extent practicable, the post- construction nutrient load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent practicable, the design of the site shall include green infrastructure measures that optimize nutrient removal while still achieving the performance standards in § 1500.4A, C, D, and E. This standard may be superseded by a more stringent numeric effluent limitation imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Daily limits for nutrient loading (TMDL) may apply to the site development based on conditions of regulatory approvals.

11. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One (C-1) waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area, and all perennial or intermittent streams. An applicant shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

a. C-1 Corridors. The applicant shall preserve and maintain a riparian zone around C-1 corridors in accordance with the following:

(1) A 300-foot riparian zone shall be provided on each side of the waterway, measured perpendicular

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to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.

(2) All stormwater shall be discharged outside of and flow through the riparian zone and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (applies to both C-1 and local stream corridors)

(3) If stormwater discharged outside of and flowing through the C-1 special water resource protection area cannot comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the riparian zone, provided that:

(a) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(b) Stormwater discharges allowed by this section shall achieve a 95% TSS post-construction removal rate;

(c) Thermal pollution by stormwater discharges shall be addressed to ensure no significant increase or decrease in temperature occurs in the receiving waterway outside of the mixing zone;

(d) The encroachment shall only be allowed where the applicant demonstrates to the satisfaction of the review agency that the ecological value and condition of the riparian zone will be maintained to the maximum extent practicable;

(e) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(f) All encroachments proposed under this section shall be reviewed and approved by the Department prior to approval by the review agency.

(4) A stream corridor protection plan for a waterway subject to paragraph E.11 shall maintain or enhance the current ecological value and condition of the riparian zone as defined in paragraph E.11 .a(1) above.

(5) Paragraph E.11 does not apply to the construction of one individual single family dwelling that is not part of a larger development and is on a lot receiving preliminary or final site plan approval on or before prior to December 3, 2018. (applies to both C-1 and local stream corridors).

(6) Encroachment within the designated 300-foot riparian zone under paragraph E.11 .a(1) above shall only be allowed where previous development or disturbance has occurred (for example, pre-existing active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates to the satisfaction of the review agency that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. Waivers and requests for encroachments from the buffer requirements applicable to C-1 waters as defined in N.J.A.C. 7:9B cannot be granted by any local board or official, but, as required by State law, can only be sought and obtained from the New Jersey Department of Environmental Protection.

b. Local Stream Corridors. Applicants proposing development on properties abutting waters and watercourses which are not designated as Category One (C-1) but constitute permanent freshwater streams and classified as FW1 or FW2 pursuant to N.J.A.C. 7:9B-1.4 shall be designed to prevent any increase in stormwater and meet the following criteria:

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(1) Preserve and maintain a City of Lambertville stream corridor on each side of the waterway, of 75 feet, measured perpendicular to the waterway from the top of bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing structures, vegetation or vegetation allowed to follow natural succession is provided.

(2) Applicants must comply with paragraphs 1500.4-E.11 .a(2) and a(5) above.

(3) A waiver to permit encroachment within the designated riparian zone as defined above shall be allowed where the applicant can show that previous development or disturbance has occurred (for example, active residential use, parking, accessory structure or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the local special water resource protection area will be maintained to the maximum extent practicable. All encroachments proposed under this subparagraph shall be subject to review and approval by the City of Lambertville Board having jurisdiction over the application.

12. Provide other source controls to prevent or minimize the use, exposure and/or mobilization of pollutants and prevent or minimize the release and transport of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

- a. Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy paragraph 12.c below;
- b. Site design features that help to prevent discharge of trash and debris from drainage systems;
- c. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- d. When establishing vegetation after land disturbance, application of fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules. Prior to applying fertilizer, soil tests must be conducted onsite to determine the type of fertilization necessary.

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres

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Small-scale Sand Filter	2.5 acres
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e. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 1500.4, unless the project is granted a waiver from strict compliance in accordance with Section 1500.4.

F. Maintenance Plan.

The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 1500.11.

G. Exemptions.

The following linear development projects are exempt from the ground water recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 1500.4A, C, D, and E:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is constructed of permeable material such as wood chips, unpacked gravel, and porous pavement (See § 1500.9 for guidance).

H. Waivers from Strict Compliance.

1. A waiver from strict compliance with the ground water recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 1500.4A, C, D, and E may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- a. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
- b. The applicant demonstrates, through an alternatives analysis acceptable to the review agency, that through the use of stormwater management measures, the option selected complies with the requirements of § 1500.4A, C, D, and E to the maximum extent practicable;
- c. The applicant demonstrates that, in order to meet the requirements of § 1500.4A, C, D, and E, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- d. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under paragraph F.1.c above within the

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upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 1500.4A, C, D, and E that were not achievable on-site.

2. A waiver from strict compliance with the requirements of § 1500.4A, C, D, and E may be issued only in those cases where an applicant has demonstrated the inability or impracticality of strict compliance, other than projects addressed under paragraph F.1, with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, whichever is stricter. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure meeting the policy contained in § 1500.15 of this section and Section 6.0 of the City of Lambertville Municipal Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical within the same HUC-14 watershed within which the subject project is proposed, or contribute funding toward a regional stormwater control project, or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site. See § 1500.15, Mitigation Plan, for further details.²

I. Threatened and Endangered Species.

When habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle) (see also definition for Environmental Critical Areas in § 1500.2), is present on a site, stormwater management measures shall be implemented to avoid adverse impacts caused by pollutant discharge, the creation of concentrated flow, or the alteration of recharge. Applicants should consult the City's Environmental Resource Inventory for technical information.

J. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 1500.4 O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 1500.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

K. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 1500.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or

² The Stormwater Management Plan can be found on file at the City Offices.

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replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

L. Any application for a new agricultural development that meets the definition of major development at Section 1500.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 1500.4A, C, D, and E and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

§ Z-1500.5. CALCULATION OF STORMWATER RUNOFF, ONSITE RETENTION, AND GROUND WATER RECHARGE.

[ORD. NO. 23-2015]

A. Stormwater Surface Runoff Calculations.

1. In complying with the design and performance standards in § 1500.4, the design engineer shall calculate stormwater runoff using one of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation, NRCS Dimensionless Unit Hydrograph, and appropriate NRCS Twenty-Four-Hour design storm, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in [Technical Release 55 — Urban Hydrology for Small Watersheds \(TR-55\), dated June 1986](#) or superseding document; or at United States Department of Agriculture Natural Resources Conservation Services, 220 Davison Avenue, Somerset, New Jersey 08873; or

b. The Rational Method for peak stormwater runoff rate calculations and the Modified Rational Method for stormwater runoff hydrograph calculations. Use of the Rational Method and Modified Rational Method are limited to drainage areas of two acres or less. Neither the Rational Method nor Modified Rational Method shall be used to calculate runoff volumes for ground water recharge or stormwater runoff infiltration purposes. The Intensity-Duration-Frequency curves determining the rainfall rates in inches per hour for the Rational Method must be taken from NOAA - National Weather Service. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. When selecting or calculating runoff coefficients for pre-developed project site conditions using any of the above methods, the project site's land cover shall be assumed to be woods with good hydrologic condition. However, another land cover may be used to calculate runoff coefficients if: 1) such land cover has existed at the site or portion thereof site without interruption for at least two years immediately prior to the time of application; and 2) the design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records. If more than

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one land cover other than woods has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations. All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have applied appropriate conservation practices. The term "runoff coefficient" applies to both the NRCS methodology above at § 1500.5A.1.a and the Rational and Modified Rational Methods at § 1500.5A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows and culverts, that reduce pre-developed site stormwater runoff rates and/or volumes.

4. In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate twenty-four-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration.

5. In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area.

6. Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step methodology as described in the Department's current Stormwater Best Management Practices Manual or the NRCS methodology described in the current Technical Release 55 – Urban Hydrology for Small Watersheds.

7. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Ground Water Recharge Calculations.

1. In complying with the design and performance standard in § 1500.4, the design engineer-professional hydrogeologist may calculate ground water recharge in accordance with The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the [New Jersey Stormwater Best Management Practices Manual](#) or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420

2. Field testing is required to derive values for permeability (hydraulic conductivity). Field methodologies that are applied should be as per N.J.A.C. 7:9A-6.4 through 7:9A-6.7.

C. Onsite Retention Volume

Onsite retention volume shall be calculated as the prescribed depth of precipitation over all impervious surfaces proposed as part of a major development.

Onsite retention volume (ft³) = Precipitation Depth (in) x (1 ft/12 in) x Impervious Area (ft²)

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§ Z-1500.6. STANDARDS FOR STRUCTURAL STORMWATER MANAGEMENT MEASURES.

[ORD. NO. 23-2015]

A. Structural Management Measures Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to factor into the design the existing site conditions which may cause the measure to fail, have an adverse effect on water quality or quantity, or cause harm or damage to persons or property, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability and texture; drainage area and drainage patterns; and significant land filling.

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 1500.9B. All structures must be reviewed and approved by the Planning Board and/or the City Public Works Director for compliance with this section.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement. The measures are to be sequenced in the site development process so that erosion control standards are met and so the measure is not compromised or impaired by construction runoff.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 1500.9.

6. Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

B. Guidelines for Management Measures.

Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual and other documents as described in § 1500.9. Other stormwater management measures may be utilized provided the design engineer demonstrates to the satisfaction of the review agency that the proposed measure and its design will accomplish the required water quantity, ground water recharge, retention and water quality design and performance standards established by § 1500.4.

C. Manufactured Treatment Devices.

1. Manufactured treatment devices may be used to meet the requirements found in § 1500.4, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department and the applicant has made a record that non-structural techniques are infeasible for the site in question.

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2. Non-verified manufactured treatment devices may also be used for purposes other than underground discharge of stormwater, where such devices provide a clear benefit to stormwater quality or flow control in a manner that facilitates improved nonstructural stormwater management controls on the site, or avoids the need for approval of off-site mitigation. Such devices may be beneficial as pretreatment to aboveground stormwater management systems. The benefits of proposed non-verified manufactured treatment devices must be proved to the satisfaction of the review agency.

3. Manufactured treatment devices may be used only where the maintenance plan required by § 1500.11 ensures that the manufactured device will be properly maintained for its functional lifespan and will be replaced as needed with management measures that are at least as effective as the original manufactured treatment device working in accordance with manufacturers specifications.

§ Z-1500.7. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ Z-1500.8. SOLIDS AND FLOATABLE MATERIALS CONTROL STANDARDS.

A. Site design features identified under § 1500.4.E.6 above, or alternative designs in accordance with § 1500.4.E.7 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 1500.8.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and

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stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(1) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

(2) A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ Z-1500.9. SAFETY STANDARDS FOR STORMWATER MANAGEMENT BASINS.

A. General Scope.

This § 1500.9 sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This § 1500.9 applies to any new stormwater management BMP.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in the outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings to ensure proper functioning of the structural stormwater management measure in accordance with the following:

a. The trash rack should be constructed primarily of bars aligned in the direction of flow with a maximum bar spacing of approximately 1/2 the diameter or width of the hydraulic opening it is protecting, with no space greater than six-inches between the bars.

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b. The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.

c. The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs.

2. An overflow grate is a device intended to prevent obstruction to the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no more than two inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. Structural stormwater management measures shall include escape provisions as follows:

a. If a stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.

b. Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See § 1500.9D for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum slope of the interior and exterior of an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical in accordance with N.J.A.C. 7:8-6.2(c)3.

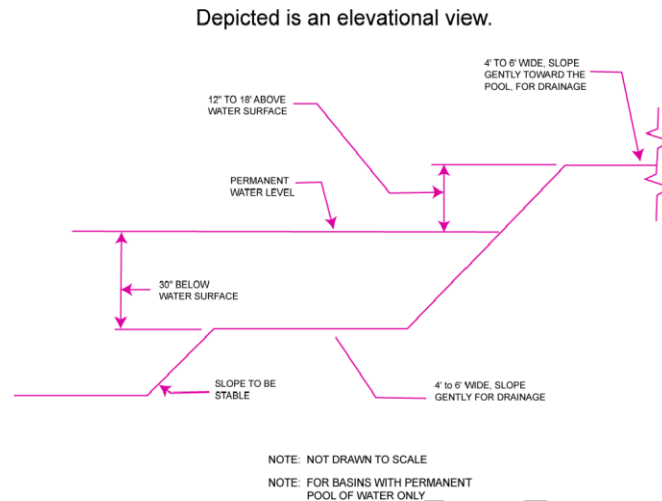
d. An emergency drawdown method for detention basins is required where the permanent pool will be more than 2 1/2 feet deep. This drawdown method must consider downstream or offsite stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

C. Variance or Exemption from Safety Standards.

1. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

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- D. Safety Ledges in a New Stormwater Management Basin. Figure 1.
Depicted is an elevational view.



§ Z-1500.8- 10 REQUIREMENTS FOR A SITE DEVELOPMENT STORMWATER PLAN.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this § 1500, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 1500.10c below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate through paragraph C., Submission Requirements, that the project meets the standards set forth in this § 1500.
3. The applicant shall submit to the approving municipal authority the required number of copies of the materials listed in the checklist for site development stormwater plans in accordance with § 1500.10C of this section.

B. Site Development Stormwater Plan Approval.

The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought (the review agency). That review agency shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this § 1500.

C. Submission Requirements.

The information in § 1500.10C.1 through C.7 below shall be provided unless a waiver is approved through § 1500.10C.8 below:

1. Existing Site Conditions Topographic Base Map (including topography, streams, roads and current built environment).

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The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale appropriate to show site details, showing two-foot contour intervals. The following additional elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:

a. Hydrology.

(1) Perennial or intermittent streams as shown on the USGS 7.5 Minute Quadrangle Maps and as indicated in the Soil Survey of Hunterdon County, New Jersey.

(2) Special water resource protection areas along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys.

(3) Wetlands, NJDEP Linear Non-Tidal Wetlands, Marshlands and NJDEP Letter of Interpretation findings.

(4) FEMA Q3 Flood Data 100-Year-Floodplains and Floodways.

(5) Geometry of on-site drainage areas.

b. Boundaries and Buffers.

(1) Appropriate buffers to streams, rivers, wetlands, marshlands, ponds, lakes and other water bodies as specified in pertinent ordinances, rules, regulations, statutes or other provisions of law imposed by local, County, State or Federal agencies.

(2) Existing and proposed bearing and distances of property lines.

(3) Existing and proposed conservation, maintenance, construction, reconstruction, sight, utility, drainage and right-of way easements and dedications.

c. Vegetation and Landscaping.

(1) Pervious and vegetated surfaces, i.e., woodlands, grasslands and other significant natural features not listed if being utilized for LID credit.

(2) Native and invasive stands of vegetation.

(3) Vegetated habitat for Threatened and Endangered Species.

d. Geology and Soils (as indicated in the Soil Survey of Hunterdon County, New Jersey).

(1) Steep slopes, 10% or > slopes.

(2) Soil types.

(3) Highly erodible soils, with an erodibility factor (K) of 0.40 or <.

(4) Drainage Class and recharge potential.

(5) Colloidal soils.

(6) Depth to bedrock.

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- (7) Seasonal high water table.
- (8) Soils subject to dynamic compaction and compacted soils.
- (9) Soil pH.
- (10) Shrink swell potential.
- (11) Deeply fractured bedrock.
- (12) Hardpans and plough pans.
- e. Existing Man Made Structures and Activities.
 - (1) Existing buildings and significant permanent manmade features.
 - (2) Roads by classification, parking areas and other impervious surfaces.
 - (3) Bridges and culverts.
 - (4) Utilities, sub-surface and above ground.
 - (5) Mining/quarry operations and blasting areas.
 - (6) Acid or other hazardous runoff.
 - (7) Areas of fill and buried debris.
 - (8) Wellheads and associated ground water withdrawals pipes, discharges and BMP's of existing stormwater utilities.
 - (9) Groundwater mounding.
 - (10) Septic systems and wells of adjacent lots.
 - (11) Leaking sanitary lines.
 - (12) Previous land use (agricultural, industrial, commercial).
- 2. Environmental Site Analysis.

A written and graphic description of the natural and man- made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally critical areas and to those that provide particular opportunities or constraints for development. The applicant should consult the City's Environmental Resource Inventory, DEP websites and other pertinent sources of local data. Incorporation of nonstructural strategies demonstrates adherence to a low impact development (LID) approach. The written description should include a list of the following nonstructural strategies (1500.10.C.2.i-ix), with a clear yes/no indication of if the strategy was included in the plan and brief description:

- i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment lost;
- ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- iii. Maximize the protection of natural drainage features and vegetation;

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- iv. Minimize the decrease in “time of concentration” from pre-construction to post-construction. “Time of concentration” is defined as the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed;
- v. Minimize land disturbance including clearing and grading;
- vi. Minimize soil compactions;
- vii. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
- ix. Provide other source controls in order to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
 - 1. Site design features that help to prevent accumulation of trash and debris in drainage systems;
 - 2. Site design features that help to prevent discharge of trash and debris in drainage systems;
 - 3. Site design features that help prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - 4. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Project Description and Site Plan(s).

A map (or maps) at a scale appropriate for the site indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Stormwater Site Planning and Design Summary. This plan shall provide a demonstration of how the goals and standards of Sections 1500.3 through 1500.6 are being met, including both nonstructural and structural approaches. The focus of this plan shall be to describe how the site is being managed or developed to meet the objective of controlling ground water recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible. Refer to the Municipal Stormwater Management Plan and/or the Municipal Stormwater Pollution Prevention Plan for additional requirements. It should explain in full the maps required by this section.

5. Stormwater Management Facilities Map(s). The following information, illustrated on a map at a scale appropriate for the site, shall be included:

- a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, land area to remain in natural vegetation, and details of the proposed plan to infiltrate, manage, control and dispose of stormwater.

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b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention, and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

a. Comprehensive hydrologic and hydraulic design and discharge stability calculations for the pre-development and post-development conditions for the design storms specified in Section 1500.4 of this ordinance.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure. The municipality shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the major development, post-construction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standard, to ensure that they were properly constructed.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 1500.11.

8. Waiver from Submission Requirements. The review agency may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 1500.10C.1 through C.6 when it can be demonstrated that the information requested is impossible to obtain or it would create a significant economic hardship on the applicant to obtain and its absence will not materially affect the review process.

§ Z-1500. 11. MAINTENANCE AND REPAIR. [ORD. NO. 23-2015]

A. Applicability.

1. Projects subject to review pursuant to § 1500.1C of this section shall comply with the requirements of § 1500.11B and C.

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. This plan shall be separate from all other documents and designed for ongoing use by the site owners or operators in performing and documenting maintenance and repair, and by the municipality in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the municipality post-construction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.

2. The maintenance plan shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal and disposal; safety needs; identification of methods and disposal sites for materials removed during maintenance; maintenance requirements for created wetlands and other ecological systems; safety devices and systems; warranty and operational standards from the manufacturers of any manufactured treatment devices (See § 1500.6C); and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement), using maintenance guidelines for stormwater management measures from Section 6 of the Municipal Stormwater Management Plan, Municipal Stormwater Pollution Prevention Plan and any relevant regional stormwater management plan. The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and

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other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for continuing maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

4. If the person responsible for maintenance identified under paragraph B.2 above is not a public agency, the maintenance plan and any future revisions based on paragraph B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventive and corrective maintenance shall be performed to maintain the function of the stormwater management measures, including, but not limited to, repairs or replacement to the structures; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non- vegetated linings.

6. The person responsible for maintenance identified under paragraph .B.2 above shall maintain a detailed log of all preventive and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under paragraph B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under paragraph B.2 above shall retain, submit annually to the municipality and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by paragraphs B.6 and B.7 above. The report should be submitted to the Lambertville City Clerk by March 15th of every year that certifies the completion of maintenance responsibilities for the prior year.

9. The requirements of paragraphs B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency of competent jurisdiction.

10. In the event that the stormwater management facility becomes a danger to public safety or public health or is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the City or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this § 1500.11 shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A.

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D. The maintenance plan shall specifically provide a specific municipal right of access for inspection of measures, and for maintenance if required under paragraph B.9.

E. The person(s) identified in paragraph B.2 above for the long term maintenance of the facility shall cause to be prepared and submit a report to the Lambertville City Clerk by March 15th of every year that certifies the completion of maintenance responsibilities for the prior year. The responsible party shall allow a representative of the City to inspect the stormwater management facilities.

§ Z-1500.12. PENALTIES.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine or imprisonment in accordance with Section 900 of the Lambertville Subdivision Ordinance, Section 1000 of the City Zoning Ordinance, and all applicable sections of the municipal code of the City of Lambertville. In accordance with the aforementioned codes and ordinances, in the event the City determines to abate any violation after the owner thereof has been notified to abate the violation and fails or refuses to do so, the City, upon completing the abatement, shall be entitled to a lien upon the property on which the violation took place, in the amount of the funds expended by the City in conducting the abatement work, which shall run with the property until satisfied in full, with interest, as provided in State law for abatement of nuisances.

§ Z-1500.13. EFFECTIVE DATE. [ORD. NO. 2006-09 ADOPTED 4-17-2006]

This § 1500 shall take effect immediately upon the approval by the County Review Agency, or 60 days from the receipt of Ordinance No. 2006-09 by the Hunterdon County Planning Board if the Hunterdon County Planning Board, as county review agency, should fail to act.

§ Z-1500.14. SEVERABILITY.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this § 1500 shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this § 1500.

§ Z-1500.15. MITIGATION PLAN.

The Board having jurisdiction over an application requiring a stormwater management plan shall have the jurisdiction to grant a waiver from strict compliance with the performance requirements of this § 1500 or the Stormwater Management Plan. The waiver may be granted where an applicant has demonstrated the inability or impracticality of strict compliance with § 1500, and/or the Stormwater Management Plan upon the following conditions. The applicant must demonstrate one of the following: (1) an inability to apply any of the Best Management Practices and methodologies as defined and approved herein and in the Stormwater Management Plan, due to an extraordinary and exceptional situation uniquely affecting the subject property or the structures thereon, resulting in a peculiar and exceptional practical difficulty or undue hardship; or (2) that the purposes of this § 1500 and Stormwater Management Plan can be advanced by a deviation from the Best Management Practices and methodologies as defined and approved herein and in the Stormwater Management Plan, where the benefits of such deviation substantially outweigh any detriment.

In requesting a waiver as to any application, the applicant may submit as reasons for the waiver the site conditions of the proposed project, including soils types; thin soil cover; low permeability soils, and/or

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shallow depths to groundwater (high groundwater levels), unique conditions which would create an unsafe design, or conditions which would provide a detrimental impact to public health, welfare or safety.

The waiver cannot be granted due to conditions created by the applicant. If the applicant can comply with the requirements of

§ 1500 and the Stormwater Management Plan through reduction of the size of the project, the hardship is self-imposed and the Board lacks jurisdiction to grant any waiver under this section.

The applicant must propose a suitable mitigation method through submission of a mitigation plan which will conform as closely as possible to the design and performance standards of this § 1500, through structural or non-structural stormwater management measures, governing stormwater quality, quantity, and groundwater recharge.

The mitigation plan shall include sufficient data and analyses, including an alternatives analysis, which demonstrate how on-site compliance is to be maximized.

The mitigation plan must provide stormwater management results compatible with the same HUC-14 watershed within which the subject project is proposed. Alternatively, the mitigation plan may (1) provide for funding toward an offsite or regional stormwater control project, if available and practicable, or (2) fund an analysis to determine a more appropriate mitigation method to be presented to the Board for approval; or (3) provide for equivalent treatment at an alternate location, or (4) provide some other equivalent water quality benefit, if an on-site method is not proposed, provided the results required herein are achieved.

The applicant shall be responsible for locating an appropriate site for mitigation of the performance section for which the waiver is sought.

The funding option shall be allowed only in situations where there will be no immediate impact upon a sensitive receptor. Contribution to a regional, municipal or offsite mitigation plan shall be allowed for any application for one individual single-family residence. When approved by the Board, receipt of the financial contribution shall be deemed to satisfy the mitigation requirement for that application.

The Board having jurisdiction over the individual application may determine that, due to the size of the project necessary to mitigate for the waiver, it is not practical to require a mitigation project.

In all instances the Board having jurisdiction over the application shall have the power to impose additional conditions as may be appropriate under the circumstances of the application. The Board shall make specific findings of fact and conclusions consistent with this section (1) showing the inability or impracticality of strict compliance with § 1500 and the Stormwater Management Plan and (2) justifying the approval of the applicant's mitigation plan, in order to satisfy the reporting requirements of the municipality's NJPDES permit and other applicable state law requiring the submission of reports to any state or county review agency. The Board shall also have the power to require mitigation as to applications which have received waivers from the New Jersey Department of Environmental Protection.

For purposes of this § 1500, "Mitigation" shall incorporate the definition set forth in § 1500.2 and shall include situations where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8 in addition to the requirements set forth in this § 1500.

INTRODUCTION AND FIRST READING: March 18 2021

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PUBLIC HEARING AND SECOND READING: May 20, 2021

Mayor Fahl opened the public hearing for Ordinance Number 8-2021.

Mayor Fahl asked for Council questions or comments.

There being no Council questions or comments, Mayor Fahl asked for public questions or comments. There being no questions or comments from the public, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 8-2021. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 8-2021. Councilman Stegman made the motion and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present.

ORDINANCE NUMBER 09-2021: *An Ordinance to Amend the Lambertville Land Use Ordinances, Section 510, Landscaping. As recommended by the Planning Board. At the March 3, 2021 Session.*

Mayor Fahl read the ordinance into the record by title.

ORDINANCE NUMBER 09-2021

An Ordinance to Amend the Lambertville Land Use Code, Chapter Z Zoning Ordinance, Section 510, Landscaping

WHEREAS, Lambertville Goes Wild, the Shade Tree Commission and the Environmental Commission determined that the City's Landscape Ordinance needed to be revised; and

WHEREAS, the Lambertville Goes Wild, the Shade Tree Commission and the Environmental Commission collectively drafted the herewith proposed revised ordinance to include landscape-related definitions and amend Section Z-510 Landscaping; and

WHEREAS, the City Council of the City of Lambertville introduced the revised Landscape Ordinance on March 18, 2021; and

WHEREAS, the Planning Board has determined that the revised Landscape Ordinance is consistent with the goals and objectives of the City of Lambertville's 2009 Re-examination of the Master Plan on May 5, 2021; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the City Council of the City of Lambertville held a public hearing on the revised Landscape Ordinance on May 20, 2021; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, in the County of Hunterdon and the State of New Jersey that the "Zoning Ordinance", of the Code of the City of Lambertville (2014) (hereafter "Code") is hereby amended and supplemented as follows:

SECTION 1: Section Z-201 Definitions of the Zoning Code of the City of Lambertville shall be supplemented and amended to include the following definition

APPROPRIATE NATIVE VEGETATION

Indigenous vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site.

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CALIPER

A measurement of the size of a tree equal to the diameter of the trunk six (6) inches from the root ball.

COMMUNITY GARDEN

A public or community use area intended for the purposes of gardening.

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COMMUNITY PLAY AREA

Public use areas, including school and athletic fields, composed of predominantly turfgrass intended for use for recreational purposes.

ENDANGERED PLANT

Any plant species which is in danger of extinction throughout all or a significant part of its range.

INVASIVE PLANT

A plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those plants recognized by the New Jersey Department of Environmental Protection and those on the most recent New Jersey Invasive Species Strike Team "Do Not Plant List."

LANDSCAPED AREA

The entire parcel less the building footprint, driveway, paved areas of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas.

LANDSCAPING

Any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

NATIVE PLANT

Those species of indigenous plants occurring within the state prior to European contact, according to best scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape.

NATURAL COMMUNITY

A distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment.

NATURAL AREA

An area on a site that contains natural vegetation and that will be undisturbed during development and will remain undisturbed when the property is fully developed

TREE

A self-supporting woody plant having a single trunk or a multi-trunk of lower branches, growing to a mature height of at least sixteen (16) feet

TURFGRASS

Continuous plant coverage consisting of a grass species that is mowed to maintain an established height.

SECTION 2: Section Z-510 Landscaping of the Zoning Code of the City of Lambertville shall be replaced in its entirety with the following:

§ Z- 510 LANDSCAPING. (Added 4-16-01 by Ord. No. 2001-07) Editor's Note: Former §510, Pending Applications for Building Permits, repealed by Ord. No. 2001-07.

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Z-510.1 APPLICABILITY. This ordinance shall be a minimum standard and shall apply to all newly developed public and private buildings, developments, and land within the incorporated areas of the City. This ordinance shall also apply to the expansion or renovation of any existing development when the expansion or renovation of the existing landscape is equal to fifty percent (50%) of the total undeveloped area of a lot or when the total square footage of a structure is expanded by fifty percent (50%) or greater.

Z-510.2 EXEMPTIONS.

A. The following areas are exempt from this ordinance:

1. Community gardens;
2. Community play areas;
3. Non-invasive food plants on residential properties;
4. Turfgrass in public rights-of-way;
5. Agricultural lands;
6. Scientific and educational purposes; and
7. Cemeteries

B. The City, however, encourages the protection and promotion of appropriate native vegetation in these areas to the maximum extent practicable.

Z-510.3 GENERAL PROVISIONS. The following general provisions shall apply to the installation and design of landscapes:

A. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in common as well as inanimate materials such as rocks, water, sculpture, art, walls, fences, and paving materials.

B. A landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.

C. The Board of Jurisdiction may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.

D. Where subdivisions only are applied for, the minimum standards shall apply to street trees, foundation plantings, and to common open space and areas proposed to be dedicated to the public.

E. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.

F. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and storm water management facilities and should generally be no closer than 6 feet measured horizontally.

G. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native plant species are strongly discouraged.

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H. The City shall require a minimum coverage of appropriate native vegetation in all newly landscaped areas, as set forth in APPLICABILITY section of this ordinance. However, at no time shall the minimum coverage of appropriate native vegetation be less than 75%.

I. The City declares that invasive species are a public nuisance that degrade landscaped and natural areas. The City shall prohibit the planting on all public and private properties of any plant species identified as invasive by the New Jersey Department of Environmental Protection, or identified as “widespread” or “emerging”, or are on the ‘Do Not Plant list’ published by the NJ Invasive Species Strike Team.

J. For any action requiring regulatory approval by the Planning board, the city may include a requirement that the owner of the property remove any invasive species that the city deems to be a public nuisance.

Z-510.4 LANDSCAPE DESIGN GUIDELINES.

A. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.

B. In the landscape design of sites, areas shall be designated for retaining existing trees and the replacement of trees cleared from the site.

C. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.

D. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.

E. Local soil conditions and water availability shall be considered in the choice of landscaping.

F. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.

Z-510.5 STREET TREES.

A. Location.

1. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street between the curb and sidewalk. Where the distance between the curb and sidewalk is less than 5 feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least 5 feet wide to facilitate street tree growth. In areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

Table 5.1 Soil Volume Required by Tree Size at Maturity	
Tree Size at Maturity (height in feet)	Soil Volume (in cubic feet)
Large trees (45'+)	200

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Medium-sized trees (30'-45')	150
Small trees (to 30')	100

2. Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

B. Spacing.

1. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size.

Table 5.2 Planting Interval required by Tree Size at Maturity	
Tree Size at Maturity (height in feet)	Planting Interval (in feet)
Large trees (45'+)	40
Medium-sized trees (30'-45')	30
Small trees (to 30')	20

2. Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and street lights.

C. Street Tree Type. All street trees shall be large deciduous trees except directly under utility wires. Tree species selection shall be approved by the Board in consultation with the Shade Tree Commission, as required by Chapter 3, Article IV, section 3-16 of the City Code and in accordance with the most current recommended tree list as specified by the Shade Tree Commission. Alternate selections may be approved at the discretion of the Board in consultation with the Shade Tree Commission.

D. Planting Specifications. Street trees shall be substantially uniform in size and shape, and have straight trunks. Trees shall be properly planted and staked in accordance with standards promulgated by the American Nurserymen's Association. Provision shall be made by the developer for regular watering and maintenance until trees are established. Trees are to be guaranteed for two years after the date of planting; dead or dying trees shall be replaced by the developer during the next suitable planting season. If a tree is replaced, the replacement tree is to be guaranteed for two years after the date of planting. The developer is released from this guarantee only after a tree has survived for two consecutive years.

Z-510.6 ADDITIONAL RECOMMENDED TREES. Any of the trees on the list currently recommended by the Shade Tree Commission may also be used for other purposes in the design of landscapes. The trees in Table 5.3 are recommended for site development purposes:

Table 5.3 Additional Recommended Trees		
Botanical Name	Common Name	Minimum Planting Size
Acer negundo	Boxelder	6' to 7' in height
Amelanchier alleghiensis	Allegheny Serviceberry	6' to 7' in height

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Amelanchier Canadensis	Shadblow (Downy Serviceberry)	6' to 7' in height
Betula lenta	Black Birch	7' to 8' in height
Betula nigra	River Birch	7' to 8' in height
Betula populifolia	Gray Birch	10' to 12' in height
Cornus alternifolia	Alternate-leaf or Pagoda Dogwood	8' to 10' in height
Cornus florida	Flowering Dogwood	8' to 10' in height
Diospyros virginiana	Common Persimmon	2-1/2" to 3" caliper
Ilex opaca	American Holly	6' to 7' in height
Juniperus virginiana	Eastern Red Cedar	8' to 10' in height
Magnolia virginiana	Sweetbay Magnolia	8' to 10' in height
Pinus strubis	White Pine	8' to 10' in height
Pinus virginiana	Virginia Pine	8' to 10' in height
Platanus occidentalis	Sycamore	8' to 10' in height
Prunus Americana	American Plum	2" to 2-1/2" caliper
Pseudotsuga menziesii	Douglas Fir	8' to 10' in height
Quercus palustris	Pin Oak	2-1/2" to 3" caliper
Salix nigra	Black Willow	8' to 10" in height
Ulmus Americana 'Delaware'	American Elm, Delaware	3" to 3-1/2" caliper

Z-510.7 FALL PLANTING HAZARD. Certain trees have been identified as having a high degree of transplantation failure if installed during the Fall season. These should be noted on landscape plans as "Spring planting season only". The Fall planting hazard trees include the following genus and/or species:

Betula Pyrus

Carpinus Quercus ssp., excluding Q. palustris

Crataegus

Tilia tomentosa

Ilex opaca

Liquidambar styraciflua

Liriodendron tulipifera

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Z-510.8 RECOMMENDED SHRUBS. The following shrubs are recommended for site development use:

Table 5.4 Recommended Shrubs		
Botanical Name	Common Name	Minimum Height at Planting
<i>Alnus serrulata</i>	Smooth Alder	5' to 6'
<i>Aronia arbutifolia</i>	Red Chokeberry	30" to 36"
<i>Aronia melanocarpa</i>	Black Chokeberry	30" to 36"
<i>Asimina triloba</i>	Pawpaw	30" to 36"
<i>Calycanthus floridus</i>	Carolina Allspice	2' to 3'
<i>Ceanothus americanus</i>	New Jersey Tea	18" to 24"
<i>Celphalanthus occidentalis</i>	Buttonbush	24" to 36"
<i>Clerthra alnifolia</i>	Summersweet	24" to 30"
<i>Comptonia peregrine</i>	Sweetfern	18" to 24"
<i>Cornus amomum</i>	Silky Dogwood	30" to 36"
<i>Cornus racemosa</i>	Gray Dogwood	30" to 36"
<i>Cornus sericea</i>	Osier Dogwood	30" to 36"
<i>Cornus stolonifera</i> lutea syn. <i>Cornus sericea</i> ssp. <i>Sericea</i>	Yellowtwig Dogwood	30" to 36"
<i>Corylus Americana</i>	American Hazelnut	30" to 36"
<i>Corylus cornuta</i>	Beaked Hazelnut	2' to 3'
<i>Fothergilla gardenia</i> **	Dwarf Fothergilla	12" to 18"
<i>Fothergilla major</i> **	Large Fothergilla	30" to 36"
<i>Hammalis virginiana</i>	Witch Hazel	4-1/2' to 5'
<i>Hydrangea arborescens</i>	Wild Hydrangea	24" to 30"
<i>Hypericum prolificum</i>	Shrubby St. Johnswort	12" to 18"
<i>Ilex glabra</i>	Inkberry	24" to 30"
<i>Ilex glabra compacta</i>	Compact Inkberry	18" to 24"
<i>Ilex verticillata</i>	Winterberry Holly	36" to 42"

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<i>Itea virginica</i>	Virginia Sweetspire	24" to 30"
<i>Juniperus horizontalis</i> bar harbor	Bar Harbor Juniper	6"
<i>Juniperus horizontalis</i> wiltoni	Blue Rug Juniper	6"
<i>Kalmia latiflora</i>	Mountain Laurel	30" to 36"
<i>Leucotheo axillaris</i>	Coast Leucothoe	18" to 24"
<i>Lindera benzoin</i>	Spicebush	36" to 42"
<i>Myrica pensylvanica</i>	Northern Bayberry	30" to 36"
<i>Physocarpus opulifolius</i>	Ninebark	30" to 36"
<i>Potentilla fruticosa</i> syn. <i>Dasiphora fruticosa</i>	Bush Cinquefoil	12" to 18"
<i>Rhododendron arborescens</i>	Smooth Azalea	30" to 36"
<i>Rhododendron catawbiense</i> **	Catawba Rhododendron	30" to 36"
<i>Rhododendron maximum</i>	Rosebay Rhododendron	30" to 36"
<i>Rhododendron periclymenoides</i>	Pinxter-flower Azalea	30" to 36"
<i>Rhododendron princophyllum</i>	Mountain Azalea	30" to 36"
<i>Rhododendron viscosum</i>	Swamp Azalea	30" to 36"
<i>Rhus aromatic</i> , inc. "Grow-Low" var.	Fragrant Sumac	18" to 24"
<i>Rhus copallina</i>	Shining or Winged Sumac	18" to 24"
<i>Rosa virginiana</i>	Virginia Rose	24" to 30"
<i>Rubus odoratus</i>	Purple-flowering Raspberry	18" to 24"
<i>Salix discolor</i>	Pussy Willow	30" to 36"
<i>Sambucus Canadensis</i>	Elderberry	30" to 36"
<i>Sambucus racemosa</i>	Red Elder	30" to 36"
<i>Spiraea alba</i>	Meadowsweet	18" to 24"
<i>Spiraea latifolia</i>	Broadleaf Meadowsweet	18" to 24"
<i>Spiraea tomentosa</i>	Steeplebush	18" to 24"
<i>Symphoricarpos orbiculatus</i>	Coralberry	18: to 24"
<i>Thuja occidentalis</i>	American Arborvitae	8' to 10'
<i>Thuja occidentalis</i> nigra	Dark American Arborvitae	8' to 10'

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Vaccinium angustifolium	Lowbush Blueberry	12" to 18"
Vaccinium corymbosum	Highbush Blueberry	30" to 36"
Viburnum acerifolium	Maple-leaf Viburnum	24" to 30"
Viburnum dentatum	Arrowwood	30" to 36"
Viburnum lentago	Nannyberry	30" to 36"
Viburnum nudum var. nudum	Possom-haw Viburnum	30" to 36"
Viburnum prunifolium	Blackhaw Viburnum	30" to 36"
Viburnum trilobum	American Cranberrybush	2' to 3'
** Native in U.S. further south		

Z-510.9 BUFFERS. Landscaping buffers are areas required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area.

A. General requirements.

1. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.

2. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area.

3. Buffers shall be continuous except for access drives as approved by the Board of Jurisdiction. Storm water management facilities, parking, dumpster enclosures, accessory building or above ground structures, and similar encroachments shall not be permitted in the required buffer area.

B. The minimum width of a landscape buffer shall be dependent on the proposed use of a property and the land uses adjacent to it in accordance with Table 5.5.

Table 5.5 Required Minimum Buffer Width						
Proposed Land Use	Adjacent Land Use					
	Residential Type A ⁽¹⁾	Residential Type B ⁽²⁾	CBD Retail/Office	Other Retail/Office	Institutional/Quasi-public	Industrial
Residential Type A ⁽¹⁾	None	None	10 ft.	15 ft.	None	25 ft.
Residential Type B ⁽²⁾	None	None	5 ft.	10 ft.	None	25 ft.
CBD Retail/Office	10 ft.	5 ft.	None	None	None	15 ft.

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Other Retail/Office	15 ft.	10 ft.	None	None	None	15 ft.
Institutional / Quasi-public	15 ft.	10 ft.	None	None	None	25 ft.
Industrial	25 ft.	25 ft.	15 ft.	15 ft.	25 ft.	None
(1) Residential Type A equals single-family detached, duplex and semi-detached dwellings.						
(2) Residential Type B equals all other dwellings except those in institutional settings, i.e. residential health care facilities, skilled nursing facilities and assisted living facilities. The institutional category shall apply to these exceptions.						

C. Required buffer widths may be reduced by 5 feet in width if an opaque fence or wall is used in conjunction with plantings and is sufficiently high to visually obstruct the view of persons at ground level. See §507 for fence and wall regulations.

Z-510.10 PARKING AND LOADING AREA LANDSCAPING. The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, to provide for screening from the public right-of-way and adjacent buildings, to reduce the overall visual impact of parking lots, and to provide shade and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of 5 spaces shall conform to the following requirements:

A. The minimum width of landscape islands shall be 8 feet on the side of parking spaces and 10 feet between parking bays. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.

B. Landscape islands within parking lots shall be planted with a combination of deciduous trees, evergreen and deciduous shrubs, and ground cover at the rate of 6 large or medium trees, 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island.

C. Parking and loading areas shall be screened by a combination of hedges, fences and/or walls. The minimum screening height at planting shall be 2½ feet and shall have a height of at least 4 feet within 3 years of installation. Loading dock areas shall be screened with a minimum height of 6 feet at planting and shall achieve a height of at least 10 feet 5 years after installation. Land use mitigation buffers pursuant to Table 5.11 may be used to meet these requirements.

D. Parking lot lighting should be sited within landscape islands, however, without hindering necessary lighting coverage. See also §511 for lighting requirements.

E. No more than 20 parking spaces shall be placed in one row of parking without an intervening landscape island.

Z-510.11 HISTORIC DISTRICT LANDSCAPING. Landscape design within the Lambertville Historic District and historic sites outside of the district shall encourage the preservation of historic resources and natural amenities and areas of unique character within the landscape. This may include, but is not limited to, bodies of water, streams, windbreaks, groves of trees, hedge rows, orchards, unique vistas, historic structures and landmarks. Redevelopment in the Lambertville Historic District shall be designed to preserve and utilize cultural resources of the historic landscape.

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Z-510.12 SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS.

A. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least 4 inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

B. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with New Jersey Department of Environmental Protection regulations. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the City Engineer, be used as mulch in landscaped areas, provided they have been properly composted.

C. Slope Plantings. Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 3:1 shall be planted with ground covers appropriate for the purpose and soil conditions, water availability, and environment.

D. Additional Landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a typical planting plan approved by the Board of Jurisdiction.

E. Planting Details. Planting details shall be consistent with the American Nurserymen's Association recommendations as they may be amended or superseded.

Z-510.13 TREE PROTECTION STANDARDS.

A. Standards for Tree Retention. The following standards shall apply to all trees regardless of location:

1. Existing trees on a site contemplated for development shall be retained to the greatest feasible extent.
2. In off-street parking areas and storm water management facilities, islands of trees shall be retained. These requirements shall not pertain to individual single family detached and two-family dwellings.
3. No paving of any impervious nature shall be placed within the dripline of any tree, and the grade shall be such that drainage of rainwater will water the root area without pooling or exceeding the requirements of the species. Excess water shall be admitted to storm sewers in the parking lot or drained by other means acceptable to the City Engineer.
4. Any live tree which is substantially damaged as a result of grading or general construction shall be replaced with another tree. A tree shall be substantially damaged when 1/2 or more of the tree bark is destroyed below 4 feet or the trunk is girdled.
5. Any tree used in a required planting, or to replace a damaged tree, shall have a trunk or main stem which is at least 2.5 inches in caliper in accordance with the specifications herein, unless the tree is used for storm water management facility plantings, and shall meet the specifications of the American Nurserymen's Association standards.
6. Existing trees are encouraged to be used for the required buffer zone of trees and shrubs to be established in accordance with §510.8.
7. Trees in the area between the street line and the setback line of the building shall be preserved to the greatest extent possible.
8. Specimen trees in excess of 24 inches in diameter, measured 4½ feet above grade, shall not be removed unless diseased or constitute a hazard to the general public.

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9. No trees on public rights-of-way, parks, or public areas are to be removed by private individuals except as approved by the Administrative Officer or other officer designated by the Governing Body. The removal of trees shall not be permitted from a Master Plan right-of-way unless trees are dead, diseased, or endanger life or property, or a letter of approval is obtained from the Governing Body or Administrative Officer. Conversely, no trees are to be planted on public rights-of-way without express approval granted as part of a site plan or subdivision application or by the Administrative Officer.

B. Methods of Tree Protection. All persons shall exercise due care to protect trees which are to be retained from damage during construction. Critical root zones shall be protected by the use of fencing located at the dripline in accordance with the City of Lambertville engineering standards. The procedures in this subsection shall be observed in order to protect retained trees, as follows:

1. Protection from mechanical injury.

a. Prior to any grubbing or clearing, all trees in the tree protection zone from its edge to a depth of 25 feet into the zone shall be protected from equipment damage by enclosing the area at the dripline. Individual trees to be retained shall be completely encircled as required herein. All exposed roots, trunks, and low lying branches shall be equally protected. Groups of trees in an area to be retained after construction may be protected by fencing the entire area where they are located. Compaction of the ground by mechanical, vehicular, storage of materials, or other means within the dripline shall not be permitted.

b. Feeder roots shall not be cut within the dripline; however, if feeder root cutting is waived in order to further other objectives of this section, such cuts shall be made by hand with pruning shears to produce sharp, clean cuts. Removal of feeder roots by mechanized equipment shall not be permitted.

c. Tree trunks and exposed roots shall not be damaged. However, accidental damage shall be addressed and action taken to avoid further injury to the tree. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used. When the portion of the tree that is damaged is diseased, pruning equipment shall be dipped in alcohol to prevent further spread of disease.

d. Deciduous trees shall be given a liquid, slow-release, low-nitrogen, all-purpose fertilizer to aid in their recovery from potential damage from construction activities. Such application shall be made at a distance of one foot from the trunk extending out in concentric circles to the dripline. The fertilizer shall be injected into the ground at the time of the cease of construction and one year thereafter.

e. Trees shall not be used for roping, cabling, signs, or fencing. Nails and other fastening devices shall not be driven or attached to the tree.

f. The area in the critical root zone under the dripline shall be left open to provide access for water and nutrients. No impervious cover, storage of equipment, materials, debris or fill shall be allowed within this area except as specifically approved by the Board of Jurisdiction.

g. Trees being removed under the allowances in this section shall not be felled, pushed, or pulled into a tree protection or tree save area.

2. Protection from grade change.

a. Increase in grade. If an increase in the grade of the land is proposed, the applicant shall install either:

(1) A system of gravel and drains at the old soil level which opens into a dry well built around the trunk and individually designed for the contour of the land to provide aeration and drainage.

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(2) A retaining wall between the existing grade and higher grade to the satisfaction of the City Engineer.

b. Lowering the grade. If a lowering of the grade is proposed one of the following methods to protect the tree shall be followed:

(1) Terracing the grade at the dripline and out from the tree.

(2) A retaining wall between the existing grade and lower grade to the satisfaction of the City Engineer.

3. Protection from excavation. Trenches for utility lines or other similar uses shall adhere to the following, listed in descending order of preference:

a. Trenches shall bypass the critical root area unless the approving authority determines that no other practical alternative exists; in which case

b. Trenches should be tunneled under the feeder roots a minimum of 2 feet from existing grade, unless the approving authority determines that no other practical alternative exists; in which case

c. Trenches may be dug within the dripline of the tree, provided that the following provisions shall be observed:

(1) Trenches shall be no closer to the trunk than half the distance to the dripline.

(2) Roots shall be cut with sharp hand tools to reduce feeder root damage.

(3) The trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted.

d. Protection during cleanup.

(1) All construction debris shall be hauled to an approved landfill or recycling facility and shall not be buried or burned.

(2) Snow fences, barriers or other tree protection devices shall be the final item to be removed from the site prior to occupancy.

SECTION 3: If any article, section, paragraph, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

SECTION 4: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the City of Lambertville, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon its passage and publication, filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

SECTION 6. This Ordinance shall take effect upon its passage and publication, filing with the Hunterdon County Planning Board, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire City of Lambertville upon final adoption.

INTRODUCTION AND FIRST READING: March 18, 2021

PUBLIC HEARING AND SECOND READING: May 20, 2021

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Mayor Fahl opened the public hearing for Ordinance Number 9-2021. Mayor Fahl asked for Council questions or comments. There being no Council questions or comments, Mayor Fahl asked for public questions or comments. There being no public questions or comments, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 9-2021. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 9-2021. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 12-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter XIX, Flood Damage Prevention.

Christiana Pollock will be available for questions.

Mayor Fahl read the Ordinance into the record by title.

ORDINANCE NUMBER 12-2021

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 19, Flood Damage Prevention

§ 19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

§ 19-1.1 Statutory Authorization.

[1990 Code § 19-1.1; Ord. No. 2009-12 § 1.1]

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 City Council of the City of Lambertville, of Hunterdon County, New Jersey does ordain as follows.

§ 19-1.2 Findings of Fact.

[1990 Code § 19-1.2; Ord. No. 2009-12 § 1.2; Ord. No. 24-2015]

a. The flood hazard areas of City of Lambertville 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, cause damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

c. The City of Lambertville participates as a Community in the FEMA National Flood Insurance Program and the Community Rating System.

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§ 19-1.3 Statement of Purpose.

[1990 Code § 19-1.3; Ord. No. 2009-12 § 1.3; Ord. No. 24-2015]

It is the purpose of this chapter 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:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To 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. To 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. To reduce flood insurance premiums.
- h. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- i. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 19-1.4 Methods of Reducing Flood Losses.

[1990 Code § 19-1.4; Ord. No. 2009-12 § 1.4]

In order to accomplish its purposes, this chapter 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 new, altered or damaged buildings and structures with higher than Federal standards,

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 floodwaters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

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e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 19-2 DEFINITIONS.

[1990 Code § 19-2; Ord. No. 2009-12 § 2.0; Ord. No. 24-2015]

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

APPEAL

Shall mean a request for a review of the Construction Official's interpretation of any provision of this Chapter or a request for a variance.

AREA OF SHALLOW FLOODING

Shall mean a designated AO, AH, or VO Zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a 1% 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

Shall mean the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD

Shall mean the flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT

Shall mean any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

Shall mean 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.

CRITICAL FACILITY

Is one that provides essential community services. Typically these are, but not limited to, fire and police stations, ambulance squad, emergency operations center, city hall, electric substations, public works yard, school and nursing homes and shelters.

DEVELOPMENT

Shall mean any manmade 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.

ELEVATED BUILDING

Shall mean 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

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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 floodwaters.

FLOOD INSURANCE RATE MAP (FIRM)

Shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

Shall mean 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 OR FLOODING

Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD PLAIN MANAGEMENT REGULATIONS

Shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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

Shall mean 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

Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

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d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR

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

MANUFACTURED HOME

Shall mean 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

Shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

Shall mean 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

Shall mean 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

Shall mean 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.

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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

Shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL DAMAGE

Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 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," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE

Shall mean a grant of relief from the requirements of this chapter that permits construction in manner that would otherwise be prohibited by this chapter.

§ 19-3 GENERAL PROVISIONS.

§ 19-3.1 Lands to Which This Chapter Applies.

[1990 Code § 19-3.1; Ord. No. 2009-12 § 3.1]

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Lambertville, Hunterdon County, New Jersey.

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

[1990 Code § 19-3.2; Ord. No. 2009-12 § 3.2; Ord. No. 04-2012]

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study, Hunterdon County, New Jersey" dated May 2, 2012, with accompanying Flood Insurance Rate Map for Hunterdon County, New Jersey (all Jurisdictions) as shown on Index and panel(s) 34019C0339G, 34019C0402G, 34019C0406F, whose effective date is May 2, 2012.

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The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and Maps are on file at 18 York Street, Lambertville, New Jersey 08530.

§ 19-3.3 Penalties for Noncompliance.

[1990 Code § 19-3.3; Ord. No. 2009-12 § 3.3]

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 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 City of Lambertville from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 19-3.4 Abrogation and Greater Restrictions.

[1990 Code § 19-3.4; Ord. No. 2009-12 § 3.4]

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

§ 19-3.5 Interpretation.

[1990 Code § 19-3.5; Ord. No. 2009-12 § 3.5]

In the interpretation and application of this chapter, 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.

§ 19-3.6 Warning and Disclaimer of Liability.

[1990 Code § 19-3.6; Ord. No. 2009-12 § 3.6]

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter 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 chapter shall not create liability on the part of the City of Lambertville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 19-4 ADMINISTRATION.

§ 19-4.1 Establishment of Development Permit.

[1990 Code § 19-4.1; Ord. No. 2009-12 § 4.1]

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a. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 19-3.2. Application for a development permit shall be made on forms furnished by the 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.

b. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 19-5.2b and,
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 19-4.2 Designation of the Local Administrator.
[1990 Code § 19-4.2; Ord. No. 2009-12 § 4.2]

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

§ 19-4.3 Duties and Responsibilities of the Administrator.
[1990 Code § 19-4.3; Ord. No. 2009-12 § 4.3]

Duties of the Construction Official shall include, but not be limited to:

a. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. 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.
3. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of subsection 19-5.3a are met.

b. Use of Other Base Flood and Floodway Data. When base flood elevation and floodway data has not been provided in accordance with subsection 19-3.2, 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 subsections 19-5.2a Specific Standards, Residential Construction, and 19-5.2b Specific Standards, Nonresidential Construction.

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c. Information to be Obtained and Maintained.

1. 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.
2. For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in subsection 19-4.1c
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. Alteration of Watercourses.

1. 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.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 19-4.4.

§ 19-4.4 Variance Procedure.

[1990 Code § 19-4.4; Ord. No. 2009-12 § 4.4]

a. Appeal Board.

1. The Zoning Board of Adjustment as established by City of Lambertville shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The Zoning Board of Adjustment 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 chapter.
3. Those aggrieved by the decision of the Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Mayor and City Council of Lambertville.
4. In passing upon such applications, the Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

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- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) 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.
5. Upon consideration of the factors of subsection 19-4.4a,4 and the purposes of this chapter, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. 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.
- b. Conditions for Variances.
1. 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 subsection 19-4.4a,4 (a-k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. 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.

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3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(c) 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 subsection 19-4.4a,4, or conflict with existing local laws or ordinances.

6. 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.

§ 19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

§ 19-5.1 General Standards.

[1990 Code § 19-5.1; Ord. No. 2009-12 § 5.1; Ord. No. 04-2012]

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

a. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

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

b. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

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1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system;
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
 4. For all new construction, substantial improvement and repetitive loss properties (where technically feasible), 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 shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals 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 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 development which contain at least 50 lots or five acres (whichever is less).
- e. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one 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 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.

§ 19-5.2 Specific Standards.

[1990 Code § 19-5.2; Ord. No. 2009-12 § 5.2; Ord. No. 04-2012]

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 19-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 19-4.3b, Use of Other Base Flood Data, the following standards are required:

- a. Residential Construction.

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1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated with two (2) feet of freeboard above Base flood elevation;

2. Require 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 plus two (2) feet of freeboard (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.

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 the basement together with the attendant utilities and sanitary facilities:

1. Either:

(a) Elevated to the level of the base flood elevation plus two (2) feet of freeboard; 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;

2. Or:

(a) Be flood proofed so that below the base flood level plus two (2) feet of freeboard, the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(c) 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,2(b)

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 flood elevation plus two (2) feet of freeboard.

d. Critical Facilities

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1. Critical facilities shall be prohibited from the 0.2 percent annual chance flood (equaled or exceeded in any given year) as defined on the FEMA effective Flood Insurance Rate Map.
2. If a Critical Facility must be located in the Special Flood Hazard Area or the Shaded X Zone on the Flood Insurance Rate Map (0.2% annual chance flood; the "500-year floodplain,"
 - a. It shall be elevated to the level of the 0.2 percent chance flood or
 - b. It shall be flood proofed up to the elevation of the 0.2 percent chance flood.

§ 19-5.3 Floodways.

[1990 Code § 9-5.3; Ord. No. 2009-12 § 5.3]

Located within areas of special flood hazard established in subsection 19-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters 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 subsection 19-5.3a is satisfied, all new construction and substantial improvements must comply with Section 19-5, 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 0.2 of a foot at any point.

INTRODUCTION AND FIRST READING: May 4, 2021

PUBLIC HEARING AND SECOND READING: May20, 2021

Mayor Fahl opened the public hearing for Ordinance Number 12-2021. Mayor Fahl asked for Council questions or comments. There being no questions or comments from the Governing Body, Mayor Fahl asked for public questions or comments. There being no questions or comments from the public, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 12-2021. Councilman Stegman made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading Ordinance Number 12-2021. Councilman Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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ORDINANCE NUMBER 13-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Building and Housing.

Waiting on confirmation from the Zoning Officer and Fire Official that he needs no amendments to the landlord registration.

Mayor Fahl read the ordinance into the record by title.

ORDINANCE NUMBER 13-2021

An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Building and Housing Code, Amending Fees and adding Clearance Certificates

§ 10-1 UNIFORM CONSTRUCTION CODE ENFORCING AGENCY.

§ 10-1.1 Enforcing Agency Established.

[1990 Code § 10-1.1]

a. There is hereby established in the City a State Uniform Construction Code Enforcing Agency, to be known as the "Lambertville Construction Code Agency," consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official, and such other subcode officials for such additional codes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.

b. The organization of the Lambertville Construction Code Agency, the responsibilities and duties of the various officials and subcode officials within the agency and the responsibility of such agency and the officials thereof and various other municipal subdivisions, boards or agencies of the City, shall be as may be defined and described by the Mayor and Council.

c. Each official position created in paragraph a hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c., 217, as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217 and N.J.A.C. 5:23, to hold each such position.

d. The public shall have the right to do business with the enforcing agency at one office location, except for emergencies and unforeseen or unavoidable circumstances.

§ 10-1.2 Appeals.

[1990 Code § 10-1.2]

Persons aggrieved by a decision of the enforcing agency may appeal such decision to the Construction Board of Appeals established by the Board of Chosen Freeholders of Hunterdon County.

§ 10-1.3 Fees for a Construction Permit.

[1990 Code § 10-1.3; Ord. No. 2004-06; Ord. No. 2004-15; Ord. No. 2005-17; Ord. No. 2007-14; Ord. No. 2008-02; Ord. No. 2009-02; Ord. No. 2009-17; Ord. No. 14-2011; Ord. No. 09-2013; Ord. No. 07-2016; Ord. No. 27-2017]

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a. Fees. The fee for a construction permit in Lambertville or any interlocal arrangement shall be the sum of the subcode fees listed in Subsection a1(a) through a6(d) hereof and shall be paid prior to the issuance of a permit. Twenty percent of the construction permit fee shall be considered as the plan review fee, which will be paid at the enforcing agency's office at the time the permit application is submitted and is nonrefundable. The plan review fee for prototype plans shall be 5% of the amount to be charged for a construction permit. [Amended 6-20-2019 by Ord. No. 13-2019]

1. Building Subcode Fees.

(a) Fees for new construction shall be based upon the volume of the structure. This fee shall be in the amount of \$.080 per cubic foot, except that agricultural structures on farms shall be in the amount of \$0.025.

(b) Fees for renovations, alterations, repairs, commercial roofing, commercial siding, and for foundations and on-site work for premanufactured construction or relocated structures, the fee shall be based upon the estimated cost of work. The City reserves the right to require a copy of actual contracts or current market price evaluation based on common estimating practices; or an architect or engineer's cost estimate; or actual third-party estimates. The cost shall include all labor and material (including bartered, donated, free, etc., labor and/or materials). This fee shall be as follows:

(1) \$39 per \$1,000 of estimated cost of work up to \$50,000 of estimated cost of construction;

(2) \$35 per \$1,000 for estimated cost of work from \$50,001 to \$100,000 estimated cost of construction; and

(3) \$31 per \$1,000 for additional costs over \$100,000 estimated cost of construction.

(c) The fee for temporary structures shall be based on the volume of the structure. The building subcode fee shall be \$0.035 per cubic foot. Electric, plumbing and fire subcode fees shall be based on the normal fee schedule. All structures for which volume cannot be computed shall be \$95.

(d) Fees for additions shall be computed on the same basis as for new construction (volume) for the added portion.

(e) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection a1(a) and (b) above.

(f) The fee for construction or installation of a single-family residential in-ground swimming pool shall be \$265. The fee for construction or installation of all other use group in-ground swimming pools shall be \$ 375. The fee for aboveground pools shall be \$80.

(g) The fee for construction or installation of retaining walls shall be as follows:

(1) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a single Class 3 residential structure shall be \$160.

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(2) The fee for a retaining wall with a surface area of more than 550 square feet that is associated with a single Class 3 residential structure shall be \$310.

(3) The fee for all other retaining walls shall be based on the cost of work as follows:

(i) \$22 per \$1,000 of estimated cost of work up to \$50,000;

(ii) \$18 per \$1,000 of estimated cost of work from \$50,001 to \$100,000;

(iii) \$14 per \$1,000 of estimated cost of work over \$100,000.

(h) In Use Groups R-3, R-4 or R-5 single-family detached dwellings the fee for the construction and/or renovation of a deck up to 150 square feet shall be \$158; 151 square feet to 250 square feet shall be \$252; and over 250 square feet shall be \$368. All other use groups shall be based on the cost of the work.

(i) The installation of sheds over 200 square feet shall be a minimum of \$185.

(j) The fee for a residential roof or siding replacement shall be \$116 and for commercial roof or siding replacement shall be based on the cost of work.

(k) The fee for a demolition and/or removal permit of a building or structure shall be \$160 for Class 3 residential and \$289 for all other use groups, provided that the fee shall be \$80 for structures under 400 square feet in area.

(l) Reserved [Item moved to Fire Subcode Fees 4. (t)]

(m) The fee to construct or erect a sign shall be \$3.50 per square foot surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$80.

(n) The minimum fee for the building technical section shall be \$80.

2. Plumbing Subcode Fees.

(a) The fee shall be in the amount of \$28 per fixture or stack such as sinks, water closets, urinals, bath tubs, showers, clothes washers, dishwashers, hose bibs, gas piping per outlet, condensate pump, etc., except as listed below in Subsection a2(b) and (c)

(b) The fee for domestic hot water heater replacement shall be \$95.

(c) The fee for special devices shall be \$115 for the following: grease traps, oil separators, water-cooled air-conditioning units, air-conditioning compressors, refrigeration units, hot water boilers, fuel oil piping, new gas service and underground gas lines, interceptors, water and sewer connections, active solar systems, sewer pumps.

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(d) For equipment listed in N.J.A.C. 5:23-2.23(1) such as backflow preventers, high pressure boilers, refrigeration systems, etc., the fee shall be \$95 for the first device and \$25 for additional similar devices in the same building.

(e) The minimum fee for the plumbing technical section shall be \$80.

3. Electrical Subcode Fees.

(a) For from one to 25 devices, receptacles or fixtures, the fee shall be in the amount of \$80; for each additional device, receptacle or fixture in addition to this, the fee shall be in the amount of \$2.00 per device, receptacle or fixture. For the purpose of computing this fee, devices, receptacles or fixtures shall include but are not limited to the following: lighting outlets or fixtures, switches, fluorescent fixtures, receptacles, light standards less than eight feet in height, communication points, alarm devices, and other panels or devices rated less than 20 amps, smoke and heat detectors, or similar fixtures, and motors or devices of less than or equal to one horsepower or one kilowatt.

(b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower; and for photovoltaic system arrays, greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be \$50.

(c) For each motor or electrical device greater than 10 horsepower and less than or equal to 25 horsepower; for photovoltaic system arrays, greater than 10 kilowatts and less than or equal to 25 kilowatts or kva; the fee shall be \$75.

(d) For each motor or electrical device greater than 26 horsepower and less than or equal to 50 horsepower; and for photovoltaic system arrays, greater than 26 kilowatts and less than or equal to 50 kilowatts or kva, the fee shall be \$130.

(e) For each motor or electrical device greater than 51 horsepower and less than or equal to 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 51 kilowatts and less than or equal to 100 kilowatts or kva, the fee shall be \$210.

(f) For each motor or electrical device greater than 100 horsepower; and for photovoltaic system arrays, transformers and generators greater than 100 kilowatts or kva, the fee shall be \$840.

(g) Equipment, devices rated by kilowatt or kva include but are not limited to the following: electric ranges/receptacles, ovens, surface units, electric hot water heaters, electric dryers/receptacles, dishwashers, central AC units, baseboard heaters, transformers, generators, steam shower units or any other devices consuming or generating electrical current. Equipment or devices rated by horsepower include but are not limited to the following: garbage disposals, motors, etc. Space heaters or air handlers may be rated by HP, kW or kva.

(h) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated up to 100 amps the fee shall be \$100.

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- (i) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 101 amps up to 200 amps the fee shall be \$185.
 - (j) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated 201 amps up to 400 amps the fee shall be \$380.
 - (k) For each service, panel or motor control and for inverters, panels and disconnects for photovoltaic systems, rated over 400 amps the fee shall be \$840.
 - (l) For all the following: signs; fire, security, burglar control stations; communication control units; smoke, heat, fire, burglar alarm systems in one- and two-family dwellings; utility load management devices; lighting standards over eight feet, the fee shall be \$80.
 - (m) For in-ground pools the fee shall be \$235.
 - (n) For spas, hot tubs, or fountains the fee shall be \$160.
 - (o) For storable or portable pools, the fee shall be \$80.
 - (p) For a swimming pool bonding certificate of compliance, the fee shall be \$95.
 - (q) Transformers and generators less than or equal to 20kw shall be \$105. Transformers and generators greater than 20kw and less than or equal to 50kw shall be \$185. Generator panels shall follow Subsection a3(h) through (k) above.
 - (r) The minimum fee for the electrical technical section shall be \$80.
4. Fire Subcode Fee.
- (a) The fee for sprinkler systems shall be \$135 for up to 12 heads.
 - (b) For 13 to and including 40 heads the fee shall be \$210.
 - (c) For 41 to and including 100 heads the fee shall be \$370.
 - (d) For all heads over 100 the fee shall be \$3 per head.
 - (e) The fee for each standpipe shall be \$340.
 - (f) The fee for each independent pre-engineered suppression system shall be \$235.
 - (g) The fee for each gas or oil-fired appliance shall be \$80.
 - (h) The fee for each kitchen exhaust system shall be \$235.

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- (i) The fee for spray booths exhaust system shall be \$340.
 - (j) The fee for a wood/coal burning stove, fireplace inserts, pre-fab or masonry fireplace shall be \$80.
 - (k) The fee for dry pipe, pre-action or sprinkler alarm valves and for smoke, heat detectors and manual fire alarms shall be \$135 for up to 12 alarms, except that, for hard-wired and interconnected alarms for one- and two-family residential, the fee shall be \$95 for up to 12 alarms.
 - (l) Each device over 12 shall be \$9 each.
 - (m) The fee for R3, R4 and R5 fire alarm systems shall be \$95.
 - (n) The fee for fire pumps shall be \$445 each.
 - (o) The fee for incinerators shall be \$445 each.
 - (p) The fee for crematoriums shall be \$445 each.
 - (q) The fee for unit heaters shall be \$80 each.
 - (r) The fee for chimney relining shall be \$80.
 - (s) The fee for the installation of any underground fuel storage tank up to 550 gallons shall be \$160. The fee for the aboveground fuel storage tanks up to 550 gallons shall be \$80. For tanks 551 to 1,000 gallons, the fee shall be \$210. For tanks over 1,001 gallons, the fee shall be \$420.
 - (t) The fee for removal or abandonment of underground storage tanks shall be \$132 each for tanks up to 1,000 gallons and \$205 each for tanks over 1,001 gallons.
 - ~~(t)~~(u) The fee for a fire sprinkler water storage tank shall be \$290.
 - ~~(u)~~(v) The minimum fee for the fire technical section for one- or two-family residential shall be \$80 and for all other use groups shall be \$130.
5. Certificates and Other Special Fees. The fees for certificates shall be as follows:
- (a) Certificate of occupancy, residential (single-family): \$185, except the fee for a certificate of occupancy for pools, decks and small additions (under 400 square feet) is \$50.
 - (b) Certificate of occupancy, other than single-family: \$370.
 - (c) Certificate of occupancy for changes in use group: \$370.
 - (d) Certificate of approval: no fee.

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- (e) Continued certificate of occupancy: \$370 per unit or tenant space.
- (f) Temporary certificate of occupancy, renewal fee shall be as specified at NJAC 5:23-4.18(f)3.
- (g) Certificate of compliance: no fee.
- (h) The fee for asbestos or lead abatement projects shall be as follows:
 - (1) The administrative fee for each construction permit issued for an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
 - (2) The administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be as specified at N.J.A.C. 5:23-8.9.
 - (3) The fee for a permit for lead hazard abatement projects shall be \$200.
 - (4) The fee for a lead abatement clearance certificate shall be \$40.
 - (i) The fee for a variation request application shall be \$130 for Class 3 residential; \$315 for Class 3 other than residential and Class 2; and \$900 for Class 1 buildings. The fee for resubmission of an application for a variation shall be 1/2 of the original fee if required by the Construction Official.
 - (j) The fee for an application for the construction board of appeals shall be as specified by the Hunterdon County Construction Board of Appeals application.
 - (k) A fee of \$120 per hour may be charged for review of any amendment or change to a plan that has already been released, or any other additional work required by ordinance or interlocal agreement.
 - (l) The fee for a zoning permit is \$50.
 - (m) The fee for a Flood Hazard Area Development permit shall be \$185 plus any applicable City engineering review costs, if required by the City Engineer.
 - (n) The fee to reinstate a lapsed permit shall be 50% of the initial permit fee provided such application is made within one year from the date the initial permit lapsed. Thereafter, the fee to reinstate a lapsed permit shall be based on the current fee schedule.
 - (o) The fee for an annual permit shall be charged annually, and shall be a flat fee based on the number of maintenance workers (excluding managers, engineers and clerks) who are primarily engaged in work governed by a subcode (building/fire, electrical and plumbing). Fees shall be as follows:
 - (1) One through 25 workers (including foreman or forewoman): \$1,600 per worker.
 - (2) Each additional worker over 25: \$475 per worker.

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(p) Prior to the issuance of the annual permit a training registration fee as specified in NJAC 5:23-4.20(c)5.ii(2) per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit, along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

6. Exempt Fees.

(a) No fees shall be charged for construction of any permitted building or structure owned by the City of Lambertville or any of its respective agencies.

(b) Newly constructed and rehabilitated residential units that are to be legally restricted to occupancy by households of low income may qualify for reduced fees or be exempt from construction permit fees as authorized by City Council on an individual basis, except for the state training fee.

(c) Pursuant to N.J.S.A. 52:27D-126e and 40:55D-8, no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure for any of the facilities contained therein. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For purposes of this subsection, the term "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to Federal Social Security Act (42 U.S.C. § 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231, et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this subsection, the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

(d) Outside Agency Fees. Notwithstanding any other fee hereinafter set forth, when the City has retained a private on-site inspection or plan review agency to carry out subcode official responsibility, no fee charged shall exceed the amount paid by the City to that private agency plus 30%.

7. The mechanical inspector fee for construction Use Groups R-3 and R-5 shall be:

(a) First device: \$80.

(b) Each additional device: \$40.

b. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the City, biannually, a report recommending a fee schedule, based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

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c. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee as specified in N.J.A.C. 5:23-4.19. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31, and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, the fee shall be collected and remitted for the third and fourth quarters only. The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.

8. Construction Records Clearance (CRC)

(a) When required.

A construction records clearance (CRC) shall be required prior to the sale or change of tenant of any residential or commercial structure. In that event, there shall be no change in occupancy of a building or structure, in whole or part, prior to the issuance of a CRC.

(b) Responsibility.

No owner shall permit the sale of a residential or commercial premise covered under this section unless the requisite CRC has been issued. No purchaser or new tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 2 months prior to the change of ownership and/or occupancy on the form provided by the Township.

(c) Preoccupancy records search.

Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records search to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all necessary inspections, payment of fees due, and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC. The Construction Official may, at his discretion, exempt any active and ongoing permits or projects from the CRC.

(d) Fees.

The applicant shall submit with the application the fee for the CRC to cover the administrative cost in accordance with the following schedule based on the number of days prior to closing or occupancy change:

(1) One to five business days: \$180.

(2) Six to 15 business days: \$90.

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(3) 16 to 40 business days: \$45.

(e) Validity.

The CRC will only be valid for a period of 90 days and shall only apply to any permits issued prior to the CRC application and shall not apply to any permit applications submitted after the CRC application.

(f) Violations and penalties.

(1) Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days.

(2) The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

(3) Certificates are valid for all permits issued up to the date of the CRC certificate issuance and must be renewed for each sale or occupancy change.

§ 10-1.4 Fire Limits.

[1990 Code § 10-1.4]

The establishment of fire limits pursuant to N.J.A.C. 5:23 is reserved and shall be further established by amendment to this section on such date as may hereafter be established.

§ 10-1.5 Violations and Penalties.

[1990 Code § 10-1.5]

a. Any person or corporation, including an officer, director or employee of a corporation, who:

1. Violates any of the provisions of this section or rules promulgated hereunder;
2. Constructs a structure or building in violation of a condition of a building permit;
3. Fails to comply with any order issued by an enforcing agency or the Department;
4. Makes a false or misleading written statement or omits any required information or statement in any application or request for approval to an enforcing agency or the Department, shall be subject to a penalty of not more than \$2,000 per offense.

b. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter or who unreasonably interferes with such an inspection shall be subject to a fine of not more than \$250.

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c. With respect to paragraph a.3 above, a person shall be guilty of a separate offense for each day that he fails to comply with a stop-construction order validly issued by an enforcing agency or the Department. With respect to paragraphs a.1. and a.4 above, a person shall be guilty of a separate offense for each violation of any provision of this chapter or rule promulgated hereunder and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the Department. With respect to paragraph a.2 above, a person shall be guilty of a separate offense for each violation of the conditions of a construction permit.

d. The penalties pursuant to this subsection may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.). Jurisdiction to enforce such penalties is hereby conferred upon judges of the Municipal Court in addition to the courts specified by N.J.S.A. 2A:58-11. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the Chief Financial Officer and in the case of a suit brought by the State of New Jersey, to the State Treasurer.

§ 10-1.6 Waiver of Construction Permit Fees.
[New]

The Mayor and Council shall have the authority to waive construction permit fees for residents and businesses when impacted by a natural disaster such as a flood or pandemic.

§ 10-2 UNFIT DWELLINGS.
§ 10-2.1 Adoption of New Jersey State Housing Code as Standard.
[1990 Code § 10-2.1; New]

Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1) the "New Jersey State Housing Code" under N.J.A.C. 5:28.1 et seq. is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use.

§ 10-2.2 Purpose.
[1990 Code § 10-2.2]

Whenever there is found to exist within the limits of the City of Lambertville, any building or buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities or due to other conditions rendering such building or buildings, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the City, the City of Lambertville, in the exercise of its police power, as conferred upon it under the provision of N.J.S.A. 40:48-2.3 et seq. shall take such action as necessary to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings or part thereof in accordance with the procedures set forth herein.

§ 10-2.3 Definitions.
[1990 Code § 10-2.3]

As used in this section:

BUILDING

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Shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

GOVERNING BODY

Shall mean the Mayor and City Council of the City of Lambertville.

OWNER

Shall mean the holder or holders of the title in fee simple.

PARTIES IN INTEREST

Shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

PUBLIC AUTHORITY

Shall mean any housing authority or any officer who is in charge of any department or branch of the government of the City, County or State relating to health, fire, building regulations, or to other activities concerning buildings in the City.

PUBLIC OFFICER

Shall mean the officer, officers, board or body authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinances and by this act.

§ 10-2.4 Enforcement Officer.

[1990 Code § 10-2.4]

The Construction Official shall be the public officer designated to exercise the powers prescribed by this section.

§ 10-2.5 Complaint Process.

[1990 Code § 10-2.5]

a. Whenever a petition is filed with the Construction Official by a public authority or by at least five residents of the City charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the Construction Official, on his own motion, that any building is unfit for human habitation or occupancy or use, the Construction Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Construction Official (or his designated agent) at a place therein fixed not less than seven days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Construction Official.

b. If, after such notice and hearing, the Construction Official determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

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1. Requiring the repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and
2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order, then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.
 - c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Construction Official may cause such building to be repaired, altered or improved, or to be vacated and closed. The Construction Official may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
 - d. If the owner fails to comply with an order to remove or demolish the building, the Construction Official may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.
 - e. The amount of:
 1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this section determined in favor of the municipality, and
 2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or
 3. The amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Construction Official, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Construction Official, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

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§ 10-2.6 Actual and Immediate Danger.

[1990 Code § 10-2.6]

If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Construction Official may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

§ 10-2.7 Alternative Remedies.

[1990 Code § 10-2.7]

Nothing contained herein shall be construed to impair or limit in any way the City's power to define and declare nuisances and to cause their removal or abatement, by summary proceeding or otherwise, nor is anything in this section intended to limit the authority of the Construction Official under the State Uniform Construction Code Act, P.L. c.217 (C.52:27D-119 et. seq.) or any other rules or regulations adopted thereunder.

§ 10-2.8 Standards.

[1990 Code § 10-2.8]

The Construction Official may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the City; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness.

§ 10-2.9 Service of Complaints and Orders.

[1990 Code § 10-2.9]

Complaints or orders issued by the Construction Official pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained in the exercise of reasonable diligence, the Construction Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the County and circulating in the municipality in which the buildings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Recording Officer of the County in which the building is located.

§ 10-2.10 Remedies.

[1990 Code § 10-2.10]

Any person aggrieved by an order issued by the Construction Official under this section may, within 30 days after the posting of service of such order, bring an action for injunctive relief to restrain the Construction Official from carrying out the provisions of the order and for any other appropriate relief. The court may proceed on the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Construction Official shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Construction Official.

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§ 10-2.11 Additional Powers of the Construction Official.

[1990 Code § 10-2.11]

The Construction Official shall have the following additional powers to enable him to carry out and effectuate the purposes and provisions of this section:

- a. To investigate the building conditions in the City in order to determine which buildings therein are unfit for human habitation or occupancy or use;
- b. To administer oaths, affirmations, examine witnesses and receive evidence;
- c. To enter upon premises for the purpose of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the section; and
- e. To delegate any of his functions and powers under the section to such officer and agents as he may designate.

§ 10-2.12 Administration.

[1990 Code § 10-2.12]

The Mayor and Council shall as soon as possible prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the City for the purpose of determining the fitness of such buildings for human habitation or occupancy or use, and for the enforcement and administration of this section, and may make such appropriations from revenues as may be necessary for this purpose and may accept and apply grants and donations to assist in carrying out the provision of this section.

§ 10-2.13 Nonexclusive Remedy.

[1990 Code § 10-2.13]

Nothing in this section shall preclude the City from enforcing any other section or regulations; nor from punishing violations thereof. The powers conferred by this section shall be in addition and supplemental to the power conferred by any other section.

§ 10-3 OPEN HOUSING.

§ 10-3.1 Title.

[1990 Code § 10-3.1]

The Mayor and Council ordains that this section shall be known as "The Lambertville Open Housing Regulations."

§ 10-3.2 Definitions.

[1990 Code § 10-3.2]

As used in this section:

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COMMERCIAL HOUSING

Shall mean housing accommodations held or offered for sale or rent by a real estate broker, salesman or agency, or by any other person pursuant to authorization of the owner, by the owner himself, or by legal representative, but shall not include any personal residence offered for rent by the owner or lessee thereof or by a broker, salesman, agent or employee.

HOUSING ACCOMMODATIONS

Shall mean and include:

- a. Any building or structure or portion thereto which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
- b. Any vacant land offered for sale or lease for commercial housing.

PERSON

Shall mean and include one or more individuals, partnerships, associations, organizations, corporations, legal representative, trustees in bankruptcy or receivers.

It also includes, but is not limited to, any owner, lessor, assigner, builder, manager, broker, agent, employer, lending institution and all political subdivisions, authorities, boards, and commissioners.

PERSONAL RESIDENCE

Shall mean a building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups or families living independently of each other and used by the owner or lessee thereof as a bona fide residence.

§ 10-3.3 Prohibition of Discriminatory Practices.
[1990 Code § 10-3.3]

It shall be unlawful discriminatory practice for any persons to:

- a. Refuse to sell, lease, finance or otherwise to deny or withhold commercial housing from any person because of race, color, religious creed, ancestry, sex or national origin of any prospective owner, occupant or user of such commercial housing to any person due to use of a guide dog because of the blindness of the user.
- b. Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing from any person because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.
- c. Discriminate against any person in the terms or conditions of selling or leasing of any commercial housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any commercial housing because of race, color, religious creed, ancestry, sex or national origin or any present or prospective owner, occupant or user of such commercial housing, or to discriminate against any person in terms of leasing any commercial housing or in furnishing facilities, services or privileges in connection with the occupancy or use of any commercial housing due to use of guide dog because of the blindness of the user.

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d. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, or repair or maintenance of commercial housing because of the race, color, religious creed, ancestry, sex or national origin of any present or prospective owner, occupant or user of such commercial housing.

e. Print, publish or circulate any statement or advertisement relating to the sale, lease or acquisition of any commercial housing or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance specification, or discrimination based upon race, color, religious creed, ancestry, sex or national origin, or to print, publish or circulate any statement or advertisement relating to the lease of any commercial dwelling which indicates any preference, limitation, specification or discrimination based upon use of a guide dog because of the blindness of the user.

§ 10-4 SCAFFOLDING AND OTHER TEMPORARY PLATFORMS.

§ 10-4.1 Declaration of Intent.

[1990 Code § 10-4.1]

The Mayor and Council hereby declare the intent to regulate, in a manner consistent with the interests and to insure the protection and safety of the citizens of the City, the location, use, placement and construction of temporary construction platforms.

§ 10-4.2 Compliance Required.

[1990 Code § 10-4.2]

No person shall encumber or obstruct any street, highway, public lane, alley, sidewalk or other public place in the City by placing therein or thereon any scaffolding or other temporary construction platforms used in the construction, repair or maintenance of buildings except in compliance with the provisions of this section.

§ 10-4.3 Definitions.

[1990 Code § 10-4.3; Ord. No. 2010-13]

As used in this chapter:

ENFORCEMENT OFFICER

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

SCAFFOLDING

Shall mean a temporary platform, manlift, ladder and planks, pump jacks, frame or similar means used chiefly to support workmen and materials in the construction, maintenance and/or repairs of buildings.

§ 10-4.4 Encroachments.

[1990 Code § 10-4.4; Ord. No. 2010-13]

a. The placement of a scaffold upon a sidewalk, street, highway or any other public place within the limits of the City, by any person other than agents or employees of the City is hereby prohibited unless a permit for the placement of the scaffold is obtained from the Construction Official, pursuant to this section, and evidence of such permit is displayed conspicuously on the building for which the scaffold is being used by means specified by the Construction Official.

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b. This section shall not be construed to prohibit the placement of a scaffold on private property except for scaffolding in close proximity to a sidewalk, street, or other public place such that it may pose a hazard to the safety of the public as determined by the Construction Official.

§ 10-4.5 Application for Permit.

[1990 Code § 10-4.5; Ord. No. 2010-13]

An application for a permit pursuant to subsection 10-4.4 shall be made on forms approved and made available by the Construction Official. Such application shall include, but not be limited to, the following information:

- a. The name and address of the applicant.
- b. A description or diagram of the location where the applicant proposes to place the scaffold. A signed sealed engineers drawing may be required as determined by the Construction Official.
- c. A description of the scaffold which the applicant proposes to place on the sidewalk, street or any other public place in the City, which includes the name of its manufacturer and its capacity.
- d. The circumstances necessitating the use of the scaffold.
- e. The length of time the applicant plans to place the scaffold on the site, such time not to exceed 30 days.

§ 10-4.6 Fee.

[1990 Code § 10-4.6; Ord. No. 2007-27; Ord. No. 2010-13]

- a. A minimum fee of \$50 is required before any permit is issued pursuant to this section. The Construction Office shall approve the subsequent renewals and an additional minimum fee of \$25 shall be due and payable upon issuance of all renewals.
- b. The minimum fee shall be charged for all scaffolding 15 feet or less in height and 30 feet or less in length. An additional \$10 per foot for each additional foot of height and/or length shall be charged for the application and \$5 per foot for each renewal with a maximum fee of \$600 for any single scaffold for any one month.

§ 10-4.7 Insurance.

[1990 Code § 10-4.7]

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the use of the scaffold. Such policy or certificate shall contain limits of at least \$500,000 for bodily injury and \$100,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official.

§ 10-4.8 Permit Term; Expiration.

[1990 Code § 10-4.8; Ord. No. 2010-13]

- a. No permit shall be granted by the Construction Official for a term longer than required for the project. This time frame shall be determined by the Construction Official upon the initial issuance of the permit. Initial fees

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and renewal fees to be as stated in this chapter up to the term required for the project. Permit fees for renewals after the initial term will be increased by 50% and the maximum fee of \$600 shall no longer apply.

b. Upon the expiration of the permit or any renewals thereof, the applicant shall remove, or cause to be removed, the scaffold from the sidewalk, street or any other public place.

§ 10-4.9 Revocation of Permit.

[1990 Code § 10-4.9]

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

1. The permit holder has made any false statements in his application for a permit; or

2. The permit fails to conform to the provisions of this section; or

3. In the opinion of the Construction Official, the work necessitating the use of scaffold is not proceeding in a normal fashion.

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

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

§ 10-4.10 Violation and Penalties.

[1990 Code § 10-4.10]

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

§ 10-5 NUMBERING OF BUILDINGS.

§ 10-5.1 Purpose.

[1990 Code § 10-5.1]

The purpose of this section is to require clear display of authorized and assigned house or building numbers on every dwelling house, store or other principal buildings fronting on any street in the City of Lambertville in order to assist the general public and emergency services, public and private, in identifying the property in case of emergency or otherwise.

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§ 10-5.2 Applicability.

[1990 Code § 10-5.2]

All dwelling houses, stores or other principal buildings erected or to be erected within the City shall display house numbers assigned by the Tax Assessor as provided herein and in conformity with the specifications set forth in subsection 10-5.4.

§ 10-5.3 Responsibility of Owner for Placement of Number and Time Limit.

[1990 Code § 10-5.3]

The owner of every dwelling house, store or other principal building which now fronts or which may hereafter front upon any public or private street within the City shall, at his own expense, cause the authorized and assigned number of such house or building to be permanently and conspicuously placed in accordance with the specifications set forth herein.

§ 10-5.4 Specifications.

[1990 Code § 10-5.4]

a. House or building numbers shall be:

1. In Arabic numerals.

2. A minimum height of three inches.

3. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.

4. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.

5. At least 30 inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the building fronts.

b. Visibility of numbers on building which is set back. If the dwelling house, store or principal building has such a setback location that the provisions cannot be complied with, then the owner shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox, with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the building fronts.

§ 10-5.5 Assignment of Numbers; Application for Number.

[1990 Code § 10-5.5]

House numbers shall be assigned by the Tax Assessor. Every owner of a building constructed or to be constructed in the City shall apply to the Tax Assessor for an authorized number in accordance with this section and the applicable provisions of the Subdivision Ordinance of the City of Lambertville.

§ 10-5.6 Conformance to Numbering System and Adoption of Map.

[1990 Code § 10-5.6]

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The number of houses and buildings on the various streets in the City shall be in conformance with the Tax Map of the City of Lambertville and with the current Tax Records which are on file in the Office of the City Clerk and will remain on file in that office for the use and examination of the public. The Tax Map and Tax Records are annexed hereto and made a part hereof without inclusion thereof herein.

§ 10-5.7 Enforcement.

[Ord. No. 90-11; 1990 Code § 10-5.7; New]

Upon the failure of an owner to ascertain and affix upon any building to which this section applies the assigned and authorized number within 30 days of the issuance of a certificate of occupancy or notification by the City Clerk to affix the building number, the City Clerk may enforce the provisions herein.

§ 10-5.8 Violations and Penalties.

[1990 Code § 10-5.8]

Any person who violates the provisions of this section, upon conviction thereof, shall be liable to the penalty stated in Chapter 1, Section 1-5.

§ 10-6 ALARM SYSTEMS.

§ 10-6.1 Purpose.

[1990 Code § 10-6.1]

The purpose of this section is to regulate and control the installation, operation and maintenance of private alarm systems within the City in order to insure that the quality of alarm responses rendered to the public will be maintained at a high level, to eliminate potential harm resulting in responses to false alarms, and to alleviate conditions otherwise leading to unnecessary drain on the manpower, time, space, facilities and finances of the City of Lambertville and its Police and Volunteer Fire Department.

§ 10-6.2 Scope.

[1990 Code § 10-6.2]

The purpose of this section is to provide standards and regulations for various types of intrusion, burglary, fire and other emergency alarm equipment which produce a visual or audible signal or function by direct line, radio, telephone or by any other means requiring a response by the Police Department, volunteer Fire Department or other municipal agencies.

The provisions of this section shall apply to alarm businesses and to any person who operates, maintains or owns any alarm device, dial alarm or local alarm designed to produce a visual or audible signal of an emergency and designed to summon or alert, directly or through others, the Police Department, Fire Department or other municipal agencies in response to any type of alarm signal.

§ 10-6.3 Definitions.

[1990 Code § 10-6.3]

The following definitions shall apply in the interpretation and enforcement of this section unless otherwise specifically stated:

ALARM BUSINESS

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Shall mean any business, operated by a person, partnership, corporation or other individual or entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a fire or burglar alarm system(s) or which causes any of these activities to take place. Excluded from this definition, however, are retail establishments which sell alarm systems over the counter and do not service same.

ALARM DEVICE

Shall mean any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or like peril.

ALARM SYSTEM

Shall mean equipment or a device, or an assembly of equipment and devices to signal the presence of an emergency or hazard requiring urgent attention and to which the Police Department, Fire Department or other municipal agency may be expected to respond.

ALARM USER

Shall mean any person, firm, partnership, association, corporation, company or organization or entity of any kind in control of any building, structure or facility wherein an alarm device or system is maintained, and including; but not limited to, owners, tenants, subtenants or otherwise.

DESIGNATED REPRESENTATIVE

Shall mean the individual designated by the Police Director or the Fire Official who performs a function required or permitted by this section under the supervision of the Police Director or the Fire Official.

DIAL ALARM

Shall mean any type of alarm system using telephone lines, transmitting an alarm directly through the communications switchboard, answering service or alarm company console, providing warning of intrusion, fire or other peril.

FALSE ALARM

Shall mean any alarm or signal of an alarm actuated by inadvertence, negligence, intentional or unintentional act of a person, domestic animal and/or household pet other than an intruder; and including alarms caused by mechanical failure, malfunction or improper installation of the alarm system and related equipment. It shall further include improper adjustment (sensitivity) to suppress false indications due to short flashes of light, wind, noises, rattling or vibrations of doors or other forces.

FIRE ALARM EQUIPMENT

Shall mean and include the following:

- a. Devices which automatically detect heat, smoke or other products of combustion.
- b. Manual systems which actuate a fire alarm signal.
- c. Mechanical systems designed and equipped to detect fires, actuate an alarm, and suppress such fires, to include "water flow alarms."

FIRE OFFICIAL

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Shall mean the individual appointed by the Mayor with the consent of Council pursuant to Chapter 11 of the Lambertville City Code or his designated representative.

FIRE SERVICES

Shall mean the authorized fire companies providing fire protection and suppression to the City of Lambertville under the direction of the Fire Chief and the Board of Fire Commissioners.

INDEPENDENT SMOKE DETECTOR

Shall mean a device having an audible alarm indicating smoke and/or fire within a structure and not connected to an alarm system or to any external sounding device outside of the structure.

LICENSEE

Shall mean the person who holds the license to install, operate and maintain the alarm/alarm console pursuant to the provisions of this section.

LOCAL ALARM

Shall mean any alarm system, which, when activated, produces a signal not connected to an alarm console or the communications switchboard, including, but not limited to business burglar alarms actuating bell or other sound generating devices and/or light emitting devices providing warning of intrusion or other peril. The term "local alarm" shall not include an alarm system solely connected to a registered motor vehicle, nor shall the term include equipment designed to signal solely within a building or series of buildings and which does not emit signals, visible or audible, to persons outside such building or buildings, i.e., "independent smoke detector."

PERMITTEE

Shall mean any person who owns an alarm device who has obtained a permit according to the provisions of this section. All permits shall be issued and fees paid therefor on a one-time basis.

PERSON

Shall mean any natural person or individual, or any firm, partnership, association, limited partnership, sole proprietorship, corporation or any other business entity.

POLICE DIRECTOR

Shall mean the individual appointed by the Mayor with the advice and consent of the Council pursuant to Chapter 3, Article I of the Lambertville City Code, or his designated representative.

WRITTEN NOTICE

Shall mean notice by certified mail, return receipt requested.

§ 10-6.4 Registration of Alarm System.

[1990 Code § 10-6.4; New]

- a. No person shall install, operate or maintain any alarm system unless the alarm system has been registered with the Lambertville Police Department. The Police Department shall provide a copy of all approved registration forms to the Lambertville Fire Official, Fire Chief and the Construction Official.
- b. An alarm system shall be deemed registered at such times as a registration form supplied by the Police Department is completed as to all information requested therein. Among the information to be provided on the registration form is the following:

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1. The name, address and telephone number of the owner and tenant or occupier of the property if other than the owner, upon which the alarm system is installed.
 2. The name, address and telephone number of the installer of the system.
 3. The type of system.
 4. A list of names, addresses and telephone number of the person(s) to be contacted in the event of an alarm or in an emergency situation determined by the Police or Fire Department.
 5. The names, address and twenty-four-hour telephone numbers of the persons or company maintaining the alarm system.
- c. No further renewal registration shall be required unless and until there has occurred any material change in the information previously submitted with respect to any alarm system in which event it shall be the duty of the owner and user of the alarm system within 10 days of such material change, to file a supplemental or revised registration containing accurate, current information.
- d. A one-time fee in the amount of \$25 shall accompany each registration. Change or reregistration for new owners or users, there shall be a fee of \$10. Upon payment of the fee and filing of the registration, two decals will be issued. The decals will be placed in plain view, near the front/main entrance and rear/secondary entrance of the premises.
- e. All pre-existing alarm systems shall comply with the requirements of this section within 60 days of the date of the final adoption of this section.
- f. Excluded from this provision are "independent smoke detectors" that do not emit an audible or visible signal outside of the structure.
- g. No person shall install any alarm system without first filing an application with the Construction Official or the appropriate subcode officials, in writing and obtaining the required permit, therefor, pursuant to N.J.A.C. 5:23-2.14.
- h. Any pre-existing alarm system that was installed without the required inspection and approval of a construction permit pursuant to the Uniform Construction Code shall obtain said permits and inspection approvals.

§ 10-6.5 General Provisions Regarding Installation Activation and Operation of New Alarm System.
[1990 Code § 10-6.5]

- a. Each "alarm system" as defined herein and installed after the effective date of this section shall utilize discrete circuitry for multi-purpose alarm systems to insure appropriate emergency response.
- b. Any alarm system which requires for its operation electricity supplied by a public utility may be equipped with a battery rendering it operable in the event of a power outage if so desired by the property owner. Such a

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battery back-up shall be required for any alarm system which will trigger itself automatically in the event of a power outage.

- c. Every alarm system must be provided with a device which will shut off the alarm after 10 minutes of activation.
- d. Every burglar alarm system shall be equipped with a time delay of at least 15 seconds which may include an audible signal of the same length of time, said time delay to be designated to prevent accidental activation of the system. The 15 second audible signal, if utilized, shall be audible only within then structure and not externally.
- e. No alarm system may be connected directly or indirectly to the Police or Fire Department.
- f. No person shall install, cause to be installed or permit to be installed, any alarm device by whatever name known, which automatically selects a telephone line dedicated to the Police or Fire Department for the purpose of playing a recorded message to report any emergency. All alarm systems shall be programmed to dial Hunterdon County Communications at 908-782-0911.
- 1. All central station and proprietary alarm systems, including automatic systems shall have the responsibility to identify and communicate the nature of the alarm; burglar alarms to Police Department and fire alarms to the Fire Department.
- g. All dial alarms shall be capable of being disconnected to allow a call to the Police Department or Hunterdon County Communications in the event of a false alarm.
- h. No Police, Fire or other public department or official shall be responsible in any way for the resetting or maintenance of any alarm system.
- i. No alarm business or person owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, for test purposes or otherwise, whether intentional, accidental or otherwise. Owners and operators of such alarms shall be governed by the false alarm procedures and penalties set forth in this section.
- j. If any person has any dial alarm connected at the time of the effective date of this section, it shall be reprogrammed within 30 days of said effective day to comply with this ordinance. (Refer to subsection 10-6.5k below.)
- k. The contents of a dial alarm message shall be clear and intelligible and, in the format, approved by the Police Director or Fire Official. No such message shall be transmitted more than two times as a result of a single stimulus of the mechanism. Messages shall not exceed 15 seconds and the time gap between each shall not exceed 10 seconds.
- l. The sensory mechanism of dial alarms shall be adjusted so as to suppress false indications and not be actuated by impulses due to short flashes of light, wind, noises, rattling or vibration of doors or the forces unrelated to general alarms.

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m. Permits for local alarm systems shall not be issued with respect to buildings which are not owner-occupied, prior to receipt by the Police Director of satisfactory proof that the occupant(s) of the building have been notified of the existence of such alarm system, or of the intent to install a local alarm system and the provisions of this section.

n. By installing an alarm system and registering same with the City of Lambertville Police Department, each permittee agrees to indemnify and hold harmless the City of Lambertville and the Volunteer Fire Companies and Fire Department of the City of Lambertville and mutual aid departments, their agents, servants and employees from and against any and all claims, suits, damages, costs, losses and expenses and to release the City of Lambertville, the Volunteer Fire Companies, the Fire Department and the Board of Fire Commissioners and mutual aid departments, their agents, servants and employees from any and all liability or damages in any way resulting from or arising out of or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.

o. Any alarm business and/or property owner having knowledge of the sale or change of tenants in a property shall be responsible for notifying the Police Department when one of its customers possessing an alarm system sells the property or changes tenants. The alarm business shall notify the Police Department of the name of the new owner or tenant and whether or not the new owner or tenant is continuing with an alarm device or system within the property.

§ 10-6.6 Confidentiality.

[1990 Code § 10-6.6]

All information submitted in compliance with this section shall be held in the strictest confidence and shall be deemed a record exempt from public disclosure pursuant to State Statute. Any violation of confidentiality shall be deemed a violation of this section.

§ 10-6.7 Penalties for Owners, Users, Alarm Businesses Engaged in the Operation, Installation or Maintenance of Alarm Systems or Devices.

[1990 Code § 10-6.7; Ord. No. 2005-05 § 1]

a. Any person who fails to register an alarm system as required by the provision of this section is subject to a minimum of \$50 and maximum of \$500 fine to each and every violation.

b. Any owner, user or alarm business who installs such a system that is not in compliance with this section is subject to a fine of \$50 and may be required to remove such alarm systems.

c. In the case of each false burglary alarm which summons the Police Department to respond, the Police Director shall cause an investigation to be made and shall keep a record of such false burglary alarms on file.

d. In the case of each false fire alarm which summons the Fire Department to respond, the Fire Official shall cause an investigation to be made and shall keep a record of such false fire alarm on file.

e. In the event of a false burglary alarm, excluding acts of God, the permittee shall, within three days to complete a written report setting forth the causes of the false burglary alarm, the corrective action taken and a

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statement as to whether the burglary alarm system has been inspected and/or serviced by an alarm service company and such other information as the Police Director may reasonably require.

f. In the event of a false fire alarm, excluding acts of God, the permittee shall be responsible within three days to complete a written report setting forth the cause or causes of the false fire alarm and such other information as the Fire Official may reasonably require. Furthermore, within 10 business days the fire alarm company must submit to the Fire Official the corrective action taken and a statement as to whether the fire alarm system has been inspected and/or serviced by an alarm service company.

g. If a report is not filed or insufficient action is taken to resolve the problem, in cases of false burglary alarm report the Police Director may file action in Municipal Court for violation of this section. In cases of false fire alarm report the Fire Official may file action in Municipal Court for violation of this section.

h. Owners and/or users of alarm systems shall be subject to the following minimum fine schedule for false alarms within a twelve-month period.

Number of False Burglary Alarms Within a Twelve-Month Period	Minimum Fine/Penalty
1-2	Provide written report as per subsection 10-6.7
3	\$50
4	\$100
5	\$200
6	\$400
More than 6	\$500 per occurrence
Number of False Fire Alarms Within a Twelve-Month Period	Minimum Fine/Penalty
1	Provide written report as per subsection 10-6.7
2	\$250
More than 3	\$500 per occurrence

The calculation of the number of false alarms, for both burglary and fire shall be without regard to whether the false alarms involved intrusion alarms or fire alarms.

§ 10-6.8 Penalty for Intentional False Alarm.

[1990 Code § 10-6.8; New]

Unless otherwise provided by law, any person who intentionally causes the giving of false alarm shall be in violation of this section and subject to a penalty of not less than \$250 and not more than \$2,000 and/or imprisonment for any term not to exceed 90 days, and/or by a period of community service not to exceed 90 days for each such offense.

§ 10-6.9 General Regulations.

[1990 Code § 10-6.9]

a. **Testing Alarms.** Any person testing an alarm system covered by the provisions of this section shall notify the Police Department and Hunterdon County Communications immediately prior to and immediately after the testing is completed. Failure to do so shall constitute a violation of this section and subject such person to the penalties set forth herein.

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b. The Police Director, Fire Chief and Fire Official shall cooperate in all respects in connection with the administration of this section and the forms, permits, decals, records and other documents used by the Police Director.

c. Rules and Regulations. The Police Director may, from time to time, promulgate rules and regulations in furtherance of the administration of this section which shall be enforced through the Police Department. Said rules and regulations shall become effective upon approval by resolution adopted by the Mayor and City Council.

§ 10-6.10 Enforcement.

[1990 Code § 10-6.10; Ord. No. 2005-05 § 2]

The Police Director is hereby designated as officer in charge of the enforcement of this section, excluding false fire alarms. The Fire Official is hereby designated as officer in charge of the false fire alarms. The Mayor and Council may designate such assistant enforcement officers for purposes of the enforcement of this section as are needed for such purposes. The enforcement officer shall have the authority to use the services of the Police Department or any public authority to enforce this section.

§ 10-7 RENTAL OF HOUSING UNITS.

§ 10-7.1 Definitions.

[Ord. No. 2010-23]

As used in this section, the following terms shall have the meanings indicated:

ADULT TENANT

Shall mean a person over the age of 18 years not previously occupying a dwelling unit.

BUILDING

Shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING

Shall mean a building or structure or part thereof containing one or more dwelling units which are to be leased or rented to a person other than the owner or provided to any occupant as compensation for services rendered to the Landlord or any third party. A dwelling shall not include a State licensed group home operated by a non-profit corporation or public entity.

DWELLING UNIT

Shall mean any room or group of rooms or any part thereof located within a building containing habitable space and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, and eating for a single family or the functional equivalent thereof.

The provisions of N.J.S.A. 40:49-5.1 and N.J.A.C. 5:28-1.11, are hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use.

DWELLING, STANDARDS TO BE APPLIED

For all dwellings in the City of Lambertville the following standards are adopted by reference:

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HABITABLE SPACE

Shall mean the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space in similar areas are not considered habitable space.

HOUSING ENFORCEMENT OFFICER

Shall mean the person authorized by this section to issue Notice of Violations or Summons to enforce compliance with this section and to investigate and/or inspect complaints and possible unsafe conditions and includes the Rental Housing Officer, Zoning Official, Fire Official, Construction Official, and any Police Officer of the City of Lambertville.

LANDLORD

Shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, or their duly authorized agents, firm or corporation in control of a building, dwelling, apartment house or habitable space of premises.

OCCUPANT

Shall mean any person, including minors, who reside or intends to reside in a dwelling unit.

RENTAL HOUSING OFFICER

Shall mean the person authorized by this section to issue permits and conduct inspections and shall include the Construction Official, the Police Director or his designee and the Zoning Officer of the City of Lambertville.

TENANT

Shall mean any person, including minors, who reside in a dwelling unit on a continuous basis for more than 30 days.

VACANT DWELLING UNIT

Shall mean a dwelling unit where the previous tenants have vacated, or where more adult tenants than permitted by the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, seek to occupy the dwelling unit.

[Amended 12-19-2019 by Ord. No. 28-2019]

§ 10-7.2 Annual Landlord Registration Addendum (ALRA) Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

Within 90 days of the effective date of this section, adopted October 18, 2010, every landlord in the City of Lambertville shall make application for, and file with the Rental Housing Officer, an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, for every building containing one or more dwelling units occupied by one or more tenants. Thereafter the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be renewed annually each March 1st. All Annual Landlord Registration Addenda (ALRA), in accordance with Chapter 11 of the City Code, received after April 1st of each year shall be considered late and are subject to applicable late fees.

§ 10-7.3 Application for Annual Landlord Registration Addendum (ALRA); Affidavit of No Change.

[Ord. No. 2010-23; Ord. No. 04-2014; amended 12-19-2019 by Ord. No. 28-2019]

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a. Application, Information Required. An application form for an Annual Landlord Registration Addendum (ALRA) shall be available from the City Clerk and shall not be deemed complete unless the applicant provides the following for each building containing one or more dwelling units rented to one or more tenants owned by the landlord in the City:

1. Name, address and phone number of the landlord.
2. Address of building ("building") and dwelling unit number or other identifying information for the dwelling unit.
3. Number of dwelling units in the building.
4. For each dwelling unit in the building:
 - (a) Identify the unit number or other identifying information.
 - (b) Set forth the gross floor area in square feet of each room occupied for sleeping purposes.
 - (c) Set forth the total gross floor area in square feet of habitable rooms.
 - (d) Total number of tenants permitted in the dwelling unit.
 - (e) Total number of occupants who are to reside in the dwelling unit.
 - (f) The date tenancy commenced or will commence.
5. Proof of current payment of property taxes, assessments against property, sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
6. Payment of Registration Fees.
7. A certification from the landlord that the dwelling unit to be rented complies with this section.
8. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the dwelling unit.
9. In the event of a change in landlord of the dwelling unit, a new Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be filed with the City Clerk.
10. Proof of approval to operate as a multi dwelling such as Board of Adjustment approval or proof of operation prior to the adoption of the 1971 Zoning Ordinances.
11. In the event of a change in tenants, a new Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, must be completed within 10 days of the occurrence.

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12. SDCMFX Inspection which requires smoke detector and carbon monoxide fire extinguisher certification.

b. Renewals with no changes; Affidavit. Landlords who have experienced no changes to the application filed the previous year, may certify the information (items a.1 through a.12) is correct and has not changed by completing an affidavit of the full application.

§ 10-7.4 Annual Landlord Registration Addendum (ALRA) Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

No landlord shall permit a tenant to occupy, let or sublet to a tenant, nor shall any person or persons lease or occupy any vacant dwelling unit, without receiving a Landlord Registration Certificate which certifies that the dwelling unit complies with the provisions of the most current revision of the Zoning Ordinance, this section and any other applicable laws and regulations.

§ 10-7.5 Procedure Upon Increase of Occupants.

[Ord. No. 2010-23]

a. Every landlord shall have the obligation to monitor any increase in the number of tenants in each dwelling unit and prevent any increase in tenants that exceeds the number of tenants permitted in the Landlord Registration Certificate. In addition, the landlord shall have the obligation to alert the Rental Housing Officer within 10 days of increase in the number of tenants in a dwelling unit above that permitted in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. [Amended 12-19-2019 by Ord. No. 28-2019]

b. Every tenant shall have the obligation to notify the landlord of any increase in the number of tenants within 10 days of the arrival of a new tenant.

c. Neither the tenant nor the landlord shall permit more tenants to occupy the dwelling unit than the maximum number of tenants set forth in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. [Amended 12-19-2019 by Ord. No. 28-2019]

§ 10-7.6 Limitations of Occupancy.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

The maximum number of persons which may inhabit a dwelling unit shall be computed as follows and certified in the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code:

a. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

b. Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements.

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c. Maximum Occupancy. The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code.

§ 10-7.7 Minimum Standards for Room Occupancy: Light, Ventilation, Bath and Kitchen Requirements, and Decks.
[Ord. No. 2010-23]

a. Light and Ventilation. Every room containing habitable space must have at least one window capable of being opened or other opening directly upon a street, yard, court or other open space. The total area of such opening shall be not less than 12% of the floor area of such room and in no case less than 12 square feet.

b. Bathroom and Kitchen. Each dwelling unit shall contain a full bathroom (including a water closet, lavatory and either a bathtub or shower) and a kitchen meaning an area for the preparation of food (including a stove and sink).

c. Maximum Deck, Balcony or Porch Space. The maximum allowable number of people on any deck, balcony or porch shall be one person per nine square feet in accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.

d. Structures that preexisted the adoption of the 1971 Zoning Ordinance may continue to be used as a dwelling unit notwithstanding they do not meet the requirements of this section, provided their continued use is permitted by and the Uniform Fire Safety Code, N.J.S.A. 52:27D-192 et seq., and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 et seq. (jointly referred to as "Uniform Fire Safety Code"). The Landlord shall submit a written request with the application for the Rental Certificate of occupancy for such continued use along with a written explanation as to how compliance with the Uniform Fire Safety Code creates practical difficulties.

§ 10-7.8 Violation of Occupancy Requirements, Inspections, Enforcement.
[Ord. No. 2010-23]

a. It shall be unlawful and in violation of this section for a landlord, owner or a tenant of a dwelling unit to allow a greater number of people than the permitted maximum number of tenants listed in the Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, to rent or occupy any dwelling unit. [Amended 12-19-2019 by Ord. No. 28-2019]

b. It shall also be unlawful and in violation of this section for a tenant, landlord or an owner to allow a number of people greater than the maximum number of people permitted to occupy the deck, balcony or porch of said dwelling unit to occupy the deck, balcony or porch of said dwelling unit.

c. The Housing Enforcement Officer is authorized to issue summons for violations of this section to any owner, landlord or tenant found to be in violation of this section.

d. Inspections. The Rental Housing Officer or his agents or duly designated designee may make inspections to determine the condition of dwellings containing a dwelling unit to be rented to a tenant prior to the issuance of an approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code. For the purpose of making inspections, the Rental Housing Officer is authorized to enter and examine any dwelling,

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dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit with the permission of an occupant, tenant, owner or landlord. In the event entry is denied, then, upon advice of the municipal attorney, recourse to a court of competent jurisdiction shall be pursued. [Amended 12-19-2019 by Ord. No. 28-2019]

§ 10-7.9 Unlawful Activities.

[Ord. No. 2010-23]

It shall be unlawful and in violation of this section for a landlord or owner of a dwelling unit or tenant of a dwelling unit or apartment:

- a. To permit or allow people to reside in a dwelling unit in a number in excess of the number of people for which sleeping accommodations are provided in accordance with this section.
- b. To lease or rent a dwelling unit where the number of tenants exceeds the total number of sleeping accommodations as set forth in subsection 10-7.6.
- c. To knowingly permit a number of people, greater than the maximum number of occupants or tenants permitted, to occupy a dwelling unit.
- d. For the landlord to fail to file with the Rental Housing Officer an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, as required by Subsection 10-7.2 for each building owned by him in the City of Lambertville containing a dwelling unit. [Amended 12-19-2019 by Ord. No. 28-2019]
- e. To violate any other provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq., and/or the Uniform Fire Safety Code.
- f. To enter into a lease agreement without at least one tenant being an adult, and requiring all adult tenants to sign the lease.
- g. To violate any subsection of this section.
- h. Filing a false certification.

§ 10-7.10 Reporting of Violations.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

It shall be the legal duty of each holder of an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, to immediately report any breaches of the peace or violations of this section which he may know or believes to have occurred on the leasehold premises, which report shall be made to the Rental Housing Officer or the Police Department of the City of Lambertville by the most expedient means.

§ 10-7.11 Violation for False Information.

[Ord. No. 2010-23]

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Any person who is found to have submitted false information, documentation or identification in connection with an application for a Landlord's Registration Statement shall pay a minimum fine of \$250, plus court costs for the first offense, second offense a minimum of \$1,225 and third offense or more \$2,000 for each document containing false information, documentation or identification. Any person who submits a false certification or documentation shall be subject to criminal prosecution, in addition to the penalties contained herein. In addition to the foregoing, a certificate of occupancy that is issued on the basis of information or documentation that is knowingly false or fraudulent when made, shall be subject to revocation pursuant to and in accordance with the provisions herein.

§ 10-7.12 Fees.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

There shall be an annual fee of \$50 to file an Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, for each building containing one or more dwelling units.

A late fee of \$50 shall be applied to all registrations or renewals filed after April 1 of each year.

§ 10-7.13 Tenant Subject to Removal.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019]

Any tenant renting premises in the City of Lambertville who occupies the premises prior to obtaining an approved Annual Landlord Registration Addendum (ALRA), in accordance with Chapter 11 of the City Code, shall be subject to immediate removal from the premises. Any costs associated with the removal and subsequent relocation of tenants that are incurred by the City of Lambertville shall be the responsibility of the landlord and/or tenant.

§ 10-7.14 (Reserved)

§ 10-7.15 Violations and Penalties.

[Ord. No. 2010-23]

a. In addition to the penalties as set forth in subsection 10-7.11, any owner, agent, landlord, tenant and any person or corporation who shall violate any provision of this section or fail to comply therewith or with any of the requirements thereof, shall be liable for one or more of the following: imprisonment in the County Jail for any term not exceeding 90 days; by a period of community service not exceeding 90 days; a fine not less than \$100 nor more than \$2,000. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation. The imposition of a fine in amount greater than \$1,250 upon an owner for violation of this section shall provide for thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the Municipal Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 (up to a maximum of \$2,000 may be imposed if the Court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not been substantially completed. (N.J.S.A. 40:49-5)

b. Refusal of Entry. Anyone who knowingly refuses entry or access to any lawfully authorized housing enforcement officer of the City of Lambertville for the purpose of inspection pursuant to this section or who unreasonably interferes with such inspection shall be subject to a fine of not more than \$250 for each offense.

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§ 10-7.16 Severability.

[Ord. No. 2010-23]

If any paragraph, subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

LANDLORD REGISTRATION
AFFIDAVIT OF NO CHANGE
NAME OF PROPERTY OWNER/CORPORATION:

MAILING ADDRESS:

CITY: _____ STATE: _____ ZIP CODE:

PHONE NUMBER:

EMAIL:

PROPERTY ADDRESS:

BLOCK: _____ LOT(S):

I, _____ (insert name) certify that the information contained on the application filed covering the _____ calendar year, which is on file in the City's Clerk's Office of the City of Lambertville, for landlord registration of block _____ lot _____ has not changed.

I understand that should a representative of the City find there is a change, I will be subject to fines and penalties as outlined in the City of Lambertville's General Ordinances, Chapter 10, Building and Housing, Section 10-7, Rental of Housing Units.

Signature of Property Owner or Principal

Please print your name and title

State of New Jersey

County of

Sworn to and subscribed before me this _____ date of _____, 20 _____.

Notary Signature

Notary Name

Commission Expires

Notary Seal

§ 10-8 REAL ESTATE DISCLOSURE OF THE SPECIAL FLOOD HAZARD AREA.

[Ord. No. 22-2015]

Disclosure of a property's potential flood hazard to prospective buyers must be made by the owner, his/her representative or real estate agent. Notification to the prospective buyer or tenant includes a clear statement in writing informing him/her if the building or structure is all or in part mapped within the Special Flood Hazard Area (1% annual chance flood) on the effective FEMA Flood Insurance Rate Map and if the prospective buyer would have a potential obligation to purchase flood insurance (structure and/or contents) to satisfy a Federally backed mortgage. The words "Flood insurance is required for a Federally backed mortgage" must be used on the

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disclosure if the building or structure is all or in part of the Special Flood Hazard Area. The disclosure must be a separate document from the seller's disclosure and is distinct from whether the seller experienced a flood while in ownership of the building or structure; for potential renters, the disclosure shall note if the landlord has experienced flooding during his/her ownership. The notice should state that additional information is available from the City of Lambertville's Construction Office.

Mayor Fahl opened the public hearing for Ordinance Number 13-2021. Mayor Fahl asked for Council questions or comments. There being no questions or comments from the Governing Body, Mayor Fahl asked for public questions or comments. There being no questions or comments from the public, Mayor Fahl asked for a motion to close the public hearing for Ordinance Number 13-2021. Councilman Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt Ordinance Number 13-2021. Council President Taylor made the motion and Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

BOARD APPOINTMENTS

Historic Preservation

Mayor Fahl announced that James Amon resigned from his position on the Historic Preservation Board. She nominated Michele Glassburg who has been serving as an alternate, to fill this vacancy. Council President Taylor made the motion to confirm the Mayor's nomination and Councilman Sanders seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ANNOUNCEMENTS

Mayor Fahl read the announcements into the record.

CONVENIENCE CENTER HOURS FOR MAY:

Wednesday, May 19, 2021 from 3 – 5 pm;

Saturday, May 22, 2021 from 9 am to 12 noon

Please bring your photo id!

SPARKLE WEEK

TUESDAY PICK-UP: Tuesday, August 3, 2021

WEDNESDAY PICK-UP: Wednesday, August 4, 2021

THURSDAY PICK-UP: Thursday, August 12, 2021

FRIDAY PICK-UP: Friday, August 13, 2021

COVID-19 VACCINE – J & J SHOT

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Wednesday, June 2, 2021

10 am to 12 noon

Lambertville Hall, Bridge Street

By appointment!

Call Fisherman's Mark at 609-397-0194

Email: Ricardo@fishermansmark.org

ELECTION NEWS:

VOTER REGISTRATION: The close of voter registration is Tuesday, May 18th. The County Clerk's office will be open until 9pm that evening to accept voter registrations, or voters can use the Online Voter Registration Form <https://nj.gov/state/elections/voter-registration.shtml>.

Election Dates:

Primary election is scheduled for Tuesday, June 8, 2021

General election is scheduled for Tuesday, November 2, 2021

Polling Information:

Hours: The polls will open at 6 am and close at 8 pm

Places:

- i. Districts 1 and 2 will vote at the Phillip L. Pittore Justice Center located at 25 South Union Street in the city;
- ii. Districts 3 and 4 will vote at the American Legion located at 320 North Union Street in the city.

PUBLIC COMMENT

Mayor Fahl asked for public comment.

Elycia Lerman commended the city for efforts on vaccine outreach and environmental changes in landscaping. Sparkle week - it's really not sparkle week but city-wide ability to put trash out, just like any other garbage week, think we should just cancel.

Paul Stevens asked when the budget would be introduced. He asked about the transmission of the Annual Financial Statement because he couldn't find it on the city's website.

Hugh Giordano, Representative of UFC152, National labor Union, Cannabis Union, spoke about jobs created by Cannabis.

Jeff King: Eatontown, thank you very much for the open minded progressive approach for dealing with the potential upside of smart cannabis zoning.

Marina Redman, Parlin, NJ: medical marijuana and consider medical marijuana, PTSD and cancer.

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Shaun Ellis commends everybody for taking off the table and considering feedback. We get the most flexibility and control by acting on this and not banning cannabis but actually doing the zoning and what we need to do by the 08-22 deadline.

Leah Hunt/Stockton, echo what Shaun said, opportunity in Lambertville.

Jessica Nichols, Manville, NJ, said she commends council for tabling. Wonderful resources in Lambertville to put to use in making decision.

Jaime Van Sciver Sativa Cross.org/Paulsboro NJ, advocating for cannabis medical rights. Thank you for supporting the medical dispensary. Ask the governing body to consider not taxing it.

Edward lefty Grimes, advocating for disabled rights.

Christian Velasquez, Dover, New Jersey: cannabis, thanked for tabling.

Krista Buccari, New Hope, PA: small biz owner in Lambertville, thanked for delaying the ordinance.

Ben West a Lambertville resident, thanked the Governing Body for tabling decision. Important to take time and think about the right way. Center: fact that this is a really historic change and a lens from which we can see something else that is important. Laws that criminalize marijuana and hurt people in profound ways.

Evan Lide: very glad that council tabled to get additional input. Concerned that this bill will prevent local people from getting into the cannabis business. Nice to keep revenue here and allow Lambertville people to have a piece of it. Conflict of interest expressed because Columbia care is in the recreational marijuana business.

Mr. Lide asked if this was a conflict for Mayor Fahl. The City Attorney responded that as has happened with previous concerns about conflicts, we would review them and if it was determined there was a conflict you would not take part in any conversation and recuse yourself. No potential for a conflict based on pending legislation and based on lack of information on guidance about state regulation, I don't see an issue but if a potential client came up during your term there would be procedures in place.

Matthew Hanson: support the advancement of a cannabis bill, not what council is proposing but what we should be doing as a progressive community. Be a leader, not listening to the league of municipalities.

Jack Hunter? Cory, 13 Lambert Lane, thank you all for benching the decision. I do think we should do a review of conflict of interest to make sure everyone feels comfortable here before moving forward on this issue.

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Jesse Marie Villars, 13 Lambert Lane, how this will affect small businesses in town, medical marijuana patient, local small with hopes of procuring a, thank you for not voting it too temporary. Will severely hurt. Deadline is august 22 – microbusiness applicants cannot supplement the application, which will be too late for small aspiring businesses.

ADJOURNMENT

The meeting adjourned at 9:12 p.m. with a motion made by Councilman Stegman and Councilwoman Lambert seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present.

Respectfully submitted,

Cynthia L. Ege, City Clerk

DRAFT