**LEGAL AD #1**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042601** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**AN ORDINANCE TO GRANT AN EASEMENT INTO THE CITY OF NEW BRUNSWICK'S RIGHT-OF-WAY FOR ACCESSIBILITY RAMP AT 83 REMSEN AVENUE**

BLOCK 170, LOT 1

The purpose of this Ordinance is to grant an easement into the City of New Brunswick's right-of-way to 83 Remsen Avenue for an accessibility ramp.

Leslie R. Zeledon, Municipal Clerk

**AN ORDINANCE TO GRANT AN EASEMENT INTO THE CITY OF NEW BRUNSWICK'S RIGHT-OF-WAY AT 83 REMSEN AVENUE, BLOCK 170, LOT 1**

**BE IT ORDAINED** by the New Brunswick City Council as follows:

**SECTION I**

City Council finds and determines as follows:

a) Eugenio Rodriguez is the owner of certain real property designated as Block 170, Lot 1, as shown on the City of New Brunswick Municipal Tax Map, and otherwise known as 83 Remsen Avenue, New Brunswick, New Jersey;

b) The City of New Brunswick is the owner of certain right-of-way lands which are immediately adjacent to Eugenio Rodriguez's property along Remsen Street in the City of New Brunswick, New Jersey;

c) As depicted by a survey prepared by DMC Associates, Inc. Land Surveyors dated December 1, 2025, Eugenio Rodriguez proposes the installation of an accessibility ramp that encroaches the City's right-of-way. The Easement area measures 5.25 feet by 25.75 feet for a total area pf approximately 135.19 square feet;

d) Eugenio Rodriguez has requested that the City of New Brunswick convey a permanent easement into a portion of the City's right-of-way adjacent to Remsen Avenue as a result of the encroachment onto the City of New Brunswick property as depicted on the DMC Associates, Inc. Land Surveyors plan dated December 1, 2025; and

e) The City shall collect the sum of Five-Hundred Dollars ($500.00) to cover the City's administrative costs to review and process the Easement request; and

f) The City Council has determined it is in the best interests of the residents of the City to provide the easement to Eugenio Rodriguez.

**SECTION II**

The Mayor and City Clerk are authorized to execute and attest a Deed of Easement to Eugenio Rodriguez for an easement into the City's right-of-way at 83 Remsen Avenue along Remsen Avenue in the City of New Brunswick as set forth in the DMC Associates, Inc. Land Surveyors plan dated December 1, 2025. The form of Deed to be approved by the City Attorney.

**SECTION III**

**SEVERABILITY:**

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

## SECTION IV

**REPEALER:**

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

## SECTION V

**EFFECTIVE DATE:**

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
COUNCIL VICE PRESIDENT GASKINS

**LEGAL AD #2**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042602** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**AN ORDINANCE TO AUTHORIZE THE SALE OF CITY PROPERTY**

WITH: NEW JERSEY DEPARTMENT OF TRANSPORTATION

FOR: SALE OF A PORTION OF PROPERTY CONSISTING OF APPROXIMATELY 1,349 SQUARE FEET ALONG ROUTE US 1 NORTHBOUND IN THE CITY OF NEW BRUNSWICK IN CONNECTION WITH NJDOT ROUTE 1 BRIDGE PROJECT

AMOUNT: $60,000.00

The purpose of this Ordinance is to authorize the sale of City property to NJ Department of Transportation at Block 703.03, Part of Lot 3.

Leslie R. Zeledon, Municipal Clerk

**AN ORDINANCE TO AUTHORIZE THE SALE OF CITY PROPERTY AND THE GRANTING OF PERMANENT AND TEMPORARY EASEMENTS TO NEW JERSEY TRANSIT CORPORATION ("NJ TRANSIT")**

**BE IT ORDAINED,** by the New Brunswick City Council as follows:

**SECTION I**

(a) The City of New Brunswick is the owner of property known as Block 703.03, Part of Lot 3, located along Route 1 Northbound, consisting of approximately 1,349 square feet;

(b) The State of New Jersey Department of Transportation ("NJDOT") has agreed to purchase this property from the City in connection with this project pursuant to Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., NJDOT having made an offer to acquire said property from the City in accordance with said Act and N.J.S.A. 40A:12-13, as the case may be;

(c) NJDOT has agreed to purchase said property from the City of New Brunswick for the total sum of **Sixty Thousand Dollars ($60,000.00)**, an Agreement of Sale to be approved by the City Attorney;

(d) The New Brunswick City Council hereby determines that said property is not needed for municipal purposes and finds that the sale of same to NJDOT is in the public interest.

**SECTION II**

The Mayor and City Clerk are hereby authorized to execute and attest the necessary deed, sale and closing documents to consummate the conveyance of property relative to property known as Block 703.03, Part of Lot 3 to

**The State of New Jersey Department of Transportation ("NJDOT")**

for the sum of **Sixty Thousand Dollars ($60,000.00)** pursuant to N.J.S.A. 40A:12-13, the form of said documents to be approved by the City Attorney.

**SECTION III**

**SEVERABILITY:**

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

## SECTION IV

**REPEALER:**

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

## SECTION V

**EFFECTIVE DATE:**

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
COUNCIL VICE PRESIDENT PETRA N. GASKINS

**LEGAL AD #3**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042603** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.04 – UNIFORM CONSTRUCTION CODE AND CHAPTER 15.36 – FLOOD DAMAGE PREVENTION REGULATIONS**

The purpose of this Ordinance is to amend and supplement the Revised General Ordinances of the City of New Brunswick, Title 15 “Buildings and Construction”.

Leslie R. Zeledon, Municipal Clerk

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 15 “BUILDINGS AND CONSTRUCTION”**

**BE IT ORDAINED** by the New Brunswick City Council, as follows:

**WHEREAS,** the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS,** the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the **City of New Brunswick** and such areas may be subject to periodic inundation which may result 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, and

**WHEREAS**, the **City of New Brunswick** was accepted for participation in the National Flood Insurance Program on **December 4, 1979,** and the **City Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, the **City of New Brunswick** is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the **City of New Brunswick** is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the **City of New Brunswick** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of New Brunswick that the following floodplain management regulations are hereby adopted.**

**SECTION I**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION II**

**Chapter 15.36, Flood Damage Prevention Regulations** is repealed and amended to read as follows:

**Sections:**

**15.36.010 Scope and Administration**

A. **Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the Floodplain Management Regulations of the **City of New Brunswick** (hereinafter "these regulations").

B. **Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 15.36.030 of these regulations.

C. **Purposes and objectives**. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

1. Protect human life and health.
2. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
3. Manage the alteration of natural floodplains, stream channels and shorelines;
4. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
5. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
6. Contribute to improved construction techniques in the floodplain.
7. Minimize damage to public and private facilities and utilities.
8. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
9. Minimize the need for rescue and relief efforts associated with flooding.
10. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
11. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
12. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

D. **Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **City of New Brunswick** administer and enforce the State building codes, the **City Council** of the **City of New Brunswick** does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

E. **Ordinary Building Maintenance and Minor Work.** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 15.36.040(N) of this chapter.

F. **Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

G. **Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

H. **Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this 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 violation under N.J.S.A. 40:49-5. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to one or more of the following: a fine of not more than two thousand dollars ($2,000.00), imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a thirty day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the thirty day period, a fine greater than two thousand ($2,000.00) may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

1. **Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two thousand five hundred dollars ($2,500.00) or up to a maximum penalty by a fine not exceeding ten thousand dollars ($10,000.00) under N.J.S.A. 40:49-5.

I. **Abrogation and Greater Restrictions.** These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

**15.36.020 Definitions**

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

"Thirty-day period" means the period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this chapter has been issued.

"One hundred (100) year flood elevation" means elevation of flooding having a one percent annual chance of being equaled or exceeded in a given year which is also referred to as the base flood elevation.

"Five hundred (500) year flood elevation" means elevation of flooding having a 0.2 percent annual chance of being equaled or exceeded in a given year.

"A zones" means areas of special flood hazard in which the elevation of the surface water resulting from a flood that has a one percent annual chance of equaling or exceeding the base flood elevation (BFE) in any given year shown on the flood insurance rate map (FIRM) zones A, AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this chapter, A zones are not inclusive of coastal A zones because of the higher building code requirements for coastal A zones.

"AH zones" means areas subject to inundation by one-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base flood elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

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

"Accessory structure" means accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

"Agricultural structure" means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the base flood elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual 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." See "Special flood hazard area."

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"ASCE 7" means the standard for the minimum design loads for buildings and other structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA, which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

"ASCE 24" means the standard for flood resistant design and construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

"Base flood elevation (BFE)" means the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year, as shown on a published flood insurance study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the "one-hundred-year flood elevation."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best available flood hazard data" means the most recent available preliminary flood risk guidance FEMA has provided. The best available flood hazard data may be depicted on but not limited to advisory flood hazard area maps, work maps, or preliminary FIS and FIRM.

"Best available flood hazard data area" means the area mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The best available flood hazard data may be depicted on but not limited to advisory flood hazard area maps, work maps, or preliminary FIS and FIRM.

"Best available flood hazard data elevation" means the most recent available preliminary flood elevation guidance FEMA has provided. The best available flood hazard data may be depicted on but not limited to advisory flood hazard area maps, work maps, or preliminary FIS and FIRM.

"Breakaway walls" means any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the local design flood elevation, it will collapse under specific lateral loads such that: (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in

the V zone certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V zone and coastal A zone structures. A completed certification must be submitted at permit application.

"Building" means, per the FHACA, a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

"Conditional letter of map revision (CLOMR)" means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the letter of map change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

"Conditional letter of map revision-fill (CLOMR-F)" means FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the letter of map change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

"Critical building" means, per the FHACA, that:

A. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or

B. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

"Dry floodproofing" means a combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

"Elevated building" means a building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE zones.

"Elevation certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

"Encroachment" means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

"FEMA publications" means any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

"Flood" or "flooding" means:

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in (A)(2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

"Flood hazard area design flood elevation" means, per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the state, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1—3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than fifty (50) acres does not possess, and is not assigned, a flood hazard area design flood elevation.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study (FIS)" means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood insurance rate map(s) and the water surface elevation of the base flood.

"Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood" or "flooding."

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

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

"Floodproofing certificate" means certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the local design flood elevation. A completed floodproofing certificate is required at permit application.

"Floodway" means 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.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave

action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

"Habitable building" means, pursuant to the FHACA Rules (N.J.A.C. 7:13), a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

"Hardship" means, as related to Section 15.36.080 of this chapter, the exceptional hardship that would result from a failure to grant the requested variance. The New Brunswick City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

"Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

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

    1. By an approved state program as determined by the Secretary of the Interior; or

    2. Directly by the Secretary of the Interior in states without approved programs.

"Lawfully existing" means, per the FHACA, an existing fill, structure and/or use, which meets all federal, state, and local laws, and which is not in violation of the FHACA because it was established:

A. Prior to January 31, 1980; or

B. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered "lawfully existing" for the purposes of the NFIP. This definition is included in this chapter to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

"Letter of map amendment (LOMA)" means an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the letter of map change (LOMC) process. A LOMA establishes a property's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually

on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

"Letter of map change (LOMC)" means a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an area of special flood hazard on an flood insurance rate map (FIRM). Conditional letters of map revision, conditional letters of map revision-fill, letters of map revision, letters of map revision-fill, and letters of map amendment are requested through the letter of map change (LOMC) process.

"Letter of map revision (LOMR)" means FEMA's modification to an effective flood insurance rate map (FIRM). Letter of map revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

"Letter of map revision-fill (LOMR-F)" means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the letter of map change (LOMC) process. Because a LOMR-F officially revises the effective flood insurance rate map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

"Licensed design professional" means licensed design professional shall refer to either a New Jersey licensed professional engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

"Licensed professional engineer" means a licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

"Local design flood elevation (LDFE)" means the elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to advisory flood hazard area maps, work maps, or preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified flood hazard area design flood elevation or a valid NJDEP flood hazard area verification letter plus the freeboard as required in ASCE 24 and the effective FEMA base flood elevation.

"Lowest adjacent grade" means the lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO zones where it is the natural grade elevation.

"Lowest floor" means, in A zones, the top surface of the lowest floor of the lowest enclosed area (including basement). In V zones and coastal A zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. 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 as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

"Manufactured home" means a structure that is transportable in one or more sections, eight feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for one hundred eighty (180) consecutive days or longer.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" means the price at which a property will change hands between a willing buyer and a willing

seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods: (1) actual cash value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the property appraiser, or (3) established by a qualified independent appraiser.

"New construction" means structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

"Non-residential" means, pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

"Ordinary maintenance and minor work" means types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

"Recreational vehicle" means a vehicle that is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

“Repetitive Loss” – any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

"Residential" means, pursuant to the ASCE 24:

A. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;

B. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and

C. Institutional facilities where people are cared for or live on a twenty-four-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

"Solid waste disposal" means the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Special flood hazard area" means the greater of the following: (1) land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as zone V, VE, V1-30, A, AO, A1-30, AE, A99, or AH; (2) land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) riparian buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the area of special flood hazard.

"Start of construction" means as follows:

A. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, 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.

B. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and base flood elevation's (BFEs) increase or zones change, the start of construction includes substantial improvement, 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 one hundred eighty (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 slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, 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. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and base flood elevation's (BFEs) increase or zones change.

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.

For determining if new construction and substantial improvements within the coastal barrier resources system (CBRS) can obtain flood insurance, a different definition applies.

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

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a number of ten-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation for determining whether an improvement is a substantial improvement requires a review of all improvements over a ten-year period prior to the date of any proposed improvement. This term includes structures which have incurred “repetitive loss” or "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."

"Utility and miscellaneous Group U buildings and structures" means buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

"Variance" means a grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

"Violation" means a development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

"Watercourse" means a river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

"Wet floodproofing" means a floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the local design flood elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

**15.36.030 Applicability**

A. General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

B. **Establishment of Flood Hazard Areas.** The **City of New Brunswick** was accepted for participation in the National Flood Insurance Program on **December 4, 1979**.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring fifty acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the City Engineer, 78 Bayard Street, New Brunswick, NJ 08901:

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the best available flood hazard data area:

1. Effective Flood Insurance Study. Special flood hazard areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions) dated July 6, 2010 and the accompanying flood insurance rate maps (FIRM) identified in Table 15.36.030(B)(1) whose effective date is as shown are hereby adopted by reference.

Table 15.36.030(B)(1)

| Map Panel # | Effective Date | Revision Letter | Map Panel # | Effective Date | Revision Letter |
|---|---|---|---|---|---|
| 34023C0039 | July 6, 2010 | F | 34023C0131 | July 6, 2010 | F |
| 34023C0126 | July 6, 2010 | F | 34023C0132 | July 6, 2010 | F |
| 34023C0127 | July 6, 2010 | F | | | |
| 34023C0128 | July 6, 2010 | F | | | |

2. Federal Best Available Information. The City of New Brunswick shall utilize federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as advisory flood hazard area maps, work maps or preliminary FIS and FIRM). Additional federal best available studies issued after the date of the ordinance from which this chapter is derived must also be considered. These studies are listed on FEMA's map service center. This information shall be used for floodplain

regulation purposes only.

| Table 15.36.030(B)(2) | |
|---|---|
| Map Panel # | Preliminary Date |
| 34023C0131G | January 31, 2014 |
| 34023C0132G | January 31, 2014 |

3. Other Best Available Data. City of New Brunswick shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of New Brunswick. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in subsections (B)(1) and (2), above. This information shall be used for floodplain regulation purposes only.

4. State Regulated Flood Hazard Areas. For state regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 15.36.020, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of fifty (50) acres or greater. Such area may extend beyond the boundaries of the special flood hazard areas (SFHAs) as identified by FEMA. The following is a list of New Jersey state studied waters in this community under the FHACA, and their respective map identification numbers.

| Table 15.36.030(B)(3)<br>List of State Studied Waters | | |
|---|---|---|
| Name of Studied Water | File Name | Map Number |
| Raritan River | D0000017 | R-4 |
| Raritan River | D0000018 | R-6 |
| Raritan River | D0000019 | R-5 |
| Raritan River | D0000020 | R-4 |
| Mile Run Tributary | D0000027 | MLT-1 |
| Mile Run | D0000028 | ML-2 |
| Mile Run | D0000029 | ML-1 |
| Lawrence Brook | D0000037 | L-2 |
| Lawrence Brook | D0000038 | L-1 |

5. The most restrictive 0.2% annual chance (500 year) effective or preliminary FEMA flood study is adopted by this ordinance for consideration when establishing the Best Available Flood Hazard Data Area

C. Establishing the Local Design Flood Elevation (LDFE). The local design flood elevation (LDFE) is established in the flood hazard areas determined in subsection (B), above, using the best available flood hazard data sources, and the flood hazard area control act minimum statewide elevation requirements for lowest floors in A, coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this chapter.

At a minimum, the local design flood elevation shall be as follows:

1. For a delineated watercourse, the elevation associated with the best available flood hazard data area determined in subsection (B), above, plus one foot or as described by N.J.A.C. 7:13 of freeboard; or

2. For any undelineated watercourse (where mapping or studies described in subsection (B)(1) and (2), above, are not available) that has a contributory drainage area of fifty (50) acres or more, the applicants must provide one of the following to determine the local design flood elevation:

   a. A copy of an unexpired NJDEP flood hazard area verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or

   b. A determination of the flood hazard area design flood elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 15.36.060(B)(3).

3. AO Zones. For zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the local design flood elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the local design flood elevation is three feet above the highest adjacent grade.

4. Class IV Critical Facilities. For any proposed development of new and substantially improved flood design class IV critical facilities, the local design flood elevation must be the higher of the 0.2% annual chance (five hundred (500) year) flood elevation or the flood hazard area design flood elevation with an additional two feet of freeboard in accordance

with ASCE 24.

5. Class III Critical Facilities. For proposed development of new and substantially improved flood design class III critical facilities in coastal high hazard areas, the local design flood elevation must be the higher of the 0.2 percent annual chance (five hundred (500) year) flood elevation or the flood hazard area design flood elevation with an additional one foot of freeboard in accordance with ASCE 24.

**15.36.040 Duties and powers of the floodplain administrator.**

A. Floodplain Administrator Designation. The city engineer is designated the floodplain administrator. The floodplain administrator shall have the authority to delegate performance of certain duties to other employees.

B. General. The floodplain administrator is authorized and directed to administer the provisions of these regulations. The floodplain administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 15.36.080 of these regulations.

C. Coordination. The floodplain administrator shall coordinate with the construction official to administer and enforce the flood provisions of the uniform construction code.

D. Duties. The duties of the floodplain administrator shall include but are not limited to:

1. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 15.36.030 of these regulations.

2. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

3. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.

4. Determine whether additional flood hazard data shall be obtained or developed.

5. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.

6. Establish, in coordination with the construction official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 15.36.040(N) of these regulations.

7. Coordinate with the construction official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

8. Review requests submitted to the construction official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the uniform construction code to determine whether such requests require consideration as a variance pursuant to Section 15.36.080 of these regulations.

9. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available.

10. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).

11. Inspect development in accordance with Section 15.36.070 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.

12. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 15.36.080 of these regulations.

13. Cite violations in accordance with Section 15.36.090 of these regulations.

14. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of New Brunswick have been modified.

15. Permit ordinary maintenance and minor work in the regulated areas discussed in Section 15.36.030(B).

E. Use of Changed Technical Data. The floodplain administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the floodplain administrator or applicant has applied for a conditional letter of map revision (CLOMR) to the flood insurance rate map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the state pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

F. Other Permits. It shall be the responsibility of the floodplain administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the floodplain administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

G. Determination of Local Design Flood Elevations. If design flood elevations are not specified, the floodplain administrator is authorized to require the applicant to:

1. Obtain, review, and reasonably utilize data available from a federal, state, or other source, or

2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the floodplain administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant. It shall be the responsibility of the floodplain administrator to verify that the applicant's proposed best available flood hazard data area and the local design flood elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in Section 15.36.030(B) and (C) respectively. This information shall be provided to the construction official and documented according to Section 15.36.040(O).

H. Requirement to Submit New Technical Data. Base flood elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the floodplain administrator shall notify the federal insurance administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

I. Activities in Riverine Flood Hazard Areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the floodplain administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

J. Floodway Encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the floodplain administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

1. Floodway Revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a conditional letter of map revision (CLOMR) to the flood insurance rate map (FIRM) and has received the approval of FEMA.

K. Watercourse Alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the floodplain administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

1. Engineering Analysis. The floodplain administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

L. Alterations in Coastal Areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and coastal A zones, the floodplain administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

M. Development in Riparian Zones. All development in riparian zones as described in N.J.A.C. 7:13 is prohibited by this chapter unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other floodplain development provisions of this chapter. The width of the riparian zone can range between fifty (50) and three hundred (300) feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine state permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

N. Substantial Improvement and Substantial Damage Determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the construction official, shall:

1. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

2. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 15.36.030(B), performed in the floodplain regulated by this chapter in addition to the costs of those improvements regulated by the construction official in substantial damage and substantial improvement calculations.

3. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

4. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of ten (10) years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood relation damages over a 10-year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined in this chapter.

5. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The floodplain administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

O. Department Records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the uniform construction code, including flood insurance studies, flood insurance rate maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the uniform construction code and these regulations including as-built elevation certificates; notifications to adjacent communities, FEMA,

and the state related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the uniform construction code. The floodplain administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the local design flood elevation in the floodplain development permit.

P. Liability. The floodplain administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The floodplain administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

**15.36.050 Permits.**

A. Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the floodplain administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

B. Application for Permit. The applicant shall file an application in writing on a form furnished by the floodplain administrator. Such application shall:

1. Identify and describe the development to be covered by the permit.

2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.

4. Be accompanied by a site plan and construction documents as specified in Section 15.36.060 of these regulations, grading and filling plans and other information deemed appropriate by the floodplain administrator.

5. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.

6. Be signed by the applicant or the applicant's authorized agent.

C. Validity of Permit. The issuance of a permit under these regulations or the uniform construction code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the floodplain administrator from requiring the correction of errors. The floodplain administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

D. Expiration. A permit shall become invalid when the proposed development is not commenced within one hundred eighty (180) days after its issuance, or when the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The floodplain administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each.

E. Suspension or Revocation. The floodplain administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

**15.36.060 Site plans and construction documents.**

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.

2. Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with Section 15.36.060(B).

3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five acres and base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with Section 15.36.060(B)(3) of these regulations.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and coastal A zones, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

7. Extent of any proposed alteration of sand dunes.

8. Existing and proposed alignment of any proposed alteration of a watercourse.

9. Floodproofing certifications, V zone and breakaway wall certifications, operations and maintenance plans, warning and evacuation plans and other documentation required pursuant to FEMA publications.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

B. Information in flood hazard areas without base flood elevations (approximate zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the floodplain administrator to determine whether to:

1. Use the approximation method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.

2. Obtain, review, and reasonably utilize data available from a federal, state or other source when those data are deemed acceptable to the floodplain administrator to reasonably reflect flooding conditions.

3. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the floodplain administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a letter of map change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

C. Analyses and Certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 15.36.060(D) of these regulations and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with

standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 15.36.060(D) of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.

4. For activities that propose to alter sand dunes in coastal high hazard areas (zone V) and coastal A zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

5. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

D. Submission of Additional Data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMS, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

**15.36.070 Inspections.**

A. General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

B. Inspections of Development. The floodplain administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The floodplain administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

C. Buildings and Structures. The construction official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the uniform construction code, N.J.A.C. 5:23.

1. Lowest Floor Elevation. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 15.36.150(B) shall be submitted to the construction official on an elevation certificate.

2. Lowest Horizontal Structural Member. In V zones and coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 15.36.150(B) shall be submitted to the construction official on an elevation certificate.

3. Installation of attendant utilities (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 15.36.150(B).

4. Final Inspection. Prior to the final inspection, certification of the elevation required in Section 15.36.150(B) shall be submitted to the construction official on an elevation certificate.

D. Manufactured Homes. The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an elevation certificate to the floodplain administrator prior to the final inspection.

**15.36.080 Variances.**

A. General. The zoning board of adjustment shall hear and decide requests for variances. The zoning board of adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 15.36.080(E), the conditions of issuance set forth in Section 15.36.080(F), and the comments and recommendations of the floodplain administrator and, as applicable, the construction official. The zoning board of adjustment has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

B. Historic Structures. A variance to the substantial improvement requirements of this chapter is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, section 1612 of the International Building Code and R322 of the International

Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this chapter, and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

D. Restrictions in Floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 15.36.060(C)(1) of these regulations.

E. Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

2. The danger to life and property due to flooding or erosion damage.

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

4. The importance of the services provided by the proposed development to the community.

5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

6. The compatibility of the proposed development with existing and anticipated development.

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

8. The safety of access to the property in times of flood for ordinary and emergency vehicles.

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.

10. 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, streets, and bridges.

F. Conditions for Issuance. Variances shall only be issued upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Notification to the applicant in writing over the signature of the floodplain administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and that such construction below the base flood level increases risks to life and property.

**15.36.090 Violations.**

A. Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or coastal A zone, other required design certifications, or other evidence of compliance

required by the building code is presumed to be a violation until such time as that documentation is provided.

B. Authority. The floodplain administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the uniform construction code, but is regulated by these regulations and that is determined to be a violation.

C. Unlawful Continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

D. Review Period to Correct Violations. A thirty-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than two thousand dollars ($2,000.00) may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

**15.36.100 Subdivisions and other developments.**

A. General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.

3. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

B. Subdivision Requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. The flood hazard area, including floodways, coastal high hazard areas, and coastal A zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

2. Residential building lots shall be provided with adequate buildable area outside the floodway.

3. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

**15.36.110 Site improvement.**

A. Encroachment in Floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 15.36.060(C)(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 15.36.060(C)(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 15.36.150(B) of this chapter and the floodway requirements of N.J.A.C. 7:13.

1. Prohibited in Floodways. The following are prohibited activities:

a. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.

b. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

B. Sewer Facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC plumbing subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

C. Water Facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

D. Storm Drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

E. Streets and Sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

F. Limitations on Placement of Fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

G. Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

**15.36.120 Manufactured homes.**

A. General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

B. Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 15.36.150(B).

C. Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

D. Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

E. Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 15.36.150(B).

F. Protection of Mechanical Equipment and Outside Appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 15.36.150(B) of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 15.36.150(B), the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (national electric code).

**15.36.130 Recreational vehicles.**

A. Placement Prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

B. Temporary Placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than one hundred eighty (180) consecutive days.

C. Permanent Placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than one hundred eighty (180) consecutive days, shall meet the requirements of Section 15.36.150(B) for habitable buildings.

**15.36.140 Tanks.**

Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

**15.36.150 Other development and building work.**

A. General Requirements for Other Development and Building Work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the uniform construction code (N.J.A.C. 5:23), shall:

1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Section 15.36.060(C)(1) of this chapter when located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the local design flood elevation determined according to Section 15.36.030(C);

4. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;

5. Have mechanical, plumbing, and electrical systems above the local design flood elevation determined according to Section 15.36.030(C) or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the local design flood elevation unless the attendant utilities and equipment are:

   a. Specifically allowed below the local design flood elevation; and

   b. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

6. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and

7. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

B. Requirements for habitable buildings and structures.

1. Construction and elevation in A zones not including coastal A zones.

   a. No portion of a building is located within a V zone.

   b. No portion of a building is located within a coastal A zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.

   c. All new construction and substantial improvement of any habitable building (as defined in Section 15.36.020) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the local design flood elevation as determined in Section 15.36.030(C), be in conformance with ASCE Chapter 7, and be confirmed by an elevation certificate.

   d. All new construction and substantial improvements of non-residential structures shall:

      i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the local design flood elevation as determined in Section 15.36.030(C), be in conformance with ASCE Chapter 7, and be confirmed by an elevation certificate; or

      ii. Together with the attendant utility and sanitary facilities, be designed so that below the local design flood elevation, the structure:

         1. Meets the requirements of ASCE 24 Chapters 2 and 7; and

         2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a floodproofing

certificate, and is confirmed by an elevation certificate.

e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of Section 15.36.150(B)(1)(d)(ii) are met;

v. Be constructed to meet the requirements of ASCE 24 Chapter 2;

vi. Have openings documented on an elevation certificate; and

vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the office of the county clerk or the registrar of deeds and mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within ninety (90) days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

2. The depth of flooding that the enclosure would experience to the flood hazard area design flood elevation;

3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

f. Enclosures are prohibited for new construction or substantial improvements.

C. Garages and Accessory Storage Structures. Garages and accessory storage structures shall be designed and constructed in accordance with the uniform construction code.

D. Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 15.36.060(C)(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than six feet in height must conform with the uniform construction code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the uniform construction code to limit climbing require a variance as described in Section 15.36.080 of this chapter.

E. Retaining Walls, Sidewalks, and Driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 15.36.060(C)(1) of these regulations and N.J.A.C. 7:13.

F. Swimming Pools. Swimming pools shall be designed and constructed in accordance with the uniform construction code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 15.36.060(C)(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

G. Roads and Watercourse Crossings.

1. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the flood hazard area design elevation in accordance with N.J.A.C. 7:13.

2. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the

requirements of Section 15.36.060(C)(1) of these regulations.

**15.36.160 Temporary structures and temporary storage.**

A. Temporary Structures. Temporary structures shall be erected for a period of less than one hundred eighty (180) days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

B. Temporary Storage. Temporary storage includes storage of goods and materials for a period of less than one hundred eighty (180) days. Stored materials shall not include hazardous materials.

C. Floodway Encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 15.36.060(C)(1) of these regulations.

**15.36.170 Utility and miscellaneous Group U.**

A. Utility and Miscellaneous Group U. In accordance with section 312 of the International Building Code, utility and miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the building code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than one thousand five hundred (1,500) square feet), fences more than six feet (one thousand eight hundred twenty-nine (1,829) millimeters) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

B. Flood Loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the local design flood elevation as determined in Section 15.36.030(C).

C. Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the local design flood elevation as determined in Section 15.36.030(C) and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

D. Enclosures Below Base Flood Elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 15.36.150(B) and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the floodplain administrator.

E. Flood-Damage Resistant Materials. Flood-damage-resistant materials shall be used below the local design flood elevation determined in Section 15.36.030(C).

F. Protection of Mechanical, Plumbing, and Electrical Systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the local design flood elevation determined in Section 15.36.030(C).

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the local design flood elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the local design flood elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the local design flood elevation provided they conform to the provisions of NFPA 70 (national electric code).

## SECTION III

Title 15, Chapter 15.04, Uniform Construction Code, Section 15.04.150 “Main Building Traps” is hereby **DELETED**.

## SECTION IV

**SEVERABILITY:**

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

## SECTION V

**REPEALER:**

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

## SECTION VI

**EFFECTIVE DATE:**

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
COUNCIL VICE PRESIDENT PETRA N. GASKINS

**LEGAL AD #4**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042604** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 13 – PUBLIC SERVICES ADD: CHAPTER 13.09 – FATS, OILS, AND GREASE INTRODUCED INTO THE SEWER COLLECTION SYSTEM**

The purpose of this Ordinance is to amend and supplement the Revised General Ordinances of the City of New Brunswick, Title 13, "Public Services".

Leslie R. Zeledon, Municipal Clerk

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 13 "PUBLIC SERVICES"**

**BE IT ORDAINED** by the New Brunswick City Council, as follows:

**SECTION I**

Title 13, **"PUBLIC SERVICES",** is amended to **ADD** the following new section:

**CHAPTER 13.09 FATS, OILS, AND GREASE INTRODUCED INTO THE SEWER COLLECTION SYSTEM**

**Section 13.09.010 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CUSTOMER

The party contracting for sewer service to a property as hereinafter classified.

A. Residential classes.

(1) Single-family residential dwellings, comprised of a building under one roof owned by one or more parties, and occupied by a single-family residential unit.

(2) Multifamily residential dwellings, being:

(a) A "duplex" or "double house" having a solid vertical partition wall, making it capable of divided ownership;
(b) A building owned by one party or more than one party consisting of more than one apartment and using in common one hall and one entrance;
(c) A building owned by one party or more than one party having a number of apartments and one or more means of entrance.

B. Commercial, industrial and institutional uses.

C. Combination residential and commercial, industrial, and institutional uses.

DIRECTOR

The duly appointed Director of Public Works, the License Sewer Operator, or the Division Head of Engineering.

EXISTING FACILITIES

Food processing or food service facilities which existed prior to the effective date of this ordinance.

FATS, OILS, AND GREASES (FOG)

Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

FOG DISPOSAL SYSTEM

A grease interceptor that reduces non-petroleum FOG in effluent by separation, and mass and volume reduction.

FOOD SERVICE ESTABLISHMENT (FSE)

Any permanently fixed location that produces, prepares, processes, handles or serves food or that disposes of food-related wastes as part of its retail business or business activity. The term shall also be given its normal industry definition. This term shall not include those establishments that sell only pre-packaged food/drink and do not serve the food/drink within the establishment.

GARBAGE

Solid wastes from the preparation, cooking, and disposing of foods and from the handling, storage, and sale of produce.

GENERATOR

Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

GREASE INTERCEPTOR

An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum FOG from a wastewater. There are two types of grease interceptors: gravity grease interceptors and hydromechanical grease interceptors.

GREASE INTERCEPTOR, GRAVITY OR GGI

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum FOG from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two compartments, a minimum total volume of 300 gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity grease interceptors are generally installed outside.

GREASE INTERCEPTOR, HYDROMECHANICAL OR HGI

A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum FOG from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with an air intake (vent).

GREASE REMOVAL DEVICE (GRD)

Any hydromechanical grease interceptor that automatically, mechanically removes non-petroleum FOG from the interceptor, the control of which are either automatic or manually initiated.

GREASE WASTE

Material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from the de-watering processes.

INDUSTRIAL WASTE

The liquid waste from industrial processes and distinct from sanitary sewage.

LICENSED OPERATOR

The duly appointed operational administrator of the Sewer Utility and in particular shall be understood to be the City agent, servant or employee in charge of the day-to-day operation, installation and maintenance of the sanitary sewer facilities heretofore operated by the HTSA and as may hereafter be necessary in connection with any additional facilities hereafter constituting part of the City's sewage system. Such operator shall be properly licensed and qualified by the State of New Jersey to perform the necessary functions attendant to this position.

NEW FACILITIES

Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such a facility did not previously exist.

PHYSICAL CONNECTION

Any connection, cross connection, bypass, valve, pipeline, or any like device which permits or may permit any flow of wastes from any source into the sewage system operated by this utility.

SANITARY SEWER

A sewer which carries sewage and to which storm-, surface, and ground waters are not intentionally admitted.

SEWAGE

The water-carried wastes created in and carried, or to be carried, away from residences, hotels, apartments, schools, hospitals, commercial establishments, office complexes, industrial establishments, or any other public or private building, together with such surface or groundwater and industrial wastes as may be present.

SEWAGE SYSTEM

The plants, structures and other real and personal property acquired, constructed or operated, or to be acquired, constructed or operated by the Sewer Utility, including sewers, conduits, pipelines, mains, pumping and ventilating stations, plants and works, connections, outfalls, compensating reservoirs, and any and all other plants, structures, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes.

SEWER UTILITY

The sanitary sewer utility of the City, operated by the Department acting pursuant to the direction of the City through its elected and appointed officials, and performing all functions pertaining to the collection of sewage heretofore performed by HTSA, and as may hereafter be necessary in connection with any additional facilities hereafter constituting part of the City's sewage system.

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TRANSPORTER

A person who is registered with and authorized on the federal, state, and local level to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.

USER

Any person, [including] excluding participants, who contributes, causes or permits the contribution or discharge of wastewater into the sewage system, including persons who contribute such wastewater from mobile sources, such as (example).

**Section13.09.020. Purpose and Policy.**

A. This article sets forth uniform requirements for discharges into the wastewater collection and treatment system of the City of New Brunswick (City) to capture and dispose of fats, oils, and grease (FOG) and enables the City to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C., Section 1251, *et seq*.; and the General Pretreatment Regulations, Title 40 C.F.R. Part 403.

B. The objectives of this article are:

(1) To prevent the introduction of FOG into the City of New Brunswick wastewater conveyance system that will block or otherwise interfere adversely with wastewater flow.

(2) To prevent the introduction of FOG into the sanitary sewer conveyance system that could pass through to the wastewater treatment plant, inadequately treated, into receiving waters, or otherwise be incompatible with the receiving wastewater treatment plant.

(3) To prevent sanitary sewer overflow (SSO), where sewer water flows out of a manhole cover and along the ground. These overflows can then contaminate the ground, local water bodies, and any property that the sewage encounters.

(4) To enable the City to comply with Federal, State and local pollutant discharge limits.

**Section13.09.030. Applicability and Prohibitions.**

A. This ordinance shall apply to all users of the City sewer service, as defined in Section13.09.010 of this chapter.

B. Grease interceptors shall not be required for residential users.

C. The ordinance shall apply to both new and existing facilities generating FOG because of food

manufacturing, processing, preparation, or providing food service. Such facilities shall install, use, and maintain approved type and adequately sized grease interceptors necessary to maintain compliance with the objectives of these regulations. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges prior to discharge to the public sewer system.

D. No user may intentionally or unintentionally allow the direct or indirect discharge of FOG, more than 100 mg/l, into the sewage system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

**Section13.09.040. Installation and Maintenance Requirements.**

A. Installations

(1) All grease bearing fixtures shall discharge to a grease interceptor.

(2) New facilities shall be required to design, install, operate, and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.

(3) Existing facilities must operate and maintain existing grease interceptors in accordance with the manufacturer's recommendations, properly sized and in efficient operating condition, designed to meet the grease control requirements in this article.

(a) If the facility does not have an existing grease interceptor or the existing grease interceptor is either under-designed or otherwise substandard per the provisions of this article, the installation of required improvements must be completed within twelve (12) months of notification by the City. The City building department must approve the proposed plans for the grease interceptor design prior to installation.

(4) All gravity grease interceptors shall be an approved type and adequately sized as necessary to maintain compliance with the requirements described in this article, and as necessary to prevent a condition of a prohibited discharge.

(5) A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if it is demonstrated to the satisfaction to the City that the installation of a gravity grease interceptor is physically impracticable. For the purposes of this determination, “physically impracticable” shall include:

(a) The lack of available space on the premises.

(b) Unavoidable interference from underground utilities or structures; or

(c) Topographical conditions such as slope that unavoidably prevents installation of a gravity grease interceptor.

(6) A hydromechanical grease interceptor may be utilized instead of a gravity grease interceptor if the gravity grease interceptor sizing in the currently adopted plumbing code results in an interceptor volume of seven hundred fifty (750) gallons or less.

(7) A separate gravity grease interceptor may be provided for each individual unit of a building structure that is proposed for, or could be potentially converted in the future into, a food service, food sales or food processing establishment. The City may allow the separate gravity grease interceptors to be installed later when food service, food sales, or food processing establishments are added through tenant improvements, provided that the side sewer lines leaving the building are designed to functionally accommodate the installation of future interceptors at accessible locations.

(8) One or more food service establishments may comply with the requirements of this article by use of a shared gravity grease interceptor; provided that the food service establishment seeking to establish compliance by means of this section shall demonstrate to the satisfaction of the City that:

(a) It has enforceable rights to utilize a shared gravity grease interceptor pursuant to an

easement, declaration, covenants, conditions, restrictions, or similar instrument.

(b) The shared gravity grease interceptor is sized as necessary to accommodate the discharges of all food service establishments enjoying rights to use such interceptor; and

(c) There is a mechanism providing continued maintenance of such shared gravity grease interceptor.

(9) Bioremediation media shall only be used with an approved FOG disposal system ASME A112.14.4

B. Proper Maintenance. Any operating or physical condition that results in or is contributing to a prohibited discharge or other violation of this article shall be reported to the City within seven (7) calendar days. Improvements to the facility shall be made as required within thirty (30) days.

C. Cleaning Schedules

(1) Grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is following local discharge limits; and to ensure no visible grease is observed in the discharge.

(2) Grease interceptors shall be fully pumped out when the total accumulation of FOG reaches twenty-five (25) percent of the overall liquid depth. The frequency of pumping shall be no longer than every thirty (30) days, unless documentation is provided to the Township that demonstrates a less frequent pumping will still meet the twenty-five (25) percent rule, but in no case not less than annually.

(3) Any person who owns or operates a grease interceptor may submit to the Sewer Utility, a request in writing for an exemption to the thirty (30) day cleaning frequency of their grease interceptor. The Sewer Utility may grant an extension for required cleaning frequency on a case-by-case basis when:

(a) After thirty (30) days from the previous cleaning: the grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the wastewater treatment plant, and

(b) Less than fifteen (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(4) The frequency of grease interceptor cleanings may be required to be increased if there is a history of non-compliance.

(5) Any facility that has a grease interceptor shall utilize a licensed rendering and disposal company. Wastes removed from a grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease, solids nor liquids removed from grease interceptors shall be returned to any grease interceptor, private sanitary sewer line, any portion of the public sewer system or any portion of the stormwater system.

(6) Upon random inspection, there shall not be twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, containing floating materials, sediment, oils, or greases. Failure of said inspection shall result in the revocation of the exemption without the option to reapply for a minimum of five (5) years and the person who owns or operates the grease trap will be subject to any applicable penalties as specified in this ordinance.

(7) In any event, a grease interceptor shall be fully evacuated, cleaned, and inspected at least once every 90 days.

D. Cleaning and Maintenance:

(1) Grease interceptors shall be always maintained in an efficient operating condition.

(2) Each grease interceptor when cleaned shall be fully evacuated.

(3) Grease interceptor cleaning by the user (or self-cleaning units) must be approved by the City. The following conditions shall apply:

(a) The HGIs are no more than 100 GPM size.

(b) Proper on-site material disposal methods are implemented (e.g., absorbed liquid into solid form and dispose into trash).

(c) The local solid waste authority allows such practices.

(d) Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to remove or pump-out; and

(e) Detailed records on these activities are maintained.

(4) Grease interceptor operators must submit a completed self-cleaning request to the City for approval. The written request shall include the following information:

(a) Business name and street address.

(b) Grease interceptor operator name, title, and phone number.

(c) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease interceptor; and

(d) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.

(5) Self-cleaners must adhere to all the requirements, procedures, and detailed record keeping outlined in their approved application to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

(a) Date the grease trap/interceptor was serviced.

(b) Name of the person or company servicing the grease trap/interceptor.

(c) Waste disposal method used.

(d) Gallons of grease removed and disposed of.

(e) Waste oil added to grease interceptor waste; and

(f) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(6) Violations incurred by grease interceptors' self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

E. Pollutant Testing Methods:

All pollutant testing methods shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the Sewer Utility and shall meet the Sewer Utility's approval.

**Section13.09.050. Standard Design Requirements**

A. Standard Requirements—Gravity Grease Interceptors.

(1) Each facility is solely responsible for the cost of the grease interceptor installation, inspection, cleaning, and maintenance.

(2) Gravity grease interceptor sizing and installation shall conform to the requirements contained in the current edition of the New Jersey Plumbing Sub- code or other criteria as determined on a case-by-case basis based upon review or relevant information, including, but not limited to grease interceptor performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs. Supporting sizing calculations shall be submitted to the City.

(3) Gravity grease interceptors shall be designed by a professional engineer licensed in the State of New Jersey using standard engineering principles for sedimentation and flotation in gravity interceptors. The grease interceptor shall have a minimum of two (2) compartments with fittings designed for grease retention.

(4) Gravity grease interceptors shall be installed at an outdoor location where it is easily accessible for sample collection, inspection, and cleaning and removal of retained grease. The grease interceptor may not be installed inside a building and the location must meet the approval of the City.

(5) Gravity grease interceptors shall be in the lateral line between all fixtures which may introduce grease into the sanitary sewer and the connection to the public sewer system. Such fixtures shall include but not be limited to sinks, dishwashers, floor drains for food preparation and storage area, mop sinks, and any other fixture which is determined to be a potential source of grease.

(6) Gravity grease interceptors must be vented.

(7) Gravity grease interceptors shall be equipped with a sampling port at the outlet of the interceptor. Inspection tees and manholes must enable the City to monitor and test the discharge for compliance with utility requirements or to allow monitoring and testing in accordance with the rules and regulations of other federal, state, or local agency having governmental or contractual jurisdiction within the utility service area.

(8) Access manholes, a minimum diameter of twenty-four (24) inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, cleaning and removal of retained grease and sample collection. Riser maximum shall not exceed sixteen (16) inches.

(9) Sanitary wastes shall not be introduced into the gravity grease interceptor.

B. Standard Requirements—Hydromechanical Grease Interceptor.

(1) Each facility is solely responsible for the cost of the HGI installation, inspection, cleaning and maintenance.

(2) HGI sizing and installation shall conform to the requirements contained in the current edition of the New Jersey Plumbing Sub-code or other criteria as determined on a case-by-case basis based on review or relevant information, including, but not limited to grease trap performance, waste stream characteristics, facility location, maintenance needs, and/or inspection needs. Supporting sizing calculations shall be submitted to the City.

(3) HGIs shall be designed by a professional engineer licensed in the State of New Jersey using standard engineering principles. Complete plumbing plans and isometric or riser diagrams are required at time of plan check submittal. The plans must be stamped by the professional engineer of record.

(4) HGIs shall be installed at a location where it is easily accessible for sample collection, inspection, and cleaning and removal or retained grease.

(5) The HGI shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.

(6) Sanitary wastes cannot be introduced into the HGI.

(7) Grease traps shall be installed at a minimum distance of 10 ft. from sinks and dishwashers to allow for adequate cooling of the wastewater. Water temperatures must be less than 120 degrees prior to entering grease trap to avoid pass through.

C. Best Management Practices

(1) Kitchen best management practices shall be implemented to minimize the discharge of FOG to the public sewer system and prevent non-stormwater discharges from entering the stormwater sewer system (as applicable):

(a) Drain screens shall be installed on all drainage pipes in food preparation areas.

(b) All waste cooking oil shall be collected and stored properly in fats, oil and grease receptacles such as drums or tallow bins. Such containers shall be maintained properly to ensure they do not leak.

(c) Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

(d) Waste fat and grease storage bins or waste oil drums shall be kept cleaned and covered. Lids on waste storage bins and drums shall be kept securely closed and the areas around these containers shall be kept clean.

D. All food waste shall be disposed of directly in garbage or compost collection bins, and not sinks. Bagging food waste that has the potential to leak in trash containers is recommended. Scrape or dry wipe pots, pans, dishware, and work areas before washing to remove grease. Wash only in a sink connected to a grease control device.

E. Filters and other exhaust hood equipment shall be cleaned as frequently as necessary to maintain good operating condition. The wastewater generated from cleaning shall be disposed of properly and cleaned in sinks connected to a grease removal device. Outdoor steam cleaning of exhaust filters in uncontained areas is strictly prohibited.

F. Informational signs on best management practices and waste minimization practices in food preparation and dishwashing areas shall be always posted.

G. The wastewater generated from floor mat and kitchen appliance washing operations must be disposed of to a sink with a grease control device. Cleaning kitchen equipment in uncontained areas that drain to a sewer is prohibited.

H. Dry methods including rags and absorbents such as sawdust or kitty litter shall be used to clean up oil and grease spills.

I. Training shall be conducted for all new kitchen staff every six (6) months. Training shall be documented with employee signatures retained indicating employee attendance. Training records shall be made available for review at any reasonable time to the City local health department.

J. Best management practices (BMPs) shall be documented at maintained at the FSE. Documentation includes: Spill events, floor mat/equipment cleaning scheduling, inspections of FOG containers and any other relevant information related to BMPs.

**Section13.09.060. Recordkeeping**

A. Maintenance Log

(1) All facilities with a grease interceptor that discharges to the public sewer system shall keep a maintenance log that documents all maintenance activities for its grease control devices.

(2) All users with a grease interceptor must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept that indicates, at a minimum, the following information:

(a) Date the grease interceptor was serviced.

(b) Name of the person or company servicing the grease interceptor.

(c) Waste disposal method used.

(d) Gallons of grease removed and disposed of.

(e) Temperature of water entering and exiting grease trap.

(f) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

(g) The maintenance log must be completed every February 1, May 1, August 1, and November 1.

(3) Food service establishments shall document the date when staff training is conducted in the maintenance log. This must be shown on the log for each year.

(4) FOG control maintenance records for a period of at least one year shall be always available on site for review and inspection. Copies of the prior year maintenance records shall be submitted with FOG control license annual renewal application.

(5) The FSE shall keep records of all BMP activities performed at the facility.

B. Manifest Requirements

(1) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.

(2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

(a) Name, address, telephone, and commission registration number of transporters.

(b) Name, signature, address, and phone number of the person who generated the waste and the date collected.

(c) Type and amount(s) of waste collected or transported.

(d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste.

(e) Date and place where the waste was deposited.

(f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited.

(g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received.

(h) The volume of the grease waste received; and

(i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

(3) Manifests shall be divided into five parts and records shall be maintained as follows.

(a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(b) The remaining four parts of the manifest shall have all required information filled out and signed by the appropriate party before distribution of the manifest.

(c) One part of the manifest shall go to the receiving facility.

(d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(f) One part of the manifest shall go to the local authority.

(g) Copies of manifests returned to the waste generator shall be retained for five years and be readily available for review by the City.

**Section13.09.070. License Requirements.**

A. Each food service establishment shall obtain a FOG control license from the City to enable the review and monitoring of facilities that have the potential to discharge FOG to the public sewer system. The FSE owner shall file a FOG control license application with the City at the time of the initial or annual application for the retail food establishment license. The application shall address all grease interceptors located at the FSE and the FSE owner shall certify all information contained in and submitted with the FOG control license application as true and complete prior to the City's review. As a condition precedent to the granting of any FOG control license, the FSE owner agrees to hold harmless the City from any liabilities arising from the operations under such license.

B. Upon receipt of a complete application, the City will examine the documentation associated with the FOG control license application and if it determines that the proposed or existing FOG control equipment and practices at the FSE are acceptable, a FOG control license will be issued upon payment of all fees and while the retail food establishment license is issued. The FOG control license shall expire each year on the same date as the retail food establishment license.

C. The fees for the FOG control licenses are hereby fixed as follows:

(1) For food service establishments with three (3) grease control devices or less, the license fee shall be five hundred dollars ($500.00) annually.

(2) For each additional multiple of three (3) grease control devices located on the premises, the license fee shall be increased by one hundred dollars ($100.00) annually.

(3) A late fee of one-hundred dollars ($100.00) shall be applied to any annual renewal application for a FOG control license filed after January 31.

(4) A re-inspection fee of three hundred dollars ($300.00) shall be charged each time a facility fails a FOG source control inspection by an inspection official.

D. Each license provided under the provisions of this section shall bear the actual date of issue thereof, the name of the person to whom issued, the legal name of the owner of the business licensed, and the location thereof. No license shall be transferable. All licenses shall be posted in a conspicuous place on the licensed premises.

E. The fees provided hereinabove shall not apply to any bona fide charitable or religious group or organization, who is tax exempt pursuant to 26 U.S.C. 501(c)3, who provides food for the homeless and the needy on a regularly scheduled basis.

F. Within thirty (30) days of a change in ownership of an existing FSE, the new owner shall apply to the City for a FOG control license and the application shall describe any proposed changes in facility operations or equipment that could affect the FOG control performance.

**Section13.09.080. Compliance Monitoring and Enforcement**

A. Prohibited Practices:

(1) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease control device. Surfactants, solvents, and emulsifiers are materials which allow grease to pass from the grease control device into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, turpentine, and other solvents.

(2) Disposal of waste cooking oil into sanitary sewer and drainage pipes is prohibited.

(3) Discharge of wastewater with a temperature higher than one hundred forty (140) degrees Fahrenheit to or through a grease interceptor is prohibited.

B. Inspections.

(1) If determined by the City Licensed Sewer Operator, all food service establishments must employ, at their own cost and expense, a licensed plumber to conduct an annual inspection of their grease control devices and connecting wastewater lines to ensure that waste fat, oil and grease are being adequately removed from the wastewater before being discharged to the public sewer system and that wastewater temperature does not exceed one hundred forty (140) degrees Fahrenheit. The licensed plumber shall provide a formal inspection report to the FSE within two (2) weeks of the inspection. The inspection report shall include, but not be limited to, the maintenance and efficiency of the grease control device, amount of oil and grease found in connecting wastewater lines, percentage of oil and grease being removed from wastewater being discharged into the public sewer system, and temperature of the wastewater.

(2) In addition to the mandatory annual inspection set forth above, the City's inspection official shall have the authority to conduct inspections pursuant to a complaint, for new construction or installation, and such other periodic inspections that the inspection official deems necessary and appropriate.

(3) A formal inspection report by a licensed plumber is required for the issuance of an annual food license by the local health department for all food establishments that produce, serve, handle and/or prepare oil, fat and/or grease during business.

(4) Upon written notification by the inspecting official, the FSE owner shall perform any ordered maintenance or repair work within the time set forth by the inspecting official. Upon inspection by the inspecting official, the FSE owner may be required to install, at his sole cost and expense, additional controls to properly remove FOG per the provisions of this article.

C. Compliance Monitoring:

(1) The inspecting official has the authority to perform periodic inspections of those establishments generating FOG in its operations and shall notify the user of any additional required maintenance or repairs within a stated time. The user may be required to install, at its sole cost and expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater system.

(2) Access to grease control devices by an inspecting official shall be provided during normal business hours, unless an emergency requires access during off business hours, then access shall be provided to the inspecting official immediately upon request.

(3) The violation or failure to comply with any of the provisions of this article is unlawful. If an obstruction of the public sewer system occurs that causes a sewer backup or overflow and such overflow can be attributed in part or in whole to an accumulation of fats, oil and grease in the sewer main line, the POTW will take appropriate enforcement actions against the generator or contributor of such fats, oil, and grease. In addition, those responsible for generating or contributing to the unlawful discharge of fats, oil and grease to the sewer system must take immediate steps to bring the grease interceptor into compliance, plus any additional actions necessary to bring the facility into compliance with this article.

(4) Right of Entry. The City shall have the right to enter the premises of any user or potential user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements such that upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The City may require the user to install monitoring equipment as necessary such as FOG sensing and alarm devices complying with PDI G102. The facility's monitoring equipment shall be always maintained in a safe and proper operating condition by the user at its own expense.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.

(e) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this ordinance.

(5) If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, then the City may seek issuance of a search warrant.

## APPENDIX A – MAINTAINANCE LOG

NOTE: Attach a drawing of the grease interceptor so the maintenance provider can properly inspect and service components.

| FACILITY | |
|---|---|
| NAME | |
| ADDRESS | |
| PHONE | |
| CONTACT PERSON | |
| **SERVICE PROVIDER** | |
| NAME | |
| ADDRESS | |
| PHONE | |
| CONTACT PERSON | |
| LICENSE # | |

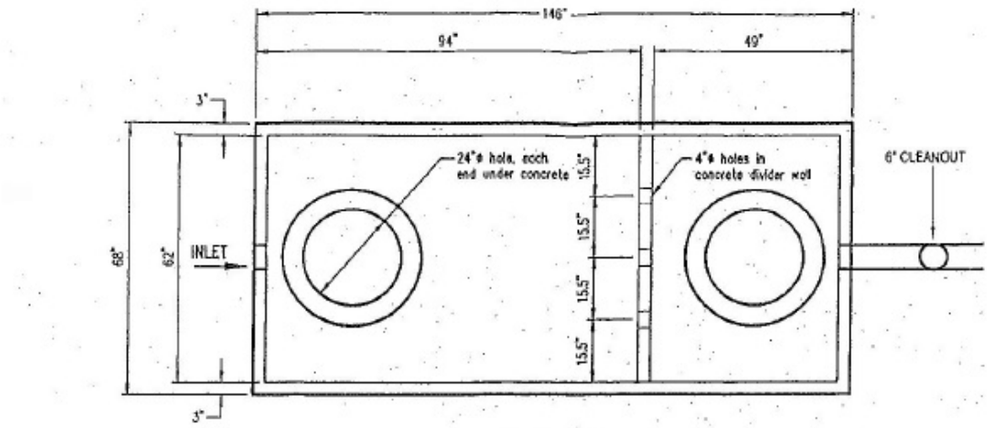
| MAINTENANCE RECORD | | |
|---|---|---|
| **DATE** | **ACTION** | **SIGNATURE** |
| | | |
| | | |
| | | |
| | | |
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## APPENDIX B – GREASE INTERCEPTOR/TRAP INSPECTION REPORT

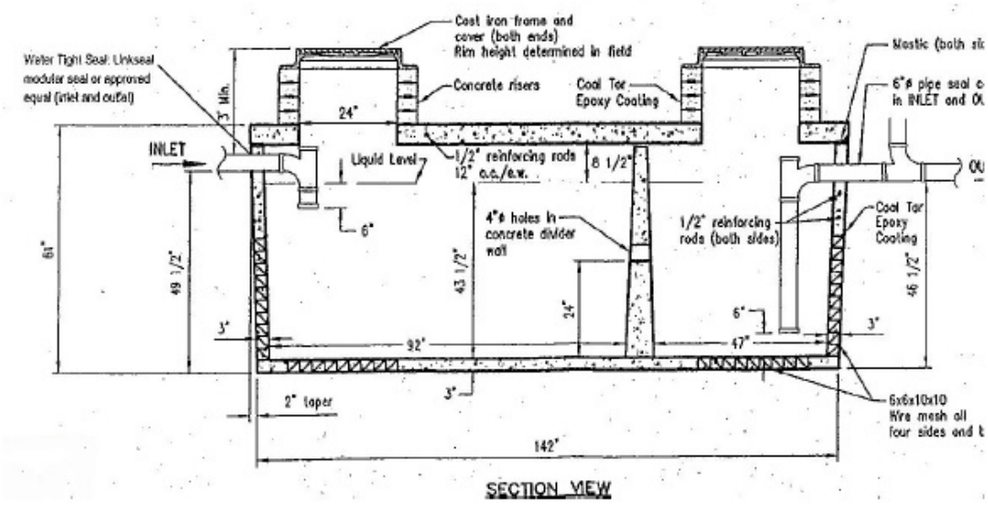
All grease traps must be inspected and listed on this form:

| | | | | |
|---|---|---|---|---|
| FACILITY | | | | |
| ADDRESS | | | | |
| PHONE | | | | |
| Is there a Grease Trap/Interceptor in the Building: | | YES | NO | |
| Location: | | Size: | | |
| Condition (structural): | | | | |
| Observations/Comments: | | | | |
| How many Grease Traps are there (circle one) | | 1 | 2 | 3 | 4 |
| Tank Number: | | | | |
| Describe Tank Location: | | | | |
| Size of Tank: gallons How was it determined? | | | | |
| Baffle? [ ] No [ ] Yes – If yes, can all compartments be cleaned? [ ] No [ ] Yes | | | | |
| Inlet Pipe: Visible? [ ] No [ ] Yes Depth: ft Condition: | | | | |
| Outlet Pipe: Visible? [ ] No [ ] Yes Depth: ft Condition: | | | | |
| What method are you using?<br>[ ] clear plastic pipe<br>[ ] measuring stick<br>[ ] other: _____ | | | | |
| (A) Depth from Bottom of Outlet Pipe to Bottom of Tank (ft): _____<br>(B) Thickness of Floating Grease Blanket at Top of Liquid Surface (ft): _____<br>(C) Thickness of Settled Material on Bottom of Tank (if measurable) (ft):_____<br>(D) Depth from Bottom of Outlet Tee to Bottom of Tank (ft): _____ | | | | |
| Is (B) above greater than 25% of (A) above? [ ] Yes [ ] No<br>Is (C) above greater than 25% of (D) above? [ ] Yes [ ] No<br>If either condition is marked “Yes”, grease trap requires maintenance. | | | | |
| Indicate the date grease trap is cleaned. Date Cleaned: _____ Initial:_____ | | | | |
| _____ Facility Representative _____ Date | | | | |

## APPENDIX C – TYPICAL GREASE INTERCEPTOR DETAIL




PLAN VIEW




SECTION VIEW

**APPENDIX D – FOG CONTROL LICENSE FEE SCHEDULE**

The FOG Control License shall expire each year on the same date as the retail food establishment license.

| | |
|---|---|
| Establishments with three (3) or less grease control devices | $ 500 |
| For each additional multiple of three (3) grease control devices | $ 100 |
| Late Fees to any renewal application filed after June 30 | $ 100 |
| Re-inspection Fee if a facility fails a FOG source control inspection | $ 300 |

**SECTION II**

**SEVERABILITY:**

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

**SECTION III**

**REPEALER:**

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**SECTION IV**

**EFFECTIVE DATE:**

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
COUNCIL VICE PRESIDENT PETRA N. GASKINS

**LEGAL AD #5**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042605** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 16, LAND DEVELOPMENT CODE**

**RE: SEVERAL PROPOSED AMENDMENTS**

The purpose of this Ordinance is to amend and supplement the revised general Ordinances of the City of New Brunswick, Title 16, Land Development.

Leslie R. Zeledon, Municipal Clerk

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 16 "LAND DEVELOPMENT"**

**BE IT ORDAINED** by the New Brunswick City Council, as follows:

**SECTION I**

Title 16, Chapter 16.16, Section 16.16.040, **"Fees", Subsection C,** is amended to read as follows:

C. Escrow Deposit Schedule. Prior to an application being ruled complete, the following sums shall be paid. The amount submitted shall be held in escrow:

| **Development Type** | **Review Escrow** |
|---|---|
| Single-Family with variances | $1,500.00 |
| Two-Family with variances | $3,000.00 |
| Variances for other site plan exempt applications (excluding signage) | $5,000.00 |
| Minor Site Plan applications | $5,000.00 |
| Major Site Plan applications with a parcel(s) area of 20,000 square feet or less | $15,000.00 |
| Major Site Plan applications with a parcel(s) area of greater than 20,000 square feet but less than 1 acre (43,560 square feet) | $25,000.00 |
| Major Site Plan applications with a parcel(s) area of 1 acre (43,560 square feet) or greater | $30,000.00 base fee, plus $5,000.00 for each additional acre after the first up to $100,000.00.<br><br>Any additional portion of an acre counts as an additional acre. Examples:<br><br>1 acre = $30,000.00<br>1.001 acres = $35,000.00<br>2.999 acres = $40,000.00 |
| Subdivisions creating 2 or fewer lots | $3,500.00 |
| Subdivisions creating at least 3 lots but not greater than 5 lots | $5,000.00 |
| Subdivisions creating at least 6 lots but not greater than 15 lots | $7,500.00 |
| Subdivisions creating at least 16 lots but not greater than 30 lots | $15,000.00 |
| Subdivisions creating greater than 30 lots | $25,000.00 |
| Signage variances | $1,000.00 |
| Amendment to existing approval | As per above for the application type but not to exceed $25,000.00 |

## SECTION II

Title 16, Chapter 16.24, Section 16.24.030, **"Definitions", "Minor Subdivision",** is amended to read as follows:

"Minor subdivision" means a subdivision of land creating any number of lots plus the remainder; provided that such subdivision does not involve:

1. A planned development, or
2. Any new street, or
3. The extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42,

## SECTION III

Title 16, Chapter 16.24, Section 16.24.070, **"Minor Site Plan",** is amended to **ADD** the following:

F. A development application without a 'd' variance and less than or equal to 5,000 square feet of land disturbance.

## SECTION IV

Title 16, Chapter 16.24, Section 16.24.080, **"Site plan exemption.", A.,** is amended to **ADD** the following:

18. Height increases that do not increase floor area beyond any of the site plan exempted increases in floor area enumerated in this section and does not create or exacerbate and variances;
19. Signage;

## SECTION V

Title 16, Chapter 16.24, Section 16.24.260, **"Application Fees",** is amended to read as follows:

A. Planning Board and Zoning Board application fees shall be as follows:

| **Application Fee** | **Fee** |
|---|---|
| Amendment to existing approval | $5,000 or the applicable new application fee below, whichever is lower |
| Townhomes/Condominiums | Same fee as applicable number of proposed townhome/condominium units as compared to the other residential development proposal unit counts below. Examples:<br><br>2 townhomes = $3,000.00<br>4 townhomes = $5,000.00<br>14 townhomes = $10,000.00<br>25 townhomes = $15,000.00<br>60 townhomes = $25,000.00 |
| Single family home | $1,500.00 |
| Two family home | $3,000.00 |
| Three and four family buildings | $5,000.00 |
| Multi-Family building with five to fifteen units | $10,000.00 |
| Multi-Family building with fifteen to thirty units | $15,000.00 |
| Multi-Family building with thirty or more units | $25,000.00 |
| If any of the above is a mixed-use building | Add $5,000.00 |
| Commercial/Industrial buildings up to 5,000 square feet of floor area | $5,000.00 |
| Commercial/Industrial buildings up to 15,000 square feet of floor area | $10,000.00 |
| Commercial/Industrial buildings up to 25,000 square feet of floor area | $15,000.00 |
| Commercial/Industrial buildings up to 40,000 square feet of floor area | $20,000.00 |
| Commercial/Industrial buildings greater 40,000 square feet of floor area | $25,000.00 |
| Subdivisions creating 2 or fewer lots | $3,500.00 |
| Subdivisions creating at least 3 lots but not greater than 5 lots | $5,000.00 |

| | |
|---|---|
| Subdivisions creating at least 6 lots but not greater than 15 lots | $7,500.00 |
| Subdivisions creating at least 16 lots but not greater than 30 lots | $15,000.00 |
| Subdivisions creating greater than 30 lots | $25,000.00 |
| Signage variances | $1,000.00 |
| 'd' Variances | $1,800.00 per 'd' variance |
| Appeals of decision as per N.J.S.A. 40:55D-70(a) | $500.00 |
| Interpretations per N.J.S.A. 40:55D-70(b) | $500.00 |

B. Site plan exempt projects without variances that require major stormwater review shall add a fee of $5,000.00 to their zoning permit applications.

C. Site plan exempt projects without variances that require a Treatment Works Approval (TWA) shall add a fee of $6,000.00 to their zoning permit applications.

D. For commercial/industrial additions the fee will be based on the increased floor area.

E. In addition to the above application fees, there shall be a system of fixed fees and escrow deposits charged in accordance with the provisions this title.

## SECTION VI

**SEVERABILITY:**

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

## SECTION VII

**REPEALER:**

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

## SECTION VIII

**EFFECTIVE DATE:**

This Ordinance shall become effective twenty days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
CPUNCIL VICE PRESIDENT PETRA N. GASKINS

**LEGAL AD #6**

**CITY OF NEW BRUNSWICK**

HEARING NOTICE: The following Ordinance No. **O-042606** was introduced at a Regular Meeting of the New Brunswick City Council on **April 1, 2026** and was read for the first time. This ordinance will be further considered for final passage by the New Brunswick City Council at the New Brunswick City Hall Council Chambers located at City Hall- 78 Bayard Street, New Brunswick, New Jersey at a meeting beginning at **5:30 P.M. on April 15, 2026** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance.

**CALENDAR YEAR 2026 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK**

The purpose of this Ordinance is to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank.

Leslie R. Zeledon, Municipal Clerk

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the City of New Brunswick, in the County of Middlesex, finds it advisable and necessary to increase its CY 2026 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the Budget for said year, amounting to $1,377,924.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of New Brunswick, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 Budget year, the final appropriations of the City of New Brunswick shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to $3,215,156.05, and that the CY 2026 Municipal Budget for the City of New Brunswick be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be uploaded on the FAST System for said Director within 5 days after such adoption.

ADOPTED ON FIRST READING
DATED: APRIL 1, 2026
COUNCIL VICE PRESIDENT PETRA N. GASKINS