

**ORDINANCE 2020-19**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XIX, TRAFFIC, VARIOUS SECTIONS, OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Belmar Mayor and Council wish to amend certain sections of Chapter XIX, Traffic.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XIX, Traffic, of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I. 19-12 PARKING TIME LIMITED ON CERTAIN STREETS** shall be deleted in its entirety and replaced with the following:

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

<b>Name of Street</b>	<b>Sides</b>	<b>Time Limit</b>	<b>Hours</b>	<b>Location</b>
Belmar Plaza	All	2 hours	7:00 am to 7:00 pm All Days	From the 8 <sup>th</sup> Avenue entrance to the Plaza south to the 10 <sup>th</sup> Avenue entrance of the plaza except where designated as a 10 hour spot per this ordinance
Belmar Plaza		10 hours	7:00 am to 9:00 pm All Days	6 spaces along Train Station building and 6 adjacent spaces facing 10 <sup>th</sup> Avenue
Belmar Plaza	Both	10 hours	7:00 am to 9:00 pm All Days	Two Center Parking islands located directly across from Train Station building
Belmar Plaza	Rear	10 hours	7:00 am to 9:00 pm All Days	All parking spaces along the rear of Belmar Plaza from 8 <sup>th</sup> Avenue to 10 <sup>th</sup> Avenue along the Railroad
Belmar Plaza		30 minutes	7:00 am to 7:00 pm All Days	10 spaces Adjacent to the south retail unit of the Belmar Plaza building
Fifth Avenue	South	15 minutes	10:00 am to 9:00 pm All Days	Two parking spaces on the South curb line of 5 <sup>th</sup> Avenue adjacent to 500 Main Street
Eighth Avenue	Both	2 hours	7:00 am to 7:00 pm All Days	Beginning 35 feet from the westerly curb line of Main Street to a point approximately 200 feet west of Main Street
Eighth Avenue	North	15 minutes	10:00 am to 9:00 pm All Days	Two parking spaces on the North curb line adjacent to 700 Eighth Avenue
Eleventh Avenue	South	15 minutes	At all times All days	Beginning at a point 20 feet from the easterly curb line of Route No. 35 and extending 80 feet easterly therefrom
Eleventh Avenue	North	15 minutes	At all times All days	Beginning at a point 25 feet from the easterly curb line of Route No. 35 and extending to a point 93 feet therefrom
Eleventh Avenue Crescent - west side of Main Street	Outer edge	2 hours		2 Hour Parking with the exception of the North side outer edge of the crescent from Main Street to the parking lot egress
Fifteenth Avenue	South	15 minutes	At all times All days	Beginning 25 feet from the southeast curb line of Main Street and continuing

				95 feet east (3 paces)
Main Street	Both	2 hours	9:00 a.m. to 6:00 p.m. All days	Between Fifth and Sixteenth Avenues
Main Street	East	15 minutes	8:30 a.m. to 5:30 p.m. Mon.-Fri. 8:30 a.m. to 12:00 noon Sat.	In front of the Post Office beginning 35 feet from the southerly curb line of Thirteenth Avenue to a point approximately 100 feet south of the curb line
Main Street	West	15 minutes	11:00 a.m. to 11:00 p.m. Mon.-Sat. 12:00 noon to 11:00 p.m. Sun.	Beginning 25 feet south of Thirteenth Avenue along the westerly curb line and continuing 50 feet
Ninth Avenue	Both	2 hours	9:00 a.m. to 6:00 p.m. All days	From a point approximately 200 feet east of Main Street to the easterly curb line of Main Street
Ocean Avenue	West	15 minutes	May 1 <sup>st</sup> to October 1 <sup>st</sup>	Beginning at a point 25 feet to the north of the extension of the northwest curb line of Seventeenth Avenue and continuing 115 feet north (6 spaces)
Ocean Avenue	West	15 Minutes	May 1 <sup>st</sup> to October 1 <sup>st</sup>	Beginning at the south west corner of 8 <sup>th</sup> Avenue heading south to the fire hydrant. (5 spaces)
Seventh Avenue	Both	2 hours	9:00 a.m. to 6:00 p.m. All days except holidays	Beginning at a point 35 feet west from the westerly curb line on Main Street to a point 25 feet east of East Railroad Avenue and River Road
Seventh Avenue	Both	2 hours	9:00 a.m. to 6:00 p.m. Mon.-Sat.	Beginning at a point 25 feet west of the southwest corner of Seventh Avenue and Main Street and proceeding west to a point 25 feet east of the northeast corner of River Avenue and Seventh Avenue
Sixth Avenue	South side along curb	15 minutes	8:00 a.m. to 5:00 p.m. All days	Beginning 50 feet from the westerly curb line of Main Street to a point 110 feet and from 113 feet to 165 feet west of Main Street
Sixth Avenue	South	Not to exceed 1 minute (Drop Off Zone)	7:30 a.m. to 8:30 a.m. Mon.-Fri. School year	Beginning at a point 85 feet east of the southwest corner of Sixth Avenue and Main Street and proceeding in an easterly direction 420 feet
Tenth Avenue	North	15 minutes	10:00 am to 9:00 pm All Days	2 parking spaces on the North curb line of 10 <sup>th</sup> Avenue adjacent to the existing handicap parking space. Southern side of 914 Main Street.
Tenth Avenue	Both	2 hours	7:00 a.m. to 7:00 p.m. All days	From a point 250 feet east of Main Street to the easterly curb line of Main Street
Tenth Avenue	Both sides of center island	2 hours	At all times All days	From the westerly curb line of Main Street to the New York and Long Branch Railroad
Tenth Avenue	Both sides of center island	2 hours	At all times All days	From the New York and Long Branch Railroad to the easterly curb line of State Highway Route No. 35
Tenth Avenue	North side along curb	15 minutes	At all times All days	From the westerly curb line of Main Street to the N.J. Transit Railroad
Thirteenth	North	15 minutes	7:00 a.m. to	Beginning at a point 25 feet west of the

Avenue			10:00 p.m.	extension of the northwest curb line of D Street and continuing 95 feet west
Business Area Parking Lot – Ninth Avenue		2 hours	9:00 am to 6:00 pm. All Days	Lot between Eighth Avenue and Ninth Avenue located behind 808-810 Main Street

**SECTION II.** The following sections shall be deleted in their entirety:

19-47.1 Parking Prohibited During Certain Hours.

19-47.2 Parking Time Limited.

**SECTION III.** **Section 19-40.1 Paid Parking Zones and Regulations** shall be deleted in its entirety and replaced with the following:

The provisions of this subsection shall regulate the parking of vehicles within paid parking zones as hereinafter designated; the designation, use and operation of mobile parking application platforms; and the payment of fees prescribed herein.

a. *Designation of Paid Parking Zones.* The streets or parts of streets described to be designated as parking zones shall be set by resolution of the Governing Body.

b. *Definitions.* As used in this subsection:

*Mobile Parking Application Platform:* Any mobile platform software available for paid parking to be used via telephone, mobile app on a smartphone or tablet, or via the internet on a computer, tablet or smartphone.

c. *Parking Fees and Time Limitations.* Shall be set by Resolution of the Governing Body.

d. *Hours of Operation.* Shall be set by Resolution of the Governing Body.

e. *Marking of Spaces; Legal Parking Periods.* The parking zones established by this section shall be designated by appropriate markings outlining individual parking spaces.

f. **General Regulations & Prohibitions**

1. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his, her or its name to be parked in any parking space herein designated or to be hereafter designated in violation of the provisions of this subsection.
2. It shall be unlawful to park any vehicle across any line or marking designating a parking space or to park any vehicle in any way that the same will not be wholly within a parking space as designated by the lines or markings.

g. **Enforcement.** It shall be the duty of the members of the Belmar Parking Authority and Belmar Police Department to enforce the provisions of this section.

h. **Penalties.** In addition to any other penalty provided in this Chapter, any vehicle which has been ticketed for a violation of this section, and which remains continuously in the same paid parking space for more than 24 hours, will be towed at the vehicle owner's expense.

**SECTION IV. 19-38 LOADING ZONES** shall be deleted in its entirety and replaced with the following:

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in these locations during the times indicated other than for the loading or unloading of goods and materials.

<i>Name of Street</i>	<i>Time</i>	<i>Side(s)</i>	<i>Location</i>
Main Street		Westerly	From a point 16 feet south of the intersection of the extension of the northerly curblineline of Ninth Avenue and the westerly line of Main Street to a point 56 feet south of the same point of reference.
Ocean Avenue T Intersection		East	Beginning at a point 50 feet south of the Tenth Avenue intersection crosswalk and extending 30 feet southerly therefrom.
Ocean Avenue		East	Beginning at a point 35 feet south of the 8th Avenue crosswalk and extending 8 feet therefrom
Seventeenth Avenue		North	Beginning at the northwest corner of Ocean Avenue, 25 feet along the north curb line and continuing 74 feet west.
Seventh Avenue		North	Beginning at a point 50 feet east of the easterly curb line of Main Street and extending to a point 50 feet easterly therefrom.
Sixteenth Avenue		South	Starting at a point 49 feet west from the southwest corner of Ocean Avenue and Sixteenth Avenue and continuing in a westerly direction for 55 feet.
18 <sup>th</sup> Avenue		South	30 feet from corner of Ocean Avenue continuing west on 18 <sup>th</sup> Avenue
Twelfth Avenue (Ord. No. 2015-13)		North	Beginning at the northwest corner of Highway 35 (River Road) 150 feet along the north curb line of Twelfth Avenue.

**SECTION V.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION VI.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

## **ORDINANCE 2020-20**

### **ORDINANCE RESCINDING AND REPLACING CHAPTER XXXV, FLOOD DAMAGE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR**

THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXXV, Flood Damage Prevention of the Borough of Belmar Revised General Ordinances is hereby rescinded and replaced in its entirety:

#### **CHAPTER XXXV FLOOD DAMAGE PREVENTION**

##### **35-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

###### **35-1.1 STATUTORY AUTHORIZATION**

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

###### **35-1.2 FINDINGS OF FACT**

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

###### **35-1.3 STATEMENT OF PURPOSE**

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

- a. Promote the general health, welfare, and safety of the community.
- b. Protect human life and health;
- c. Minimize expenditure of public money for costly flood control projects;
- d. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- e. Minimize prolonged business interruptions;
- f. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- g. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

- h. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- i. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **35- 1.4 METHODS OF REDUCING FLOOD LOSSES**

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

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

### **35-2 DEFINITIONS**

#### **35-2.1 WORDS DEFINED**

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

**Advisory Base Flood Elevation (ABFE)** - The elevations promulgated by the Federal Office of Emergency Management on December 12, 2012.

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

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

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**Appeal** — A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path

of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard**—Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

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

**Base Flood Elevation (BFE)** – The flood elevation having a one (1%) percent change of being equaled or exceeded in any given year as identified within the documents referenced in subsection 35-3.2. The Base Flood Elevation shall be the greater of the base flood elevations indicated in the Flood Insurance Study prepared by FEMA; DFIRM prepared by FEMA; the Advisory Base Flood Elevation Map prepared by FEMA, dated December 12, 2012; or the Preliminary DFIRM prepared by FEMA, dated January 31, 2014.

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

**Best Available Flood Hazard Data**— The most restrictive available 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 Preliminary FIS and FIRM, or Effective FIS and FIRM.

**Best Available Flood Hazard Data Elevation**— The most restrictive available flood elevation FEMA has provided The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; Preliminary FIS and FIRM, or Effective FIS and FIRM.

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

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

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

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

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

**Elevated Building** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

**Erosion** — The process of gradual wearing away of land masses.

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

**Expansion to an existing manufactured home park or subdivision-** the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)

**FEMA Publication** – 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.

**Flood Design Class** – An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

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

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

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



**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

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

**Floodproofing Certificate** – Certification by an engineer or architect to certify a floodproofing design for a non-residential building.

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

**Freeboard** — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

**Historic Structure** — Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

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

**Lowest Floor** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage

in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

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

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

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

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

**Preliminary Flood Insurance Rate Map (FIRM)** — The draft version of the FIRM released for public comment before finalization and adoption.

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

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

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

**Special Flood Hazard Area (SFHA)** – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone VE, V, A, AO, A1-A30, AE, A99, or AH.

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

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

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

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

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

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** — 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.

## **35-3 GENERAL PROVISIONS**

### **35-3.1 LANDS TO WHICH THIS CHAPTER APPLIES**

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Belmar, Monmouth County, New Jersey.

### **35- 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of Belmar, Community No. 345283, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
- b. "Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34025C0333F, 34025C0334F, 34025C0341F, 34025C03342F; whose effective date is September 25, 2009.
- c. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 12, 2012.
- d. A scientific and engineering report Preliminary "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated January 14, 2014.
- e. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34025C0333G, 34025C0334G, 34025C0341G, 34025C03342G; whose effective date is January 31, 2014.

The best available flood hazard data documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Studies and maps are on file at 601 Main Street, Belmar, New Jersey.

### **35- 3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof liable to the penalty state in Chapter I, Section 1-5, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Belmar, from taking such other lawful action as is necessary to prevent or remedy any violation.

### **35-3.4 ABROGATION AND GREATER RESTRICTIONS**

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

### **35-3.5 INTERPRETATION**

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

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

### **35-3.6 WARNING AND DISCLAIMER OF LIABILITY**

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

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

## **35-4 ADMINISTRATION**

### **35-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

The Borough of Belmar shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 35-3.2. Application for a Development Permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been floodproofed.
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 35-5.2 b; and,
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. Any forms, plans, or information required pursuant to any applicable FEMA publication.

### **35-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

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

### **35-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the floodplain administrator shall include, but not be limited to:

#### *a. Permit Review*

1. Review all development permits to assure sites are reasonably safe from flooding and to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 35-5.3 a. are met.
  4. Review all permit applications to determine whether proposed building sites are reasonably safe from flooding;
  5. Review all permit applications to determine whether development complies with all applicable FEMA Publications;
  6. Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements;
  7. Review all development permits in the coastal high hazard and Coastal A Zone area to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
  8. Review plans for walls to be used to enclose space below the base flood level in accordance with section 35-5.4 b.4.
  9. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
  10. In the case of existing structures, prior to the issuance of any Development/ Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/ Substantial Damage Desk Reference
  11. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  12. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
  13. In the discharges of his/ her duties the Floodplain administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
  14. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Zoning Board of Adjustment for whatever action it considers to be necessary.
- b. Use of Other Base Flood and Floodway Data.* When base flood elevation and floodway data has not been provided in accordance with section 35-3.2, Basis for Establishing the Areas of Special Flood Hazard, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 35-5.2 a., Specific Standards, Residential Construction, and 35-5.2 b., Specific Standards, Nonresidential Construction.

*c. Information to Be Obtained and Maintained*

1. Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
  - (a) verify and record the actual elevation on a Floodproofing Certificate (in relation to 0 foot elevation NAVD 88 datum); and
  - (b) maintain the floodproofing certifications required in section 35-4.1 c.
3. In coastal high hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 35-5.4 b.1 and 35-5.4 b.2 (a) and (b) are met.
4. Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and
5. Maintain for public inspection all records pertaining to the provisions of this ordinance.
6. The Floodplain Administrator shall maintain, in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection, and enforcement.

*d. Alteration of Watercourses*

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

*e. Substantial Damage Review*

1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
3. Ensure substantial improvements meet the requirements of sections 35-5.2 a., Specific Standards, Residential Construction, 35-5.2 b., Specific Standards, Nonresidential Construction, and 35-5.2 c., Specific Standards, Manufactured Homes.

*f. Interpretation of FIRM Boundaries.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 35-4.4.

*g. Report Changes in Flooding Conditions.* Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

## **35-4.4 VARIANCE PROCEDURE**

*a. Appeal Board*

1. The Board of Adjustment as established by the Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision as provided by law.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (a) the danger that materials may be swept onto other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity to the facility of a waterfront location, where applicable;
  - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of section 35-4.4 a.4. and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The floodplain administrator shall maintain the records of all appeal actions, including technical information, the justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

*b. Conditions for Variances*

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a)-(k) in section 35-4.4 a.4. have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.



4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 35-4.4 a.4, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **35-5 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **35-5.1 GENERAL STANDARDS**

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

#### *a. Anchoring*

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

#### *b. Construction Materials and Methods*

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### *c. Utilities*

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### *d. Subdivision Proposals*

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage;
  4. All subdivision proposals and other proposed new development with new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration;
  5. All subdivision proposals and other proposed new development with onsite waste disposal systems shall be designed to avoid impairment or contamination; and,
  6. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).
- e. Enclosure Openings.* All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

### **35-5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 35- 3.2, Basis For Establishing the Areas of Special Flood Hazard or in Section 35-4.3 b., Use of Other Base Flood Data, the following standards are required:

#### *a. Residential Construction*

1. For Coastal A Zone construction see section 35-5.4 Coastal High Hazard Area and Coastal A Zone.
2. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:
  - (a) For A or AE zones:
    - i. base flood elevation (published FIS/FIRM) plus one (1) foot,
    - ii. the best available flood hazard data elevation plus one (1) foot,
    - iii. as required by ASCE/SEI 24-14, Table 2-1, or
    - iv. as required by N.J.A.C. 7:13-3.
  - (b) For AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified); and, require adequate drainage paths

around structures on slopes to guide floodwaters around and away from proposed structures.

- (c) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

*b. Nonresidential Construction*

1. For Coastal A Zone construction see section 35-5.4 Coastal High Hazard Area and Coastal A Zone.
2. New construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either:

- (a) Elevated at or above the more restrictive of the following:

- i. For A or AE zones:
  - a) base flood elevation (published FIS/FIRM) plus one (1) foot
  - b) the best available flood hazard data elevation plus one (1)
  - c) as required by ASCE/SEI 24-14, Table 2-1, or
  - d) as required by N.J.A.C 7:13-3.
- ii. For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified); and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- iii. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

or

- (b) Be floodproofed so that below the more restrictive of the following:

- i. For A or AE zones:
  - a) base flood elevation (published FIS/FIRM) plus one (1) foot
  - b) the best available flood hazard data elevation plus one (1) foot
  - c) as required by ASCE/SEI 24-14, Table 6-1, or
  - d) as required by N.J.A.C 7:13-3.
- ii. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot, (at least three (3) feet if no depth number is specified); and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
- iii. The structure is watertight with walls substantially impermeable to the passage of water;
- iv. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- v. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 35-4.3 c.2.(b).
- vi. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

*c. Manufactured Homes*

1. Manufactured homes shall be anchored in accordance with section 35-5.1a.2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - (a) Be consistent with the need to minimize flood damage,
  - (b) Be constructed to minimize flood damage,
  - (c) Have adequate drainage provided to reduce exposure to flood damage,
  - (d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
    - i. base flood elevation (published FIS/FIRM) plus one (1) foot,
    - ii. the best available flood hazard data elevation plus one (1) foot, or
    - iii. as required by ASCE/SEI 24-14, Table 2-1,
    - iv. as required by N.J.A.C 7:13-3.
    - v. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified); and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
  - (e) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.
3. All manufactured homes to be substantially improved within V1-30, VE, and V Zones, shall meet the requirements of Section 35-5.4.

*d. Recreational Vehicles*

1. Recreational vehicles in Zones A, A1-30, AH, and AE must either
  - (a) Be on the site for fewer than 180 consecutive days, and
  - (b) Be fully licensed and ready for highway use,
 Or
  - (c) Meet the permit requirements for manufactured homes in Section 5.2-3
2. Recreational vehicles in Zones V1-30, VE, and V must:
  - (a) Be elevated and anchored, or
  - (b) Be on the site for less than 180 consecutive days, or
  - (c) Be fully licensed and highway ready.

### **35-5.3 FLOODWAYS**

Located within areas of special flood hazard established in section 35-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If section 35-5.3 a. is satisfied, all new construction and substantial improvements must comply with section 35-5 Provisions for Flood Hazard Reduction.
- c. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

### **35-5.4 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE**

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 35-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

#### *a. Location of Structures*

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

#### *b. Construction Methods*

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:
  - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, and,
  - (b) All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated one (1) foot above the base flood elevation, and
  - (c) With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 35-5.4 b.4.

#### 2. Structural Support

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

3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 35-5.4 b.1 and 35-5.4 b.2. (a) and (b).

#### 4. Space Below the Lowest Floor

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

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

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

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

**SECTION I.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION I.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2020-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXIII, GARBAGE & WASTE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Belmar Mayor and Council wish to amend certain sections of Chapter XXIII, Garbage & Waste

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXIII, of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I.** Chapter XXIII is hereby amended and supplemented as follows:

**23-2.3 Bulk Items.**

Contractors and subcontractors and the like are prohibited from placing any bulk items solid waste, brush, leaves, recyclables, household furniture, bulk waste, white goods, light metal or any other items for collection, and must arrange for private cartage. The Borough will collect bulk items on any regular pickup day provided that the person desiring collection places the appropriate number of fee stickers on each bulk item as set forth in Schedule A of this section, as such Schedule is set by resolution of the Borough Council. Fee stickers must be purchased from the Municipal Clerk. The Clerk shall charge two (\$2.00) dollars for each fee sticker.

**FEE SCHEDULES:**

**SCHEDULE A**

The following schedule of the number of fee stickers required for each bulk item is based on one (1) fee sticker per twenty-five (25) pounds of weight. The weights of the items listed in this schedule are estimated weights formulated by the Department of Public Works. If any item not in this schedule is being placed for collection, the person placing the item should estimate the total weight to the item (in pounds) and divide that figure by twenty-five (25) to arrive at the number of fee stickers required for that item. Any person unable to estimate the weight of an item may call the Department of Public Works for an estimate.

<i>Item</i>	<i>Number of Stickers Required</i>
Straight back chair	1
Stuffed chair	2
Lamp	1
Sofa	4
Sofa bed	6
Mattress	3
Box spring	2

Dresser	3
Refrigerator	15
Air conditioner	15
Freezer	15
Any unit containing chlorofluorocarbons	15
Washing machine	6
Dryer	4
Water heater	4
Kitchen cabinet	1
Stove	4
Door	2
Lawn mower	2
Bicycle	1
10' x 12' carpet	4
<del>Grass, grass clippings</del>	<del>1</del>

Note: Items weighing less than twenty-five (25) pounds require one (1) sticker, provided that items weighing less than twenty-five (25) pounds may be combined and placed in a bag as long as the bag does not weigh more than twenty-five (25) pounds. One (1) sticker must then be placed on the outside of the bag.

#### **23-2.4 Holidays.**

The Borough will not make any collections on New Year's Day, ~~Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day,~~ Thanksgiving Day, and Christmas Day. In addition, whenever the Superintendent of Public Works declares an emergency, collections will not be made on the day of the emergency, but will be made on the next regularly scheduled pickup.

#### ~~**23-4.2 Paper.**~~

~~—Paper, except used newspaper as defined in Section 23-1 and 23-9, shall be secured and properly tied into bundles or otherwise packaged in a manner to prevent any scattering while being handled by the Borough contractors, collectors or employees or while such bundles or packages are located on the sidewalk or premises awaiting collection.~~

#### ~~**23-4.3 Ashes.**~~

~~—Ashes shall be appropriately cooled and placed in a receptacle as described in Section 23-5.~~

#### ~~**23-4.4 Rubbish and Trade Waste.**~~

~~—Rubbish and trade waste shall be stored and held in receptacles as described in Section 23-5 hereof. Where these materials are of such a nature that they cannot be deposited, they shall be securely and properly tied into bundles or packages to prevent any spilling while being handled by Borough contractors, collectors, or employees or while such bundles or packages are located on the sidewalk or premises awaiting collection.~~



#### **23-4.25 ~~Grass, Yard Rakings, Branches, Hedge Clippings, Brush, Wood, Etc.~~**

- a. No ~~grass~~, leaves, brush, branches or yard rakings shall be placed loose or in piles on the sidewalk, gutter or streets where the same may be dispersed by wind, forces of nature, passersby or traffic. ~~All leaves, brush, branches or yard rakings shall be considered rubbish and shall be placed in suitable receptacles and disposed of in the same manner as rubbish.~~
- b. ~~All grass and grass clippings must be recycled.~~ Grass and grass clippings will not be collected by Borough trucks.
- c. From ~~October~~ ~~September~~ 1 through December 31, leaves may be piled in an orderly fashion between the curb and the sidewalk for collection by Borough trucks, and shall be placed at least ten (10') feet from any stormwater inlet, catch basin, pipe or similar stormwater collection facility.
- d. Tree branches, ~~tree trunks~~, hedge clippings, and disposable wood shall be cut to a maximum length of four (4') feet prior to placement for collection. ~~Each individual item and each bundle of items (if bundled) shall not exceed forty (40) pounds in weight.~~

#### **23-4.7 Public Litter Containers.**

No place of business or residence shall deposit trash, garbage, rubbish, paper or trade waste in any public litter container placed upon the streets of the Borough for use by the public to prevent littering of streets.

#### **23-4.10 Prohibited Materials.**

The following items are prohibited from being placed for collection:

- a. Construction material. Dirt, earth, stone, blacktop, concrete, concrete block and macadam.
- b. Industrial waste, including but not limited to processed scrap materials, packing materials and certain hazardous materials, such as acids, paints, fluorescent tubes, bulk amounts of glass, toxic materials and highly volatile or explosive matter, either in liquid, gaseous, or solid form.
- c. Automotive parts, including but not limited to transmissions, engines, rear ends, wheels, tires, mufflers, and other items normally produced in the maintenance and repair of vehicular equipment.
- d. Dead animals shall be disposed of as provided by the Borough of Belmar Department of Health.
- e. Surgical dressings, syringes and disposable hospital type items. These items are to be disposed of pursuant to law and regulation including, but not limited to, the law and regulations of the Borough of Belmar Department of Health and the Monmouth County Department of Health.
- f. *New and Used Motor Oil.* In accordance with State regulations, ~~, all service stations, all oil retailers and motor vehicle reinspection stations with "used oil holding tanks" shall accept~~

~~up to five (5) gallons at a time of used motor oil from individuals changing oil from personal motor vehicles, lawn mowers or motorcycles and shall post a sign informing the public that they are a "Used Oil Collection Site." A fee schedule should be posted by the recipient if fees are charged for this service.~~

- g. Hazardous waste classified pursuant to regulations issued by the New Jersey Department of Environmental Protection, adopted under authority of N.J.S.A. 13:1D-9 and 13:1E-6, as amended. Residents can arrange for hazardous waste disposal by contacting the Monmouth County Household Waste Facility.
- h. Liquid waste.

### **23-7.2 Regulation of Vehicles.**

- a. All vehicles used in transporting ashes, garbage, trash, rubbish, waste and other refuse material through the streets of the Borough shall be furnished by the owner or operator; must have a good and tight body and when loaded shall be securely covered with a type of cover approved by the Borough so as to prevent their contents from being scattered upon the streets.
- b. No cart or other vehicle for carrying any offal, swill, garbage, ~~ashes~~ or rubbish, or the contents of any privy vault, cesspool or other receptacle for filth, or having upon or in it any manure or other nauseous or offensive substances, shall unnecessarily stand or remain near any building, place of business or other premises inhabited or occupied by any person. No person using such cart shall take an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground within the Borough. No such cart or vehicle, its appurtenances, or the driver or person in control thereof, shall be or allowed to be in a needlessly filthy or offensive condition. When not in use, all such carts, vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any of the inhabitants of the Borough.
- ~~c. All such carts and vehicles, boxes, tubs and receptacles therein used for transporting and carrying any of the foregoing substances shall be strong and tight and the sides shall be so high above the load or contents that no part of such contents or load shall fall or leak or spill therefrom. All vehicles and containers used for carrying bones, offal, butchers' refuse, tannery scrapings, manure or refuse matter liable to decay must be metal lined. Each of such carts, tubs or boxes and receptacles shall be adequately and tightly covered.~~

Every private collector of solid waste, recyclables and waste materials and every collector authorized by the Borough to collect such items shall do so in vehicles approved for use by legally qualified waste haulers in accordance with N.J.A.C. 7:26-3.1 et seq. Said vehicles are to be kept clean and safe. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed, loaded and covered so as to prevent any solid waste load or contents from being blown or deposited upon any street, alley or other public or private place in the Borough.

## **23-8 PRIVATE COLLECTORS.**

Every private collector of ashes, garbage and waste material shall conform to the provisions of this Chapter and the regulations of the Public Works Department governing the collection and disposal of ~~ashes~~, garbage, waste, trash, rubbish and refuse material. No collection shall be performed before 5:00 a.m. or after 10:00 p.m. (Ord. No. 2002-16 § II)

### **23-9.1 Used Newspapers.**

Used newspapers, defined as the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions, advertisements and the like, but not including magazines or other periodicals which products contain shiny or glossy paper, shall be separated ~~and bundled~~ or packaged for pickup, collection and recycling on each ~~Monday-Wednesday~~ of each week. If that day is a holiday, then the pickup will be on the next following day Wednesday, not a holiday. Must be clean with no contamination of food, grease, oil or wet or dry residue.

### ~~23-9.2 Bundling.~~

~~—Newspapers shall be compacted and tied securely in bundles not exceeding thirty (30) pounds in weight with a rope or cord of sufficient strength to facilitate handling. The bundles shall be placed at the curb for collection not earlier than 6:00 p.m., prevailing time, on the day preceding the day scheduled for collection and not after 7:00 a.m., prevailing time, of the day of collection.~~

### ~~23-9.3 Used Newspapers at Curb Property of Borough; Violation.~~

~~—From the time of placement at the curb by any residents of used newspapers for collection by the Borough, such used newspapers shall be and become the property of the Borough. It shall be a violation of this section to collect or pick up or cause to be collected or picked up, any such used newspapers, unless authorized to do so by permit issued by the Borough Clerk and authorized by resolution of the Mayor and Borough Council. Any and each such collection from any one (1) or more residences, on any one (1) or more days, shall constitute a separate and distinct offense punishable as hereinafter provided.~~

### ~~23-9.4 Issuance of Permit.~~

~~—The Mayor and Borough Council may by resolution authorize the Borough Clerk to issue one (1) or more permits as deemed necessary by the Mayor and Borough Council to facilitate disposal and recycling of the newspapers, or to place same out to bid if required by the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), enter into a contract for the sale of same, if otherwise permitted by law. The Borough may at its option utilize its own personnel and equipment to collect and dispose of the newspapers or contract out the cost thereof. (Ord. No. 2002-16 § II)~~

### **23-9.25 Used Motor Oil.**

Used oil may be deposited at the facilities authorized for the collection thereof located at the Belmar Recycling Center. No one may dispose of used motor oil except in the manner provided by State law and the rules and regulations adopted pursuant thereto, and only by depositing same

with authorized collection centers or at the facility located at the Belmar Recycling Center. In order to document and facilitate the Borough's recycling program, authorized collection centers located within the Borough shall be required to supply to the Borough Clerk the total number of gallons of used oil recycled in the preceding year, upon application for renewal of their mercantile license as provided by Chapter XX of the Borough ordinance (Ord. No. 2002-16 § II)

### **23-9.36 Mandatory Recycling Program.**

- a. It shall be mandatory for all owners, lessees, occupants of residential property, occupants of business property, commercial, and industrial property, and all private and public institutions and buildings to separate newspapers, magazines, mail and junk mail, corrugated cardboard and/or high grade paper, ~~leaves~~, clear glass, amber glass, green glass, ~~large~~ plastic (PET, PETE, HDPE only) ~~bottles (one (1) liter or more)~~, ~~automobile and household batteries (from flashlights, cameras, toys, calculators, etc.)~~, tin, and aluminum from all other solid waste produced by the residence for collection and ultimate recycling. All corrugated cardboard shall be broken down, flattened, and secured in bundles weighing no more than thirty (30) pounds.
- b. On and after the adoption of this section, and in accordance with existing State regulations (N.J.A.C. 14A:3-11), all service stations, oil retailers and motor vehicle reinspection stations with "used oil holding tanks" shall accept up to five (5) gallons at a time of used motor oil from individuals changing oil from cars, lawn mowers or motorcycles and shall post a sign informing the public that they are a "Used Oil Collection Site." The Borough operates an oil collection site located in the Belmar Recycling Center.
- c. It shall be mandatory for every owner, lessee, and occupant of every type of property to separate and arrange for recycling of grass, grass clippings, tree stumps, concrete and asphalt. The Borough will not collect or dispose of such materials, and it is the responsibility of the owner, lessee, or occupant to arrange for collection and disposal.
- d. It shall be mandatory for every owner, lessee, and occupant of every type of property to separate and arrange for the recycling of automobile and truck tires. The Borough will not collect or dispose of such items, ~~unless the owner, lessee or occupant has paid the following fee:~~
  1. ~~Automobile tires: Three (\$3.00) dollars per tire.~~
  2. ~~Truck tires: Five (\$5.00) dollars per tire.~~(Ord. No. 2002-16 § II; Ord. No. 2003-04)

### **23-9.7 Definitions.**

As used in this section:

*Aluminum* shall mean and include all disposable items made of aluminum including aluminum containers used for soda, beer and other beverages, ~~foil, wrappers, containers for prepared food~~, screen frames and lawn chairs.

*Corrugated cardboard* shall mean and include cardboard of the type used to make cardboard boxes, cartons, pasteboard and similar corrugated and kraft paper material that contains no grease, oil, food or other dry/wet residue. This does not include pizza boxes.

*Glass* shall mean glass bottles and jars only. and include all products made from silica or sand, soda ash and limestone; the product being transparent or translucent and being used for packaging or bottling of various matters excluding, however, blue or flat glass commonly known as window glass.

*High grade paper* shall mean and include white and/or off white stationery, photocopy and computer paper.

*Newspaper* shall mean and include newspapers and inserts. It excludes magazines and T.V. Guides that are not of newspaper quality.

*Plastic* shall mean all products labeled PET PETE or HDPE with a pourable neck smaller than the body of the container that contains no grease, oil, food or other dry/wet residue.

*Solid waste* shall mean and include all garbage and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pickup.

#### **23-9.6 Mandatory Recycling Program.**

- a. It shall be mandatory for all owners, lessees, occupants of residential property, occupants of business property, commercial, and industrial property, and all private and public institutions and buildings to separate newspapers, magazines, mail and junk mail, corrugated cardboard and/or high grade paper, ~~leaves,~~ clear glass, amber glass, green glass, plastic (PET, PETE or HDPE only) large plastic bottles, (one (1) liter or more), automobile and household batteries (from flashlights, cameras, toys, calculators, etc.), tin, and aluminum from all other solid waste produced by the residence for collection and ultimate recycling. All corrugated cardboard shall be broken down, flattened, and secured in bundles weighing no more than thirty (30) pounds.

#### **23-9.9 Collection by the Borough.**

- a. The Borough of Belmar will collect recyclable materials on Monday-Wednesday of each week, except a holiday, then said materials should be held and placed for pickup the following ~~day~~Wednesday. Each property within the Borough of Belmar shall be provided recycling pickup of five (5) thirty-two (32) gallon containers of commingled materials, (50) pounds each every Monday-Wednesday. Any premises owner, lessee, or occupant may deliver recyclable material as designated by the Borough Council by resolution to the recycling center. The Borough shall sell all recyclable material for which a market exists pursuant to N.J.S.A. 40A:11-1, et seq. The Borough Council may elect to enter into agreements with qualified persons or corporations authorizing them to collect recyclable materials in the Borough and to sell the materials provided the amount of money realized by the Borough from the agreement exceeds the Borough's costs in collecting the materials

### **23-9.11 Direct Disposal of Recyclable Material by Resident.**

Anything herein to the contrary notwithstanding, any person, partnership or corporation who is owner, lessee or occupant of a residential or nonresidential property may donate or sell recyclable material, as defined herein, to any person, partnership or corporation whether or not operating for profit. That person, partnership or corporation, however, shall not pick up recyclable materials at curbside or at the Borough drop off center. A copy of the yearly tonnage report must be submitted to the Municipal Recycling Coordinator no later than February 28<sup>th</sup> of the following year.

### ~~**23-9.13 Composting Machines.**~~

~~—An individual may purchase from the Borough of Belmar Recycling program, a composting machine that may be used in their yard for the composting and processing of all plant and vegetative material. The cost of each composting machine (Earth Machine) is twenty-five (\$25.00) dollars.~~

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

**ORDINANCE NO. 2020-23**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW  
JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXIII OF THE  
BOROUGH CODE ENTITLED “RECYCLING PROGRAM” IN ORDER TO  
REGULATE POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter XXIII of the Borough Code entitled “Recycling Program” be amended as follows:

**SECTION I**

**23-10.1– INTENT**

The intent of this section is to adopt regulations relating to and limiting the use of polystyrene foam containers and plastic straws by businesses in the Borough of Belmar. The regulations are intended as necessary and proper steps by the Borough to address a significant global problem relating to the sale and use of polystyrene foam containers and plastic straws, to ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

**23-10.2 - DEFINITIONS**

The following words, phrases and terms, as used in this section, are hereby defined for the purpose thereof as follows.

**BUSINESS OR STORE**

For the purpose of this Section 23-10 any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts and food service establishments.

**FOOD SERVICE ESTABLISHMENT**

Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

**GOODS AND PRODUCTS**

Things and items that are prepared and made to be sold, including, but not limited to. Clothing, groceries, prepared food, foodstuffs, meat, dairy, beverages, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

**PRODUCE BAG OR PRODUCT BAG**

Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled bag.

**RETAIL**

The sale of goods and products for use and/or consumption.

**REUSABLE BAG**

A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mils thick if made from plastic, has a minimum lifetime of 75 uses and is capable of carrying a minimum of 18 pounds.

**SINGLE-USE PLASTIC CARRYOUT BAG**

A bag, sheet, or receptacle produced or manufactured from material commonly known as “plastic” or “polyethylene” provided at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting good or products out of the establishment. The term “single-use plastic carryout bag” does not include reusable bags, produce bags, or garment bags.

**23-10.3 – REGULATION OF SINGLE-USE PLASTIC CARRYOUT BAGS.**

No business or store shall provide polystyrene foam containers and/or plastic straws to a customer at the checkout stand, cash register, point of sale, or other point of sale, or other point of departure for the purpose of transporting or enjoying products or goods out of or in the business or store, except as otherwise provided in this section.

**23-10.4 – VIOLATIONS AND PENALTIES.**

Each person violating any of the provisions of this section shall, upon conviction thereof, be liable for the penalty as provided by law and as authorized in the Revised General Ordinances of the Borough of Belmar.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.