



Agenda  
Open Session

Borough Hall Council Chambers  
375 Larch Ave, Bogota, NJ 07603

May 15, 2025  
7:30 p.m.

**BOROUGH OF BOGOTA**  
**Mayor and Council Regular Meeting**



Mayor  
Daniele Fede

Council President  
Lisa Kohles

Councilmember  
Consuelo Carpenter

Councilmember  
William Hordern

Councilmember  
Patrick H. McHale

Councilmember  
John Mitchell

Councilmember  
Diana Vergara

Borough Administrator  
Conall O'Malley

Borough Attorney  
William Betesh

Borough Clerk  
Yenlys Flores-Bolivard

**I. CALL TO ORDER****II. MAYOR'S ANNOUNCEMENT – OPEN PUBLIC MEETINGS ACT STATEMENT**

PLEASE TAKE NOTICE THAT in accordance with the Open Meeting Act, N.J.S.A. 10:4-1, et seq the notice for this meeting's time, date, location, and agenda fulfills the requirements, by sending a copy to the newspapers officially designated for 2025, filing a copy in the Borough Clerk's Office and posting it on the Borough Building bulletin board.

The Borough of Bogota will hold a Public Meeting at 7:30 p.m. on Thursday, May 15, 2025 to address such matters of business as may be brought before the Mayor and Council. This meeting will be held at Borough Hall Council Chambers, 375 Larch Ave, Bogota, NJ 07603.

**III. PLEDGE OF ALLEGIANCE****IV. ROLL CALL**

Mayor Fede  
Council President Kohles  
Councilmember Carpenter  
Councilmember Hordern  
Councilmember McHale  
Councilmember Mitchell  
Councilmember Vergara

**Also Attending:**

Borough Administrator O'Malley  
Borough Attorney Betesh  
Borough Clerk Yenlys Flores-Bolivar

**V. CITIZEN REMARKS**

One (5) minute time limit per person.

**VI. DISCUSSION**

1. Revisions to existing Salary Ordinance.
2. Review of Section 2:27-4

**VII. PUBLIC HEARING & RESOLUTION ADOPTION****VIII. INTRODUCTION OF ORDINANCES**

- 1634 Salary Range Ordinance 2025  
1635 Intro an ordinance amending Ch. 20 of the Bogota Code, entitled "Flood Hazard Protection"

**IX. PUBLIC HEARING & ADOPTION OF ORDINANCES**

1633- An Ordinance Amending Ch. 16 of the Bogota Code, entitled "Fire Prevention"

**X. CONSENT AGENDA****A. Resolutions**

All matters listed below are considered to be routine in nature by Council and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

2025-120 Jobs4Blue Agreement – Police Outside Duty Management

2025-121 Approving Veolia's Installation of Fire Hydrant on W. Shore Avenue

2025-122 Approving Veolia's Installation of Fire Hydrant on West Main St

2025-123 Purchase of Alcotest System for Bogota PD

2025-124 Chapter 159 Resolutions - Requesting Approval of Items of Revenue and Appropriations NJS 40A:4-87 – Drive Sober or Get Pulled Over - \$5,767.62

2025-125 Chapter 159 Resolution Requesting Approval of Items of Revenue and Appropriations - Drunk Driving Enforcement Fund - \$22,822.50

2025-126 Police Department Dispatch- Hiring of F/T Telecommunicator - Gregory J. Macnish

2025-127 Advertise for Bids for Larch Avenue (NJDOT-MA)

2025-128 Advertise for Bids for Hill Street (NJDOT-LTPF)

2025-129 Approve Full-Time Hire – DPW Laborer – Yandri Macias

2025-130 Approve Full-Time Hire – DPW Laborer – Nicholas Buda

**B. Payment of Claims to be Voted Separately**

1. PC25-08 Payment of Claims

**C. Approvals**

1. Regular Meeting Minutes – 05-01-2025

**XI. 2<sup>ND</sup> CITIZEN REMARKS**

One five (5) minute time limit per person

**XII. REPORTS**

Five (5) minute time limit

Mayor Fede

Council President Kohles

Councilwoman Carpenter

Councilman Hordern

Councilman McHale

Councilman Mitchell

Councilwoman Vergara

Administrator O'Malley

Borough Attorney Betesh

Borough Clerk Flores-Bolivar

**XIII. CLOSED SESSION**

## 1. Litigation

**XIV. ADJOURNMENT**

Agenda is subject to change.

**NEXT COUNCIL MEETINGS**

*Thursday beginning at 7:30 pm in the Council Chambers of 375 Larch Ave, Bogota NJ 07603 unless otherwise noted and /or advertised:*

Work Session	Regular Mayor and Council Meeting
<b>June 5</b>	<b>June 19</b>
<b>None</b>	<b>July 17</b>
<b>None</b>	<b>August 21</b>
<b>September 4</b>	<b>September 18</b>
<b>October 2</b>	<b>October 16</b>
<b>None</b>	<b>**November 6</b>
<b>December 4</b>	<b>December 18</b>

**GENERAL INFORMATION:*****New Jersey Election Dates & Deadlines for 2025***

Primary Election: June 10, 2025 (moved from June 3 due to Shavuot)

Key Deadlines:

- Vote-by-Mail Ballot Application Deadline: June 3, 2025 (must be received by county clerk)
- Early In-Person Voting: June 3 – June 9, 2025 (check local election offices for times/locations)

For official updates and details, visit the [New Jersey Division of Elections website](#).

Draft 5/13/2025 YFB



## BOROUGH OF BOGOTA

ORDINANCE NO. 1634

DATE: 5-15- 2025

### INTRODUCTION

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							

### AN ORDINANCE ESTABLISHING SALARY RANGES FOR CERTAIN NON-UNION AND SUPERVISORY PERSONNEL

BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, New Jersey, located in Bergen County thereof, as follows:

#### Section 1. Salary Ranges for Non-Union and Supervisory Personnel

The Salary ranges for the following Non-Union and Supervisory Personnel effective January 1, 2025 -until subsequently amended, are hereby established as follows:

	Range	Minimum	Maximum
<b><u>GENERAL ADMINISTRATION</u></b>			
Mayor	Part-Time Salaried	\$ 3,000.00	\$ 8,500.00
Council	Part-Time Salaried	\$ 2,500.00	\$ 6,500.00
Business Administrator	Full-Time Salaried	\$120,000.00	\$160,000.00
<b><u>MUNICIPAL CLERK</u></b>			
Borough Clerk	Full-Time Salaried	\$ 65,000.00	\$115,000.00
Deputy Clerk	Full-Time Salaried	\$ 55,000.00	\$ 80,000.00
Clerical Assistat	Part-Time Salaried	\$ 10,000.00	\$ 20,000.00
Assistant to the Borough Clerk	Part-Time Hourly	\$ 16.00	\$ 35.00
<b><u>FINANCIAL ADMINISTRATION</u></b>			
Chief Financial Officer	Part-Time Salaried	\$ 15,000.00	\$ 45,000.00
Qualified Purchasing Agent	Part-Time Salaried	\$ 2,500.00	\$ 5,000.00
<b><u>REVENUE ADMINISTRATION</u></b>			
Tax Collector	Part-Time Salaried	\$ 10,000.00	\$ 20,000.00
<b><u>TAX ASSESSMENT ADMINISTRATION</u></b>			
Tax Assessor	Part-Time Salaried	\$ 15,000.00	\$ 30,000.00
<b><u>PLANNING/ZONING BOARD</u></b>			
Secretary	Part-Time Salaried	\$ 2,500.00	\$ 7,000.00



#### **UNIFORM CONSTRUCTION CODE ENFORCEMENT**

Technical Assistant to Construction Official	Full-Time	Salaried	\$	45,000.00	\$	80,000.00
Technical Assistant to Construction Official	Part-Time	Hourly	\$	20.00	\$	35.00
Construction Official, Zoning Code Official	Part-Time	Salaried	\$	25,000.00	\$	50,000.00
Sub-Code Official - Electrical	Part-Time	Salaried	\$	8,000.00	\$	20,000.00
Sub-Code Official - Plumbing	Part-Time	Salaried	\$	7,000.00	\$	20,000.00
Sub-Code Official - Fire	Part-Time	Salaried	\$	6,000.00	\$	12,000.00
CCO Inspector	Part-Time	Salaried	\$	6,000.00	\$	10,000.00
Property Maintenance Official			\$	22.00	\$	35.00

#### **POLICE DEPARTMENT**

Police Chief	Full - Time	Salaried	\$	180,000.00	\$	200,000.00
Captain	Full - Time	Salaried	\$	165,000.00	\$	190,000.00

#### **POLICE DISPATCHING**

				Minimum	Maximum
Dispatcher - Full Time	Full - Time	Salaried	\$	40,000.00	\$ 65,000.00
Dispatcher - Part Time	Part-Time	Hourly	\$	16.00	\$ 30.00

#### **CROSSING GUARDS**

Crossing Guards	Part-Time	Hourly	\$	15.00	\$ 28.00
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#### **OEM**

Coordinator	Part-Time	Stipend	\$	2,000.00	\$ 5,000.00
Deputy Coordinator	Part-Time	Stipend	\$	1,000.00	\$ 4,000.00

#### **UNIFORM FIRE SAFETY**

Fire Official	Part-Time	Salaried	\$	12,000.00	\$ 17,500.00
Fire Marshall	Full - Time	Salaried	\$	60,000.00	\$ 85,000.00
Inspector	Part-Time	Hourly	\$	25.00	\$ 30.00
Secretary	Part-Time	Hourly	NJ Min. Wage	\$	25.00

#### **PUBLIC WORKS**

Superintendent	Full-Time	Salaried	\$	110,000.00	\$ 145,000.00
Assistant Superintendent	Full-Time	Salaried	\$	5,000.00	\$ 15,000.00
Foreman	Full-Time	Salaried	\$	5,000.00	\$ 10,000.00
Sewer Operator	Part-Time	Salaried	\$	4,000.00	\$ 7,000.00
Shade Tree - Secretary	Part-Time	Stipend	\$	3,000.00	\$ 6,000.00
Part-Time/Summer Help	Part-Time	Hourly	\$	15.00	\$ 28.00

**HEALTH AND HUMAN SERVICES**

Registrar of Vital Statistics	Part-Time	Salaried	\$	5,000.00	\$	8,500.00
Board of Health Secretary	Part-Time	Salaried	\$	2,500.00	\$	6,000.00

**RECREATION SERVICES AND PROGRAMS**

Recreation Director	Full-Time	Salaried	\$	65,000.00	\$	90,000.00
Senior Citizen Bus Driver	Part-Time	Hourly	\$	22.00	\$	27.00
Senior Citizen Bus Driver	Part-Time	Salaried	\$	5,000.00	\$	8,000.00
Counselors Part-Time	Part-Time	Hourly	NJ Min. Wage	\$	25.00	

**MUNICIPAL COURT**

Judge	Part-Time	Salaried	\$	20,000.00	\$	30,000.00
Prosecutor	Part-Time	Salaried	\$	8,000.00	\$	15,000.00
Public Defender	Part-Time	Salaried	\$	5,000.00	\$	10,000.00

**CERTIFICATION**

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**ATTEST:****APPROVED:**\_\_\_\_\_  
Borough Clerk\_\_\_\_\_  
Mayor

I, Yenlys Flores-Bolivar, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance Introduction adopted by the Borough of Bogota at a meeting held on 5-15- 2025.



## BOROUGH OF BOGOTA

ORDINANCE NO. 1635

DATE: 5-15- 2025

### INTRODUCTION

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							

**AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOGOTA BOROUGH CODE OF ORDINANCES TO REPEAL CHAPTER 20, ENTITLED “FLOOD HAZARD PROTECTION”; TO ADOPT A NEW CHAPTER 20; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**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 (FEMA) has identified special flood hazard areas within the boundaries of the Borough of Bogota, 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 Borough of Bogota was accepted for participation in the National Flood Insurance Program on April 1, 1982, and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such continued participation; and,

**WHEREAS**, the Borough of Bogota 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 Borough of Bogota 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 Borough of Bogota 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 Mayor and Council of the Borough of Bogota, that the following floodplain management regulations are hereby adopted as a new Chapter 20 of the Borough Code:

#### **SECTION 1. RECITALS.**

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

**SECTION 2.** This Ordinance specifically repeals and replaces Chapter 20 of the Borough Code, entitled “Flood Hazard Protection”.

### **§20-1 SCOPE AND ADMINISTRATION**

#### **§20-1.1 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 Borough of Bogota (hereinafter “these regulations”).

#### **§20-1.2 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 §20-2 of this Chapter.

#### **§20-1.3 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.

**§20-1.4 Coordination with Building Codes.**

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Bogota administer and enforce the State building codes, the Mayor and Council of the Borough of Bogota 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.

**§20-1.5 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 §20-3.14 of this Ordinance.

**§20-1.6 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.

**§20-1.7 Other Laws.**

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

**§20-1.8 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 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 violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days.

Each day in which a violation of this 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 30 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 30-day period, a fine greater than \$1250 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 this 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.

#### **§20-1.8.1 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 Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

#### **§20-1.9 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.

### **§20-2 APPLICABILITY**

#### **§20-2.1 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.

#### **§20-2.2 Establishment of Flood Hazard Areas.**

The Borough of Bogota was accepted for participation in the National Flood Insurance Program on April 1, 1982.

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 50 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 with the Bogota Construction Official, at 375 Larch Ave, Bogota, NJ 07603.

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, Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 2.2(1) whose top level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.

Table 2.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34003C0193	August 28, 2019	H			
34003C0194	August 28, 2019	H			
34003C0256	August 28, 2019	H			
34003C0257	August 28, 2019	H			

- 2) **Federal Best Available Information.** The Borough of Bogota 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 this Ordinance 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 2.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34003C0193J	August 29, 2014		
34003C0194J	August 29, 2014		
34003C0256J	August 29, 2014		
34003C0257J	August 29, 2014		

- 3) **Other Best Available Data.** The Borough of Bogota shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other

information deemed appropriate by the Borough of Bogota. 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 §20-2.2 (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 §20-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. An FHACA flood hazard area exists along every regulated water that has a drainage area of 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 2.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Hackensack Rv	Q0000020	HR-6

**§20-2.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in §20-2.2, 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 Ordinance.

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 §20-2.2, 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 §20-2.2 (1) and (2) above are not available) that has a contributory drainage area of 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 §20-5.2 and –20-5.3.
- 3) AO Zones – For Zone AO areas on the Borough’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 (3) 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 (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 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% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

## **§20-3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

### **§20-3.1 Floodplain Administrator Designation.**

The Bogota Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

### **§20-3.2 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 §20-7 of these regulations.

### **§20-3.3 Coordination.**

The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

### **§20-3.4 Duties.**

The duties of the Floodplain Administrator shall include but are not limited to the following:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in §20-2 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 §20-3.14 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 §20-7 of this Chapter.
- (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 6 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 §20-6 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 §20-7 of this Chapter.
- (13) Cite violations in accordance with §20-8 of this Chapter.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Bogota have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in §20-2.2.

### **§20-3.5 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.

### **§20-3.6 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.

### **§20-3.7 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 §20-2.2 and §20-2.3 respectively. This information shall be provided to the Construction Official and documented according to §20-3.15.

### **§20-3.8 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.

#### **§20-3.9 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.

#### **§20-3.10 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.

##### **§20-3.10.1 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.

#### **§20-3.11 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.

##### **§20-3.11.1 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.

#### **§20-3.12 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.

### **§20-3.13 Development in Riparian Zones.**

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this Ordinance 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 Ordinance. The width of the riparian zone can range between 50 and 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.

### **§20-3.14 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 §20-1.5, performed in the floodplain regulated by this Ordinance 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 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 related 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 by this Ordinance.
- (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.

#### **§20-3.15 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.

#### **§20-3.16 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.

### **§20-4 PERMITS**

#### **§20-4.1 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.

#### **§20-4.2 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 §20-5 of this Chapter, 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.

#### **§20-4.3 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.

#### **§20-4.4 Expiration.**

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 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 180 days each.

#### **§20-4.5 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.

### **§20-5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

#### **§20-5.1 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 §20-5.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 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 §20-5.2(3) of this Chapter.
- (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.

#### **§20-5.2 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 paying the processing fees.

#### **§20-5.3 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 §20-5.4 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 §20-5.4 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).

#### **§20-5.4 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.

### **§20-6 INSPECTIONS**

#### **§20-6.1 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.

#### **§20-6.2 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.

#### **§20-6.3 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 §20-15.2 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 §20-15.2 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 §20-15.2.

- 4) **Final Inspection.** Prior to the final inspection, certification of the elevation required in §20-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

#### **§20-6.4 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.

### **§20-7 VARIANCES**

#### **§20-7.1 General.**

The Planning Board/Zoning Board of Adjustment shall hear and decide requests for variances. The Planning Board/Zoning Board of Adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in §20-7.5, the conditions of issuance set forth in §20-7.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board/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.

#### **§20-7.2 Historic Structures.**

A variance to the substantial improvement requirements of this Ordinance 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 Ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### **§20-7.3 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.

#### **§20-7.4 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 §20-5.3(1) of these regulations.

#### **§20-7.5 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.

**§20-7.6. 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 \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **§20-8 VIOLATIONS**

### **§20-8.1 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.

### **§20-8.2 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.

### **§20-8.3 Unlawful Continuation.**

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.

### **§20-8.4 Review Period to Correct Violations.**

A 30-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 30-day period, a fine greater than \$1,250.00 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.

## **§20-9 DEFINITIONS**

### **§20-9.1 General.**

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.

### **§20-9.2 Definitions**

**30 DAY PERIOD** – 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 ordinance has been issued.

**100 YEAR FLOOD ELEVATION** – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

**500 YEAR FLOOD ELEVATION** – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

**A ZONES** – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% 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 ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

**AH ZONES**– 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.

**AO ZONES** – 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.

**ACCESSORY STRUCTURE** – 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** - 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 non-residential 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** – 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 – 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 – 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 – 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) – The water surface elevation resulting from a flood that has a 1-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 “100-year flood elevation”.

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

BEST AVAILABLE FLOOD HAZARD DATA - 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- The areal 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 - 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** – 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** – Per the FHACA, “Building” means 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.

**COASTAL A ZONE** – An Area of Special Flood Hazard 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 similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

**COASTAL HIGH HAZARD AREA** – An Area of Special Flood Hazard inclusive of the V Zone 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.

**CONDITIONAL LETTER OF MAP REVISION** - A Conditional Letter of Map Revision (CLOMR) is 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** -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is 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** – Per the FHACA, “Critical Building” means 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.

**DEEP FOUNDATIONS** – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

**DEVELOPMENT** – 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** – 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** – 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** – 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** – 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** – 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**

- 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** – 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 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

**FLOOD INSURANCE RATE MAP (FIRM)** – 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)** – 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** – Any land area susceptible to being inundated by water from any source. See "FLOOD OR FLOODING."

**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 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** – 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 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** – 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**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means 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** – As related to §20-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board/Zoning Board of Adjustment 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** – 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.

**LAWFULLY EXISTING** – Per the FHACA, means 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 Ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

**LETTER OF MAP AMENDMENT** - A Letter of Map Amendment (LOMA) is 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** – The Letter of Map Change (LOMC) process is 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 a 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** - A Letter of Map Revision (LOMR) is 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** -- A Letter of Map Revision Based on Fill (LOMR-F) is 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** – 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** - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

**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 VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – 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** – 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** – In A Zones, the lowest floor is 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.

**LOWEST HORIZONTAL STRUCTURAL MEMBER** - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) 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 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – 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 tax assessor's office, or (3) established by a qualified independent appraiser.

**NEW CONSTRUCTION** – 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** – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

**ORDINARY MAINTENANCE AND MINOR WORK** – This term refers to 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** – A vehicle that is built on a single chassis, 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 percent of the market value of the structure before the damage occurred.

**RESIDENTIAL** – 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 24-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** – “Solid Waste Disposal” shall mean 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** – 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, V1-3-, 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** – The Start of Construction is 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 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 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** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 10 year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. This term also 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** – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

**V ZONE CERTIFICATE** - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

**V ZONES** – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

**VARIANCE** – 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** – 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 ordinance 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.

**WATERCOURSE.** A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

**WET FLOODPROOFING** – 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.

## **§20-10 SUBDIVISIONS AND OTHER DEVELOPMENTS**

### **§20-10.1 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.

### **§20-10.2 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.

## **§20-11 SITE IMPROVEMENT**

### **§20-11.1 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 §20-5.3(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 §20-5.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with §20-15.2 of this Ordinance and the floodway requirements of N.J.A.C. 7:13.

#### **§20-11.1.1 Prohibited in Floodways.**

The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

### **§20-11.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones.**

In Coastal High Hazard Areas and Coastal A Zones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or subdivision.
- (3) Basements or enclosures that are below grade on all sides are prohibited.
- (4) The use of fill for structural support of buildings is prohibited.

### **§20-11.3 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.

### **§20-11.4 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.

**§20-11.5 Storm Drainage.**

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

**§20-11.6 Streets and Sidewalks.**

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

**§20-11.7 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.

**§20-11.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones.**

In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 20-5.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 20-15.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

**§20-11.9 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.

**§20-12 MANUFACTURED HOMES**

**§20-12.1 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).

**§20-12.2 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 §20-15.2.

#### **§20-12.3 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.

#### **§20-12.4 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.

#### **§20-12.5 Enclosures.**

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of §20-15.2.

#### **§20-12.6 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 §20-15.2 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 §20-15.2, 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).

### **§20-13 RECREATIONAL VEHICLES**

#### **§20-13.1 Placement Prohibited.**

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

#### **§20-13.2 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 180 consecutive days.

**§20-13.3 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 180 consecutive days, shall meet the requirements of §20-15.2 for habitable buildings and §20-12.3.

**§20-14 TANKS**

**§20-14.1 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.

**§20-15 OTHER DEVELOPMENT AND BUILDING WORK**

**§20-15.1 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 §20-5.3(1) of this ordinance 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 §20-2.3;
- (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 §20-2.3 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:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. 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.

## **§20-15.2 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 §20-9) 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 §20-2.3, 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 §20-2.3, 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:
    - i. 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;
    - ii. 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 §20-15.2(1)(d)ii are met;
    - iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;

- iv. Have openings documented on an Elevation Certificate; and
- v. 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 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;

2. Construction and Elevation in V Zones and Coastal A Zones.

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 20-9) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 20-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest horizontal structural member, 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 20-2.3, be in conformance with ASCE 24 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 4 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.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening 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. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall 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:
- i. 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.
  - ii. 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 20-15.2(2)(c)(ii) are met;
  - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
  - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 20-15.2(2)(c)(ii) are met for a non-residential structure; and
  - v. 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 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. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

### **§20-15.3 Garages and Accessory Storage Structures.**

Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

### **§20-15.4 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 §20-5.3(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 6 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 §20-7 of this Chapter.

### **§20-15.5 Retaining Walls, Sidewalks, and Driveways.**

Retaining walls, sidewalks, and driveways that involve placement of fill in floodways shall meet the requirements of §20-5.3(1) of this Chapter and N.J.A.C. 7:13.

### **§20-15.6 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 §20-5.3(1) of this Chapter. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

### **§20-15.7 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 §20-5.3(1) of this Chapter.

**§20-15.8 Other Development in Coastal High Hazard Areas (Zone V) and Coastal A Zones.**

In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and
3. On-site filled or mound sewage systems.

**§20-15.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high hazard areas and Coastal A Zones:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**§20-16 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**§20-16.1 Temporary Structures.**

Temporary structures shall be erected for a period of less than 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.

**§20-16.2 Temporary Storage.**

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

**§20-16.3 Floodway Encroachment.**



Temporary structures and temporary storage in floodways shall meet the requirements of §20-5.3(1) of this Chapter.

## **§20-17 UTILITY AND MISCELLANEOUS GROUP U**

### **§20-17.1 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 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

### **§20-17.2 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 §20-2.3.

### **§20-17.3 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 §20-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

### **§20-17.4 Enclosures Below Base Flood Elevation.**

Fully enclosed areas below the design flood elevation shall be constructed in accordance with §20-15.2 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.

### **§20-17.5 Flood-Damage Resistant Materials.**

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in §20-2.3.

### **§20-17.6 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 §20-2.3.

**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 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

### SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

### CERTIFICATION

✓

ATTEST:

APPROVED:

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance Introduction adopted by the Borough of Bogota at a meeting held on 5-15- 2025.



**BOROUGH BOGOTA  
PUBLIC HEARING & ADOPTION**

**ORDINANCE NO. 1633**

**DATE: 05-15-2025**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE BOGOTA CODE, ENTITLED  
“FIRE PREVENTION”**

**PUBLIC HEARING OPEN**

<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>RECUSE</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Council President L. Kohles							
Councilmember C. Carpenter							
Councilmember W. Hordern							
Councilmember P. McHale							
Councilmember J. Mitchell							
Councilmember D. Vergara							

**COMMENTS:** None.

**PUBLIC HEARING CLOSED**

<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>RECUSE</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Council President L. Kohles							
Councilmember C. Carpenter							
Councilmember W. Hordern							
Councilmember P. McHale							
Councilmember J. Mitchell							
Councilmember D. Vergara							

**ADOPTION:** 05-15-2025.

<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>RECUSE</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Council President L. Kohles							
Councilmember C. Carpenter							
Councilmember W. Hordern							
Councilmember P. McHale							
Councilmember J. Mitchell							
Councilmember D. Vergara							



**BOROUGH BOGOTA  
PUBLIC HEARING & ADOPTION**

**ORDINANCE NO. 1633**

**DATE: 05-15-2025**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE BOGOTA CODE, ENTITLED  
“FIRE PREVENTION”**

**WHEREAS**, Chapter 16 of the Bogota Code sets forth the Fire Prevention rules and regulations for the Borough; and,

**WHEREAS**, Section 3.2 of Chapter 16 establishes the Bureau of Fire Prevention, which is tasked with enforcing the New Jersey Uniform Fire Code; and,

**WHEREAS**, Section 3.2 establishes the Bureau of Fire Prevention as a subsidiary of the Bogota Fire Department; and,

**WHEREAS**, Section 3.4 of Chapter 16 establishes the position of Fire Official in the Borough of Bogota, and directs the Fire Official to report to the Chief of the Fire Department; and,

**WHEREAS**, Section 3.5 of Chapter 16 sets forth the rules and qualifications for which the Fire Official is to be appointed, and includes the recommendation of the fire chief as part of the appointment process; and,

**WHEREAS**, the Bureau of Fire Prevention has evolved into a full-time department, whose duties and responsibilities have greatly expanded since the time the Bureau was originally formed; and,

**WHEREAS**, the Mayor and Council wish to revise Chapter 16 of the Bogota Code to establish the Bureau of Fire Prevention as an independent department in the Borough, and to

separate it from the Bogota Fire Department, since the roles and responsibilities of the Bureau are separate and unrelated to those of the Fire Department; and,

**WHEEREAS**, Section 3.7 of Chapter 16 sets forth yearly registration fees for various Non Life Hazard Uses in the Borough; and,

**WHEREAS**, the Fire Marshal has advised the Mayor and Council that the yearly fees currently in place are outdated, and recommends that they be revised; and,

**WHEREAS**, the Mayor and Council has accepted the recommendation of the Fire Marshal, and wish to revise the yearly fees set forth in Section 3.7 of Chapter 16 to amounts recommended by the Fire Marshal.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bogota, that Chapter 16 of the Bogota Code is hereby amended, revised and supplemented as follows:

**SECTION 1: AMENDMENT TO SECTION 16-3.2, ENTITLED “AGENCY DESIGNATION”.**

Section 16-3.2, entitled “Agency Designation” is hereby deleted in its entirety and replaced with the following:

16-3.2 Agency Designation.

The local enforcing agency shall be the Bogota Bureau of Fire Prevention, which is hereby created. The Bureau of Fire Prevention shall hereafter be known as the local enforcing agency.

**SECTION 2: AMENDMENT TO SECTION 16-3.4, ENTITLED “ORGANIZATION”.**

Section 16-3.4(a) is hereby amended, revised and supplemented as follows:

- a. The ~~b~~Bureau of ~~f~~Fire ~~p~~Prevention established by subsection 16-3.2 of this section shall be under direct supervision and control of the fire official, who shall carry the rank of fire marshal, and shall report to the ~~chief of the fire department~~ Mayor and Council directly or through the Borough Administrator.

**SECTION 3: AMENDMENT TO SECTION 16-3.5, ENTITLED “APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL”.**

Section 16-3.5(a) is hereby amended, revised and supplemented as follows:

- a. Appointment and qualifications of fire official. The fire official shall be appointed by the mayor and council. ~~Upon recommendation of the fire chief,~~ The fire official must be certified by the appropriate agency of the State of New Jersey. The fire official must also keep his certification from the State of New Jersey in good standing at all times.

**SECTION 4: AMENDMENT TO SECTION 16-3.7, ENTITLED “NON LIFE HAZARD USES”.**

Section 16-3.7, entitled “Non Life Hazard Uses” is hereby deleted in its entirety and replaced with the following:

In addition to the registration required by the Uniform Fire Code, the following uses shall register with the bureau of fire prevention. These uses shall pay the following yearly registration fees.

A. Assembly:

A-1 Eating establishment, under 50 occupancy	\$75
A-2 Take out food service, no seating	\$75
A-3 Church or Synagogue	Exempt
A-4 Recreation centers, multi purpose rooms, fewer than 50	\$75
A-5 Court rooms, libraries, fraternal org., condominium center, under 50	\$90
A-6 Senior Citizens center, fewer than 50	\$75

B. Business/professional:

B-1 Professional use one and two story, less than 5,000 sq. ft. per floor	\$75
B-2 One and two story, more than 5,000 sq. ft., less than 10,000 sq. ft. per floor	\$110
B-3 One and two story, more than 10,000 sq. ft.	\$150
B-4 Three to five story, more than 5,000 sq. ft. per floor	\$200

B-5 Three to five story, between 5,001 and 10,000 sq. ft.	\$300
B-6 Three to five story, over 10,000 sq. ft.	\$450
C. Retail:	
M-1 One story, less than 2,000 sq. ft.	\$75
M-2 One and two story, 2,001 to 5,000 sq. ft., per floor	\$150
M-3 One and two story, 5,001 to 8,000 sq. ft., per floor	\$225
M-4 One and two story, more than 8,000 sq. ft., per floor	\$400
D. Manufacturing (factory)-Non life hazard only:	
F-1 One and two story, less than 3,000 sq. ft., per floor	\$160
F-2 One and two story, 3,001 to 7,000 sq. ft., per floor	\$250
F-3 One and two story, more than 7,000 sq. ft., per floor	\$400
E. Storage-Non life hazard only:	
S-1 One and two story, less than 3,000 sq. ft., per floor	\$150
S-2 One and two story, 3,001 to 7,000 sq. ft., per floor	\$250
S-3 One and two story, 7,000 sq. ft., per floor	\$400
F. Residential:	
R-1* Non-owner-occupied one-family	\$100
R-2* All two-family dwellings	\$150
R-3 3 to 10 units (multiple-family)	\$200
R-4 11 to 20 units	\$300
R-5 21 units or more	\$450

A fee of \$40 shall be charged for all re-inspections required under this Section.

**SECTION 5: AMENDMENT TO SECTION 16-1.10, ENTITLED “BUREAU OF FIRE PREVENTION FEE SCHEDULE FOR OBTAINING PERMITS”.**

Section 16-1.10, entitled “Bureau of Fire Prevention Fee Schedule for Obtaining Permits” is hereby deleted in its entirety and replaced with the following:

16-1.10 Bureau of Fire Prevention Fee Schedule for Obtaining Permits.

Whenever a permit is required, the fees shall be set forth by the New Jersey Department of Community Affairs, Division of Fire Safety and adhered to by the Borough of Bogota, Fire Prevention Bureau.

**SECTION 6: AMENDMENT TO SECTION 16-1.11, ENTITLED “APPEALS”.**

Section 16-1.11, entitled “Appeals” is hereby deleted in its entirety and replaced with the following:

16-1.11 Appeals.

Under the New Jersey Uniform Fire Code, Permits must be issued by the Fire Official/Fire Marshal. All appeals of the Fire Official/Fire Marshal’s decisions must be filed within fifteen (15) days in writing to the Bergen County Construction Board of Appeals.

**SECTION 7: SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 8: INCONSISTENCY.**

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.



**SECTION : EFFECTIVE DATE**

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

ATTEST:

---

Borough Clerk

---

Mayor

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

---

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-120****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**Jobs4Blue Agreement – Police Outside Duty Management**

**WHEREAS**, the Borough of Bogota is a Municipal Corporation organized under the laws of the State of New Jersey; and,

**WHEREAS**, Chapter 23 of the Bogota Code sets forth the administrative rules and regulations for the Bogota Police Department; and,

**WHEREAS**, this Chapter currently sets the reimbursement rate for police services performed on behalf of private contractors (i.e. private sector detail services); and,

**WHEREAS**, Chapter 23 was recently amended to permit the Borough to hire the services of an independent contractor to administer the private sector detail services performed by the Bogota Police Department; and,

**WHEREAS**, the Borough has received a proposed agreement from Jobs4Blue (also known as Visual Computer Solutions, Inc.) to perform the aforementioned services; and,

**WHEREAS**, a copy of the agreement is attached as an Exhibit to this resolution; and,

**WHEREAS**, Jobs4Blue shall render its services at no cost to the Borough, as it will collect its fees directly from the party seeking private sector detail services; and,

**WHEREAS**, the Mayor and Council wish to approve the agreement negotiated between the Borough and Jobs4Blue, upon the terms set forth therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bogota, that the agreement between the Borough of Bogota and Jobs4Blue is hereby approved, effective immediately; and,

**BE IT FURTHER RESOLVED**, that the Mayor, Borough Administrator, Borough Clerk, and any other necessary Borough official is hereby authorized to execute the aforementioned Agreement, and to take all necessary steps to effectuate the purposes of this resolution; and,

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to forward an executed copy of the Agreement to Jobs4Blue.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

\_\_\_\_\_  
Yenlys Flores-Bolivard, Municipal Clerk



Resolution 2025-120  
4400 US Highway 9 South, Suite  
3500  
Freehold, NJ 07728

**732-730-9009**  
vcssoftware.com

This PROPRIETARY SERVICES AGREEMENT (this "Agreement") is entered as of \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_\_\_ (the "Effective Date") between Visual Computer Solutions, Inc., a New Jersey corporation (the "Company") and Borough of Bogota (the "Customer"). By placing an order for Services, the Customer and all outside vendors hired by the Customer (each a "Vendor") agree to be bound by this Agreement.

Services are governed exclusively by the terms of this Agreement. Subject to the terms and conditions hereof, the Customer hereby engages and appoints the Company to administer the Customer's off duty services program. Therefore, in consideration of the foregoing, the parties, intending to be legally bound, hereby agree to the following:

**1. TERM & TERMINATION** – The term of this Agreement shall commence on the Effective Date and continue unless terminated by either party upon thirty (30) days' prior written notice to the other party. If either party materially breaches this Agreement, the non-breaching party shall give the breaching party written notice of such breach and provide the breaching party with the opportunity to remedy any such breach within thirty (30) days of such notice. Failure to remedy any such breach within this time period will constitute sufficient grounds for termination without any further notice.

**1a.** The Company will commence onboarding for Jobs4Blue Services immediately following execution of this Agreement. Should an appropriate resolution by the applicable governing body be denied or fail to be approved, the Company will terminate this Agreement.

**2. ENTIRE AGREEMENT** – This Agreement, including any exhibits hereto, represents the entire agreement between the parties hereto and supersedes all prior and contemporaneous written or oral agreements and all other communications between the parties relating to the Services to be rendered. Any additions, deletions or modifications shall not be binding on either party unless accepted or approved in writing by duly authorized representatives of both parties.

**3. SERVICES** – The Customer engages the Company to provide Services and administer the Customer's off duty program, which shall include:

**3.1** Engagement with representatives, organizations and institutions desiring off duty assistance via phone, website, and email. The exchange of information includes but is not limited to; discussions regarding program rules and rates, account setup in accordance with customer rules and scheduling expectations, method in which off duty detail requests are received and processed and any and all other pertinent information required for engagement success.

**3.2** Management of off-duty payment processing in conjunction with the Customer existing payroll system if desired. The Company will provide payroll files, reports and payments to the Customer on a cadence consistent with the Customer's existing payroll process.



**3.3** Management of escrow and pre-payment accounts as well as invoicing and follow up of all collection activities as necessary to ensure an effective payment processing system. The Company shall undertake all collection activities at its own expense and at no cost to the Customer. The payment timeline set forth in Paragraph 5 shall not be relaxed or excused due to the Company's need to engage in collection activities to obtain payment from a vendor.

**3.4** Accept the Customer's credit risk and finance, at sole cost to the Company, all financing float costs associated with invoicing process to the Customer.

**4. PAYMENT AND FEES:** The Company shall charge the Customer's Vendor(s) an amount of One Hundred Fifty Two (\$152.20) Dollars and Twenty cents per hour, which represents a One Hundred Forty (\$140.00) Dollars per hour private sector detail fee, plus an eight (8%) percent administrative fee equal to Twelve (\$12.20) Dollars and twenty cents per hour. The \$140 per hour fee constitutes officer pay, vehicle fees and the Customer's administrative fees, and comprises the off-duty revenue to be paid to the Customer. The \$12.20 per hour administrative fee covers the Company's compensation for rendering administrative off-duty services on behalf of the Customer.

**4a. PAYMENT TO CUSTOMER:** The Company will provide payments to the Customer via ACH bank transactions for officers' pay and administrative fees collected on behalf of the Customer. The following data must be provided by the Customer.

- ACH Bank
- Account Type
- Routing #
- Account #

**5. PAYMENT TIMELINE** – The Company will report officer pay and applicable administrative fees in accordance with the current schedule of the Customer's regular overtime payment reporting process. The ACH payroll processing period begins once a job is closed by the employee. At that time, the Company requires one (1) business day to validate and verify the respective job. Once verification is complete, the date on which the Customer's next payroll period commences is the date in which payment will be rendered. Any job falling outside of these parameters will result in the Company issuing payment at the next or following pay period. It shall constitute a material breach of this Agreement if payments are not made to the Customer within the timeframe set forth in this Paragraph. The Customer may seek legal action to collect any unpaid fees that are owed by the Company and not paid following a) the early termination of this Agreement, or b) the Company's failure to pay an amount owed outside of the timeline set forth in this Paragraph.

**6. Obligations of the Parties:**



**6.1** The Company shall have the ability to engage with the Customer and the Customer's personnel to the extent required with respect to the fulfillment of Services covered under this Agreement.

**6.2** If the Company requires access (either on-site or remotely) to the Customer's network or computer systems to perform Services, the Customer shall limit its use to those computer systems, files, software or services reasonably required to perform Services.

**6.3** Each party will hold the other party's Confidential Information (as hereinafter defined) in confidence and will not disclose any such Confidential Information to any third party without first obtaining the disclosing party's written consent. By way of illustration but not limitation, "Confidential Information" includes software, trade secrets, processes, formulas, source and object codes, scripts, data, programs, design, business plans, prices and costs, suppliers and customers and any information regarding the skills and compensation of the employees of the disclosing party.

**6.4** The Customer agrees to provide and make available off duty officers to the Company for assignment to special events and circumstances in response to requests from citizens or businesses that require off duty services. Should the Customer be unable to fulfill an off-duty requirement by a vetted citizen or business, the Company reserves the right to seek alternate off-duty services in accordance with the Customer's existing list of approved departments that would typically handle such services. Alternate services can include but are not limited to; recruitment of off duty officers from neighboring and approved police departments, counties, communities, or sheriff's offices as needed to fulfill said requests.

**6.5** The Company will provide and administer Services in accordance with professionally accepted industry standards.

**6.6** The Customer will provide reasonable working space and access to the Customer's facility as may potentially be required for the implementation and training required for the successful completion of said services.

**6.7** While at the Customer's facility or remote work of any kind, the Company shall observe and follow all work rules, policies and standards of the Customer including but not limited to, handling of intellectual property, security and all of the Customer's applicable facility protocol.

**6.8** The Company shall provide a primary account manager responsible for understanding and delivering off duty Services in accordance with the Customer rules and processes.

**6.9** The Company shall keep and maintain systematic records of all Services purchased by the Customer. Records can include but are not limited to; job details, payments, expenses, organizational profiles, and any financial records, procedures or documentation pertaining to the Company's performance under the terms of this Agreement. The Company shall preserve and maintain all records according to the longest of the following two periods:



**6.9a** In accordance with the record retention period mandated by any applicable law. In the event of a legal matter that requires preservation of certain records, the Company shall suspend destruction of such records as requested by the Customer or any authorized governmental body.

**6.9b** During the term of this Agreement, and thereafter, in accordance with applicable record retention, the Customer shall have the right to inspect, copy and audit those records identified in this Section during regular business hours. This right shall include, but not be limited to the right to inspect, copy and audit any records that may pertain to invoice records, contracts with third parties and payment relating to said records.

**6.10** The Company reserves the right to work with only credit worthy Vendors/customers and stipulates the option to refuse Services to those Vendors/customers that are deemed non-credit worthy or those Vendors/customers that reflect past due invoices (60) days or older.

**6.11** The Company shall not sell or otherwise share any information provided by the Customer or a vendor in connection with this Agreement, to any third party who is not affiliated with Company without the Customer's prior consent. No affiliate of the Company who receives the aforementioned information from the Company shall sell or share same.

**7. INDEPENDENT CONTRACTOR** – The Customer acknowledges that the Company is an independent contractor that is responsible for all taxes and other expenses attributable to the rendering of off duty administrative Services to the Customer. This Agreement is not intended to and shall not be construed to create a joint venture, partnership, or employer/employee relationship between the parties. Neither the Company nor its employees or agents shall look to the Customer for vacation pay, sick leave, retirement benefits, social security, disability or unemployment insurance benefits, or other employee benefits; nor shall the Customer, its Vendor(s) or their respective employees or agents look to the Company for the same. Neither the Company nor the Customer shall be or become liable or bound by any representation, act, or omission whatsoever of the other made contrary to the provisions of this Agreement.

**8. PROPRIETARY MATERIAL** – All intellectual property rights in all documents, data, know-how, methodologies, software, and other materials provided by or used by the Company in performing the Services and developed or acquired by the Company prior to or independently of this Agreement (collectively, "Pre- Existing Materials") shall be owned exclusively by the Company and its licensors. The Company hereby grants Customer a limited, revocable, fully paid-up, royalty-free, non-transferable, non-sublicensable, worldwide, nonexclusive license to use, display, reproduce, any Pre-Existing Materials to the extent incorporated in or otherwise necessary for the use of any deliverables created for the Customer. All other rights in and to the Pre-Existing Materials are expressly reserved by the Company.

**9. LIMITATION OF LIABILITY** – Deleted



**10. VENDOR FINANCIAL OBLIGATIONS** – All credit-worthy Vendors are offered a maximum of Net fifteen (15) payment terms. The Company accepts the credit risk on all vendors and finances the financial float associated with such payment terms.

**10.1** The Company reserves the right to deem any Vendor non-credit worthy and require pre-payment from such Vendor.

**10.2** A Vendor designated as non-credit worthy has the option to pre-pay for all off-duty Services via check, credit card or escrow account. The Company can impose a 4% finance fee for the processing of associated credit card payments.

**10.3** The Company reserves the right and ability to charge a late fee of 1.5% per month to a Vendor on all invoices aged thirty (30) days and over.

**11. INDEMNIFICATION** – Each party (“Indemnifying Party”) shall indemnify, defend and hold harmless the other (“Indemnified Party”), its agents, servants, employees, officers, directors, attorneys, subsidiaries and assigns from and against any and all third party claims, losses, damages, liabilities and expenses (including but not limited to, reasonable attorney fees and court costs) arising out of or in connection with the Indemnifying Party’s (a) fraudulent or grossly negligent acts or omissions, or (b) material breach of any representations, warranties or obligations contained herein; provided that, such claims, losses, damages and liabilities were not caused in whole or in part, by any act or omission of the Indemnified Party. The provisions of this Section shall survive any termination, expiration, or cancellation of this Agreement.

**12. SEVERABILITY** – The provisions of this Agreement shall be deemed severable, and if any portion of the Agreement shall be held invalid, illegal or unenforceable for any reason, the remainder of the Agreement shall be effective and binding upon both parties, unless to do so would clearly violate the present and legal intention of the parties hereto.

**13. INSURANCE** – During the term of this Agreement, the Company shall, at its own expense, maintain and carry insurance in full force and effect with financially sound and reputable insurers, that includes, but is not limited to: (a) Commercial General Liability with limits no less than Two Million Dollars (\$2,000,000.00) per occurrence combined single limit bodily injury and property damage, and Three Million Dollars (\$3,000,000.00) general aggregate; (b) Worker's Compensation with limits no less than the minimum amount required by applicable law; (c) Professional Errors and Omissions Liability Insurance with coverage of at least Two Million Dollars (\$2,000,000.00) per occurrence and an annual aggregate limit of at least Three Million Dollars (\$3,000,000.00). Upon the Customer's request, the Company shall provide the Customer with a certificate of insurance from the Company's insurer evidencing the insurance coverage specified in this Agreement. For the avoidance of doubt, employees of the city, town, municipality, etc. and/or Customer will not be covered under the Company's worker compensation insurance.





Resolution 2025-120  
4400 US Highway 9 South, Suite  
3500  
Freehold, NJ 07728

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The Company shall provide Excess/Umbrella Liability with a limit of at least \$4,000,000.00 per occurrence/aggregate. The Borough of Bogota shall be named as an Additional Insured on all policies, and all liability policies shall contain a Waiver of Subrogation and Primar/Non-Contributory. The Company shall also provide coverage for Cyber/Data Breach with crime and name the Borough of Bogota as an Additional Insured on such policy.

**14. SURVIVAL** - All sections inclusive of this Agreement shall survive the expiration or termination of this Agreement in accordance with their terms.

**15. NOTICE** – Any notice required or permitted to be given under this Agreement shall be in writing and deemed effective if either delivered in person or via overnight courier, facsimile or first-class mail, certified with return receipt requested or email.

Notices to the Customer shall be delivered to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notices to the Company shall be delivered to:

Visual Computer Solutions, Inc.

4400 US Highway 9

Freehold, NJ 07728

Attn: Jobs4Blue Operations Manager

**16. ASSIGNMENT** – This Agreement is not assignable or transferable by the Customer without the Company's prior written consent. This Agreement is not assignable or transferable by the Company without the written consent of the Customer, which consent shall not be unreasonably withheld or delayed.

**17. GOVERNING LAW-VENUE** – This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Jersey, USA, without regards to the principles of conflicts of laws. Any action or proceeding arising from or relating to this Agreement shall be settled by binding





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arbitration in Bergen County, New Jersey, in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. Judgment upon the award rendered may be entered and enforced in any court of competent jurisdiction.

**18. REVIEW OF AGREEMENT** – It is hereby acknowledged that the Customer has had ample opportunity to review and consider the terms of this Agreement and to review this Agreement with the Customer's counsel and has voluntarily agreed to the terms presented, including, without limitation, to waive any other rights it may have, in consideration of the Agreement set forth herein.

**19. COUNTERPARTS** - Each individual executing this Agreement of a party hereto represents and warrants that such individual is duly and authorized to act on behalf of such party, with full right and authority to execute this Agreement and to bind such party with respect to all of its obligations hereunder. This Agreement may be executed in counterparts by original or electronic signature, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

**20. FORCE MAJEURE** – Neither party shall be responsible for delays or failures (including any delay relative to the prosecution of such services) if such delay arises out of causes beyond its control. Such causes can include, but are not limited to; acts of God, acts of terrorism, fires, floods, epidemics, riots, quarantined restrictions, strikes, freight, embargoes, earthquakes, electrical outages, severe weather or any other natural disaster.

IN WITNESS HEREOF, the parties hereto execute this Agreement as of the date set forth above.

COMPANY – VISUAL COMPUTER SOLUTIONS, INC.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CUSTOMER – \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



Resolution 2025-120  
4400 US Highway 9 South, Suite  
3500  
Freehold, NJ 07728

**732-730-9009**  
vcssoftware.com

Date: \_\_\_\_\_

**RESOLUTION # 2025-121****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**Approving Veolia's Installation of Fire Hydrant on W. Shore Avenue**

**WHEREAS**, the Borough of Bogota requested the installation of a new fire hydrant on West Shore Avenue near Elmwood Avenue to enhance fire protection in the area; and

**WHEREAS**, Veolia Water New Jersey, Inc. has agreed to install the hydrant at no cost to the Borough; and

**WHEREAS**, the Borough acknowledges that ongoing maintenance fees will be incurred for this new hydrant, in accordance with Veolia's established rates and policies;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bogota County of Bergen, State of New Jersey, that the Borough formally accepts responsibility for the maintenance fees associated with the new hydrant and authorizes the necessary documentation to be executed to that effect.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to Veolia North America.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

---

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-122****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**Approving Veolia's Installation of Fire Hydrant on West Main St**

**WHEREAS**, the Borough of Bogota requested the installation of a new fire hydrant on West Main Avenue (162 W. Main Avenue -Bogota Recreation) near Olsen Park to enhance fire protection in the area; and

**WHEREAS**, Veolia Water New Jersey, Inc. has agreed to install the hydrant at no cost to the Borough; and

**WHEREAS**, the Borough acknowledges that ongoing maintenance fees will be incurred for this new hydrant, in accordance with Veolia's established rates and policies;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Bogota County of Bergen, State of New Jersey, that the Borough formally accepts responsibility for the maintenance fees associated with the new hydrant and authorizes the necessary documentation to be executed to that effect.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to Veolia North America.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

---

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-123****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**Purchase of Alcotest System for Bogota PD**

**AUTHORIZING THE PURCHASE OF A NEW ALCOTEST MACHINE FROM DRAEGER INC.,  
PURSUANT TO NEW JERSEY STATE CONTRACT #T3031 IN THE AMOUNT OF \$22,822.50.**

**WHEREAS**, the Borough of Bogota is next in line for the Alcotest 9510 rollout; and

**WHEREAS**, The Alcotest is an essential tool used by police departments in New Jersey and other locations for alcohol testing during DWI (Driving While Intoxicated) investigations; and

**WHEREAS**, the entire cost of the Alcotest will be reimbursed to the Borough of Bogota by the Drunk Driving Enforcement Fund (DDEF) Reimbursement Program; and

**WHEREAS**, it was determined that the Borough of Bogota Police Department is currently in good standing with the DDEF program; and

**WHEREAS**, the Borough of Bogota Police Department before January 31 of the succeeding year (2026) will apply for reimbursement of such expenditure; and

**WHEREAS**, said purchase is authorized through State Contract Number #20-TELE-00933 (T3031); and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bogota hereby authorizes the Bogota Police Department to purchase an Alcotest machine from Draeger Inc., 7256 S Sam Houston W PKWY, Suite 100, Houston, TX 77085 in an amount not to exceed \$22,822.50.

**CERTIFICATION OF AVAILABLE FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Gregory Bock, Chief Financial Officer of the Borough of Bogota, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these funds upon the passage of this resolution.

Line Item	Description	Amount
Gregory Bock, CFO		Date



**RESOLUTION # 2025-123**

**DATE: 05-15-2025**

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

---

Yenlys Flores-Bolivard, Municipal Clerk



## Requisition to Purchase

PURCHASE ORDER #: \_\_\_\_\_

PURCHASE ORDER DATE: \_\_\_\_\_

DATE 05/06/2023

SHIP TO: Borough of Bogota

375 Larch Avenue

Bogota, NJ 07603

CITY, ST ZIP: Houston TX 77085

PHONE: 1-800-437-2437

# TOTAL

Department Head

05/06/2025

DATE \_\_\_\_\_

Borough Administrator

DATE \_\_\_\_\_



## Quotation

Customer no.  
150079595

Customer  
BOROUGH OF BOGOTA POLICE DEPT.

LARCH AVE 375  
BOGOTA NJ 07603-1099

Quotation no.

QUO-roachsh-1807-001

Please reference on inquiries

Payer

BOROUGH OF BOGOTA POLICE DEPT.

Date of offer

5/5/2025

150079595

LARCH AVE 375  
BOGOTA NJ 07603-1099

Your request

5/5/2025  
20-TELE-00933 T-3031

Ship-To party

150079595

BOROUGH OF BOGOTA POLICE DEPT.

LARCH AVE 375  
BOGOTA NJ 07603-1099

Your contact person

Sharon Roach  
412-720-8571

sharon.roach@draeger.com

Dear Customer,

Thank you for your inquiry. Please find enclosed our corresponding offer.  
If you have any further questions, please do not hesitate to contact us.

Quotation no.:  
Responsible:

Telephone:  
Fax:  
E-mail:

QUO-roachsh-1807-001  
Sharon Roach  
Regional Sales Manager  
412-720-8571

sharon.roach@draeger.com

Best regards,  
Draeger Inc.

Draeger Inc.  
7256 S Sam Houston W  
PKWY., Suite 100  
Houston, TX 77085

Phone 1-800-437-2437

US-safety@draeger.com  
www.draeger.com





# Quotation

Customer no.  
150079595

Quotation no.  
QUO-roachsh-1807-001  
Please reference on inquiries

Date of offer  
5/5/2025

Page 2 / 2

Payer  
150079595

Pos.	Quant	Part number / Description	Unit price USD	%	Total price USD
010	1 EA	4412301 Alcotest 9510 system - New Jersey	17,900.00		17,900.00
020	1 EA	MQ91434 10 Year Service Agreement	3,968.00		3,968.00
030	2 EA	4401036 Dry gas, .10% 105L (ethanol/N2)	200.00		400.00
040	10 EA	6805703 Mouthpiece Classic w/ valve (25 pcs.)	17.45		174.50
050	1 EA	NA10675 UPS Pro, 8 outlets, AVR, LCD interface	380.00		380.00
		-----	-----	-----	-----
		Net value excl. Sales Tax			22,822.50
		-----	-----	-----	-----
		TOTAL AMOUNT			22,822.50
		=====	=====	=====	=====
		Delivery time: Per state rollout			
		Incoterms: DAP - Delivered at Place to BOGOTA			
		Payment terms: D013 - 30 DAYS AFTER INVOICE DATE			
		Valid until: 12/31/2025			

The sale of the products identified herein is expressly subject to the Draeger, Inc. - Terms and Conditions of Sale which are attached hereto and which may also be found at: [www.draeger.com/en-us\\_us/Home/Terms-Conditions](http://www.draeger.com/en-us_us/Home/Terms-Conditions).

Customer is hereby informed that section 1128B(b) of the Social Security Act may apply, which requires that discounts and other reductions in price or the existence of discount programs be properly disclosed and reflected in the costs claimed or charges made by a provider under Medicare or a Federal or State Health Program.

PLEASE CHECK THIS ORDER CAREFULLY FOR ACCURACY IN PRICING, PART # AND DESCRIPTION. Contact Customer Service immediately if there are any discrepancies. This acknowledgement and note constitutes the entire agreement with respect to the contemplated transaction and supersedes all previous negotiations, proposals, writings, advertisements, or publications.

**RESOLUTION # 2025-124****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**FORM OF RESOLUTION REQUESTING APPROVAL OF  
ITEMS OF REVENUE AND APPROPRIATION  
NJS 40A:4-87  
DRIVE SOBER OR GET PULLED OVER**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Bogota in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2025 in the sum of \$5,767.62 which is now available from “Drive Sober or Get Pulled Over” in the amount of \$5,767.62

**BE IT FURTHER RESOLVED**, that the like sum of \$5,767.62 is hereby appropriated under the caption “Drive Sober or Get Pulled Over”; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from State of New Jersey in the amount of \$5,767.62

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

\_\_\_\_\_  
Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-125****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**FORM OF RESOLUTION REQUESTING APPROVAL OF  
ITEMS OF REVENUE AND APPROPRIATION****NJS 40A:4-87****Drunk Driving Enforcement Fund**

**WHEREAS, NJS 40A:4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS,** the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED,** that the Borough of Bogota in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2025 in the sum of \$22,822.50, which is now available from “Drunk Driving Enforcement Fund” in the amount of \$22,822.50.

**BE IT FURTHER RESOLVED,** that the like sum of \$22,822.50 is hereby appropriated under the caption “Drunk Driving Enforcement Fund”; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of NJ in the amount of \$22,822.50

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-126****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**POLICE DEPARTMENT DISPATCH – HIRING OF FULL-TIME  
TELECOMMUNICATOR GREGORY J. MACNISH**

**WHEREAS**, the Police Department of the Borough of Bogota is in need of a full-time telecommunicator for its Police Dispatch; and

**WHEREAS**, Gregory Macnish has successfully served as a part-time telecommunicator within the Police Department since December 5, 2024, and has now completed all required training and certification classes; and

**WHEREAS**, the Mayor and Council of the Borough seek to hire Gregory Macnish to the position of full-time telecommunicator effective May 16, 2025; and

**WHEREAS**, the Borough Administrator and Chief of Police have reviewed this matter and, based on his successful completion of all required training and certification classes, recommend the promotion of Gregory Macnish from part-time to full-time telecommunicator for the Bogota Police Department;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that Gregory Macnish be and is hereby hired to the position of full-time telecommunicator for the Bogota Police Department effective May 16, 2025, with a salary according to the current salary ordinance; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Gregory Macnish and the Bogota Police Department upon its passage.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-127****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**ADVERTISE FOR BIDS - Larch Avenue (NJDOT-MA)**

Be it resolved by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of Neglia Group that the plans and specifications for:

**MA-25 LARCH AVENUE ROADWAY IMPROVEMENTS (NJDOT FUNDED)**

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

Dated:

Approved:\_\_\_\_\_

Mayor

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-128****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**ADVERTISE FOR BIDS – HILL STREET (NJDOT-LTPF)**

Be it resolved by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of Neglia Group that the plans and specifications for:

**HILL STREET ROADWAY IMPROVEMENTS (NJDOT LTPF-24 FUNDED)**

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

Dated:

Approved:\_\_\_\_\_

Mayor

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-129****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles							
C. Carpenter							
W. Hordern							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**APPROVE FULL-TIME HIRE -DPW LABORER  
Yandri Macias**

**WHEREAS**, the Department of Public Works of the Borough of Bogota is in need of a full-time laborer; and

**WHEREAS**, the Mayor and Council of the Borough seek to hire Yandri Macias to the position of full-time laborer effective May 19, 2025 at an annual salary of \$ 40,543.54; and

**WHEREAS**, the Borough Administrator and Superintendent of the Department of Public Works have reviewed this matter and recommend that Yandri Macias be hired to the position of full-time laborer for the Department of Public Works effective May 19, 2025 at an annual salary of \$40,543.54.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that Yandri Macias be and is hereby hired to the position of full-time laborer for the Bogota Department of Public Works effective May 19, 2025 an annual salary of \$ 40,543.54; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Yandri Macias and the Department of Public Works upon its passage.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-130****DATE: 05-15-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**APPROVE FULL-TIME HIRE -DPW LABORER****Nicholas Buda**

**WHEREAS**, the Department of Public Works of the Borough of Bogota is in need of a full-time laborer; and

**WHEREAS**, the Mayor and Council of the Borough seek to hire Nicholas Buda to the position of full-time laborer effective May 19, 2025 at an annual salary of \$ 40,543.54; and

**WHEREAS**, the Borough Administrator and Superintendent of the Department of Public Works have reviewed this matter and recommend that Nicholas Buda be hired to the position of full-time laborer for the Department of Public Works effective May 19, 2025 at an annual salary of \$40,543.54.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that Nicholas Buda be and is hereby hired to the position of full-time laborer for the Bogota Department of Public Works effective May 19, 2025 an annual salary of \$ 40,543.54; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Nicholas Buda and the Department of Public Works upon its passage.

**CERTIFICATION**

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 05-15-2025.

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Yenlys Flores-Bolivard, Municipal Clerk



# R E S O L U T I O N

COUNCIL	YES	NO	RE- CUSE	AB- SENT
W. HORDERN				
P. MCHALE				
J. MITCHELL				
C. CARPENTER				
L. KOHLES				
D.VERGARA				
MAYOR (Tie Vote Only) D.FEDE				



DATE May 14, 25

MOTION \_\_\_\_\_

SECOND \_\_\_\_\_

Carried ☐ Defeated ☐ Tabled ☐

## Meeting: 5-15-25 PC25-08 Payment of Claims

WHEREAS, as required by NJSA 40A:4-57 and any other applicable requirements, the Chief Financial Officer of the Borough of Bogota has certified there are sufficient funds available in the appropriations of the municipal budget line items to make payment too claimants per the payment of claims;

BE IT RESOLVED that the Mayor and Council of the Borough of Bogota authorizes payment in the aggregate amounts of:

<u>Fund</u>	<u>Amount</u>
<b>Total fund 01 CURRENT FUND</b>	<b>2,667,060.42</b>
<b>Total fund 04 General Capital Fund</b>	<b>102,264.32</b>
<b>Total fund 13 Recreation Trust Fund</b>	<b>9,507.07</b>
<b>Total fund 16 ACCUTRACK ACCOUNT</b>	<b>450.00</b>
<b>GRAND TOTAL:</b>	<b>2,779,281.81</b>

**Bills List****BOROUGH OF BOGOTA**

05/14/25 11:42:44 AM

<u>PO #</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	<u>Paid Date</u>
<b>01-2010-20-1002-001 Appropriation Control General Administration - O/E Water</b>					
250682	05/05/25	DIAMOND ROCK SPRING	INV# 299696 & 299698; H2O	72.00	05/13/25
<b>Total for Appropriation Control General Administration -</b>				<b>72.00</b>	
<b>01-2010-20-1002-002 Appropriation Control General Administration - O/E</b>					
250636	04/28/25	CONALL O'MALLEY	REIMBURSEMENT; ENGRAVED	689.17	05/13/25
250635	04/28/25	NJLM	MUNICIPAL DIRECTORY ORDER	35.00	05/13/25
<b>Total for Appropriation Control General Administration -</b>				<b>724.17</b>	
<b>Department Total: Appropriation Control General Administration -</b>				<b>796.17</b>	
<b>01-2010-20-1102-000 Appropriation Control Mayor &amp; Council - O/E Other</b>					
250650	05/01/25	A STITCH IN TIME	INV; POLOS AND QZIPS	1,322.75	05/13/25
250635	04/28/25	NJLM	MUNICIPAL DIRECTORY ORDER	245.00	05/13/25
<b>Total for Appropriation Control Mayor &amp; Council - O/E</b>				<b>1,567.75</b>	
<b>Department Total: Appropriation Control Mayor &amp; Council - O/E</b>				<b>1,567.75</b>	
<b>01-2010-20-1202-000 Appropriation Control Municipal Clerk - O/E Other</b>					
250644	05/01/25	AMAZON.COM SERVICES,	INV# 1CXL-1RK9-1KV6; CASE	44.49	05/13/25
250634	04/28/25	I.I.M.C.	ANNUAL FEE/EDU CONTRIB	220.00	05/13/25
250635	04/28/25	NJLM	MUNICIPAL DIRECTORY ORDER	35.00	05/13/25
<b>Total for Appropriation Control Municipal Clerk - O/E</b>				<b>299.49</b>	
<b>Department Total: Appropriation Control Municipal Clerk - O/E</b>				<b>299.49</b>	
<b>01-2010-20-1302-002 Appropriation Control Financial Administration - O/E</b>					
250693	05/02/25	ACTION DATA SERVICES	DEMAND DEBIT - 05/02/2025	2,941.34	05/02/25
<b>Total for Appropriation Control Financial Administration</b>				<b>2,941.34</b>	
<b>Department Total: Appropriation Control Financial Administration</b>				<b>2,941.34</b>	
<b>01-2010-20-1352-000 Appropriation Control Audit Services - O/E Other</b>					
250597	04/17/25	LERCH, VINCI & BLISS, 42128;	AFS PREPARATION	5,370.00	05/13/25
<b>Total for Appropriation Control Audit Services - O/E</b>				<b>5,370.00</b>	
<b>Department Total: Appropriation Control Audit Services - O/E</b>				<b>5,370.00</b>	
<b>01-2010-20-1402-001 Appropriation Control Data Processing - O/E</b>					
250687	05/05/25	GREAT AMERICAN	39110711; POSTAGE MACHINE	152.00	05/13/25
250688	05/05/25	T&G INDUSTRIES INC.	INV# 590085694; COPY/PRINTER	594.00	05/12/25
250708	05/07/25	TRI-STATE TECHNICAL	INV# 19082; TECH SUPPORT FOR	210.00	05/13/25
250710	05/08/25	TRI-STATE TECHNICAL	INV# 18986; POLICE/BORO	168.00	05/13/25
<b>Total for Appropriation Control Data Processing - O/E</b>				<b>1,124.00</b>	
<b>01-2010-20-1402-002 Appropriation Control Data Processing - O/E Copy Machine</b>					
250686	05/05/25	DE LAGE LANDEN	MAY '25 FIREHOUSE COPIER	95.00	05/13/25
250725	05/12/25	T&G INDUSTRIES INC.	INV#4583100;CONTRACT OC	108.16	05/12/25
<b>Total for Appropriation Control Data Processing - O/E</b>				<b>203.16</b>	
<b>Department Total: Appropriation Control Data Processing - O/E</b>				<b>1,327.16</b>	
<b>01-2010-20-1502-000 Appropriation Control Tax Assessment - O/E Other</b>					
250653	05/01/25	BERGEN COUNTY ASSO.OF 2025 B.C.	ASSOCIATION OF	130.00	05/13/25
<b>Total for Appropriation Control Tax Assessment - O/E</b>				<b>130.00</b>	
<b>Department Total: Appropriation Control Tax Assessment - O/E</b>				<b>130.00</b>	

**Bills List****BOROUGH OF BOGOTA**

05/14/25 11:42:44 AM

<u>PO #</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	<u>Paid Date</u>
<b>01-2010-20-1552-001 Appropriation Control Legal Services - O/E Retainer -</b>					
250381	03/11/25	BOGGIA & BOGGIA, LLC	MAY 2025 RETAINER MUNICIPAL	7,500.00	05/13/25
<b>Total for Appropriation Control Legal Services - O/E</b>				<b>7,500.00</b>	
<b>01-2010-20-1552-002 Appropriation Control Legal Services - O/E Other Matters</b>					
250630	04/25/25	BOGGIA & BOGGIA, LLC	PROF SRVCS RENDERED THRU	11,075.30	05/13/25
250580	04/15/25	TRENK, ISABEL, SIDDIQ	PROF SRVCS RENDERED THRU	990.25	05/13/25
<b>Total for Appropriation Control Legal Services - O/E</b>				<b>12,065.55</b>	
<b>Department Total: Appropriation Control Legal Services - O/E</b>				<b>19,565.55</b>	
<b>01-2010-20-1652-000 Appropriation Control Engineering Services - O/E Other</b>					
250735	05/13/25	NEGLIA ENGINEERING	PROF SRVCS RENDERED THRU	6,072.50	05/13/25
<b>Total for Appropriation Control Engineering Services -</b>				<b>6,072.50</b>	
<b>Department Total: Appropriation Control Engineering Services -</b>				<b>6,072.50</b>	
<b>01-2010-23-2202-003 Appropriation Control Group Insurance - O/E Dental</b>					
250658	05/01/25	DELTA DENTAL PLAN OF	EMPLOYEE DENTAL COVERAGE	10,119.57	05/01/25
<b>Total for Appropriation Control Group Insurance - O/E</b>				<b>10,119.57</b>	
<b>01-2010-23-2202-092 Appropriation Control Group Insurance - O/E Medical</b>					
250695	05/02/25	SHBP - STATE PENSIONS	EE HEALTH BENEFITS MAY 2025	88,559.07	05/06/25
<b>Total for Appropriation Control Group Insurance - O/E</b>				<b>88,559.07</b>	
<b>01-2010-23-2202-094 Appropriation Control Group Insurance - O/E Disability</b>					
250690	05/06/25	UNUM LIFE INSURANCE	CMAY 2025 DISABILITY PAYMENT	1,422.05	05/06/25
<b>Total for Appropriation Control Group Insurance - O/E</b>				<b>1,422.05</b>	
<b>Department Total: Appropriation Control Group Insurance - O/E</b>				<b>100,100.69</b>	
<b>01-2010-25-2402-003 Appropriation Control Police - O/E Office Supplies</b>					
250715	05/09/25	AMAZON.COM SERVICES,	VARIOUS INVOICES	467.86	05/13/25
<b>Total for Appropriation Control Police - O/E Office</b>				<b>467.86</b>	
<b>01-2010-25-2402-004 Appropriation Control Police - O/E Computer / IT</b>					
250710	05/08/25	TRI-STATE TECHNICAL	INV# 18986; POLICE/BORO	204.00	05/13/25
<b>Total for Appropriation Control Police - O/E Computer /</b>				<b>204.00</b>	
<b>01-2010-25-2402-007 Appropriation Control Police - O/E Vehicle Maintenance</b>					
250691	05/06/25	ENTERPRISE FM TRUST	FLEET LEASE PD & FIRE MAY	7,628.20	05/06/25
<b>Total for Appropriation Control Police - O/E Vehicle</b>				<b>7,628.20</b>	
<b>Department Total: Appropriation Control Police - O/E</b>				<b>8,300.06</b>	
<b>01-2010-25-2552-001 Appropriation Control Fire - O/E Other Expenses</b>					
250510	04/04/25	HOLY NAME MEDICAL	NEW MEMBER PHYSICAL	172.00	05/13/25
250633	04/28/25	HOLY NAME MEDICAL	NEW MEMBER PHYSICAL; KK JR.	172.00	05/13/25
250679	05/05/25	HOLY NAME MEDICAL	NEW MEMBER PHYSICAL; JH	172.00	05/13/25
250678	05/05/25	IIA FIRE DEPARTMENT	INV# INIIAFD6205; 2025 HOSE	4,985.50	05/13/25
250508	04/04/25	TECHNICAL FIRE	QT# 2025-124; PUMP TESTING	975.00	05/13/25
<b>Total for Appropriation Control Fire - O/E Other</b>				<b>6,476.50</b>	
<b>01-2010-25-2552-004 Appropriation Control Fire - O/E Enterprise</b>					
250691	05/06/25	ENTERPRISE FM TRUST	FLEET LEASE PD & FIRE MAY	0.00	05/06/25
250691	05/06/25	ENTERPRISE FM TRUST	FLEET LEASE PD & FIRE MAY	2,285.62	05/06/25
<b>Total for Appropriation Control Fire - O/E Enterprise</b>				<b>2,285.62</b>	

**Bills List****BOROUGH OF BOGOTA**

05/14/25 11:42:44 AM

PO #	Date	Vendor	Description	Amount	Paid Date
Department Total:		Appropriation Control Fire - O/E		8,762.12	
01-2010-26-2902-003 Appropriation Control DPW - O/E Vehicle Repairs &					
250659	05/05/25	46 TRUCK REPAIR INC.	INV# 000062010; RPLC 8 FUEL	4,476.95	05/13/25
250660	05/05/25	46 TRUCK REPAIR INC.	INV# 000061899; FILTER	5,823.00	05/13/25
250661	05/05/25	46 TRUCK REPAIR INC.	INV# 000061884; INSTALL	4,557.09	05/13/25
250662	05/05/25	46 TRUCK REPAIR INC.	INV# 000061892; WELDED DOG	760.00	05/13/25
250663	05/05/25	46 TRUCK REPAIR INC.	INV# 000061878; TOW CHARGE	375.00	05/13/25
250674	05/05/25	46 TRUCK REPAIR INC.	INV# 000061639; INST	5,279.78	05/13/25
250724	05/12/25	46 TRUCK REPAIR INC.	INV# 000062044; STEERING	1,384.50	05/13/25
250655	05/01/25	FOLEY INC	SIN00223188; REPAIRS TO CAT	6,500.00	05/13/25
250656	04/30/25	FOLEY INC	SIN00223189; REPAIRS TO CAT	6,500.00	05/13/25
250712	05/09/25	INTER CITY TIRE	INV# 187267; FLAT REPAIR ON	631.65	05/13/25
250664	05/05/25	UNITED MOTOR PARTS	INV# 2700381; WIPER BLADES	25.78	05/13/25
Total for		Appropriation Control DPW - O/E Vehicle		36,313.75	
01-2010-26-2902-004 Appropriation Control DPW - O/E Uniform Allowance					
250717	05/12/25	THE BIG AD-VANTAGE,	INV# 2109; DPW UNIFORMS JF &	1,660.50	05/13/25
Total for		Appropriation Control DPW - O/E Uniform		1,660.50	
01-2010-26-2902-007 Appropriation Control DPW - O/E Office Supplies					
250682	05/05/25	DIAMOND ROCK SPRING	INV# 299696 & 299698; H2O	48.00	05/13/25
250701	05/07/25	DIAMOND ROCK SPRING	INV# 300068; 5 GALLONS OF	35.00	05/13/25
250713	05/09/25	GORDON J KOHLES	REIMBURSEMENT; PACKS OF	39.43	05/13/25
Total for		Appropriation Control DPW - O/E Office		122.43	
01-2010-26-2902-008 Appropriation Control DPW - O/E Tools & Equipment					
250675	05/05/25	AGL WELDING SUPPLY CO,	INV# 0010172793; APRIL	57.60	05/13/25
250676	05/05/25	GOOSETOWN	INV# 173269; RADIO CONTRACT	69.98	05/13/25
250669	05/05/25	HOME DEPOT CREDIT	INV# 3024899024583/7533205;	374.67	05/13/25
Total for		Appropriation Control DPW - O/E Tools &		502.25	
Department Total:		Appropriation Control DPW - O/E		38,598.93	
01-2010-26-3002-000 Appropriation Control Shade Tree - O/E Other Expenses					
250657	05/01/25	DANIELE FEDE	REIMB. FOR ARBOR DAY MEDALS	133.20	05/13/25
250697	05/07/25	HARDWOOD TREE SERVICE	INV# 37444; RMV TREE @ 210	1,125.00	05/13/25
Total for		Appropriation Control Shade Tree - O/E Other		1,258.20	
Department Total:		Appropriation Control Shade Tree - O/E		1,258.20	
01-2010-26-3052-001 Appropriation Control Solid Waste Collection - O/E					
250047	01/16/25	SUBURBAN DISPOSAL INC	APRIL 2025 GARBAGE	48,333.33	05/13/25
Total for		Appropriation Control Solid Waste Collection -		48,333.33	
Department Total:		Appropriation Control Solid Waste Collection -		48,333.33	
01-2010-26-3102-003 Appropriation Control Buildings & Grounds - O/E Other					
250702	05/07/25	A & M ALARM SYSTEMS	INV# 20077; 6 MNTH ALARM @	269.70	05/13/25
250722	05/12/25	ANZO, INC	INV# 80534; TURNED ON WATER	2,317.50	05/13/25
250700	05/07/25	BRAEN STONE	INV# 211545; RECYCLED	124.74	05/13/25
250671	05/05/25	COLONY HARDWARE CORP.	INV# 2706984 & 3706134;	319.30	05/13/25

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250689	05/05/25	COSTCO BUSINESS CENTER	MEMBERSHIP FEE & CLEANING	555.47	05/13/25
250670	05/05/25	GATES FLAG & BANNER	INV# 221757; MOURNING	462.50	05/13/25
250672	05/05/25	HOME DEPOT CREDIT	INV# 002462/9542087; SFG	34.98	05/13/25
250673	05/05/25	HOME DEPOT CREDIT	INV# 001675/0522778; GRASS	149.77	05/13/25
250668	05/05/25	JERSEY ELEVATOR CO,	INV# 305707-S5P6; FULL 8 HR	185.28	05/13/25
250706	05/07/25	MANNING BROS INC	INV# 10731; CLEANING OF REC	72.00	05/13/25
250667	05/05/25	QUALITY COOLING CORP	INV# 2025-158; NEW CONDENSER	6,295.00	05/13/25
Total for		Appropriation Control Buildings & Grounds -		10,786.24	
Department Total:		Appropriation Control Buildings & Grounds -		10,786.24	
01-2010-27-3651-002 Appropriation Control Seniors - O/E Miscellaneous					
250704	05/07/25	INSERRA SUPERMARKETS	SENIOR LUNCH 5/6	95.30	05/13/25
250703	05/07/25	JAMES MOORE	REIMBURSEMENT; BAGELS FOR	56.13	05/13/25
Total for		Appropriation Control Seniors - O/E		151.43	
Department Total:		Appropriation Control Seniors - O/E		151.43	
01-2010-28-3702-001 Appropriation Control Recreation Services - O/E Other					
250683	05/05/25	AMAZON.COM SERVICES,	OR# 113-8948445-4497819; TV	619.94	05/13/25
250684	05/05/25	ATZ WOODWORKING	REPAIR SNACK BAR STAIRS	6,500.00	05/13/25
250682	05/05/25	DIAMOND ROCK SPRING	INV# 299696 & 299698; H2O	48.00	05/13/25
250645	05/01/25	UNITED SITE SERVICES	PORTA POTTYS AUGUST 1-APRIL	2,208.00	05/13/25
Total for		Appropriation Control Recreation Services -		9,375.94	
Department Total:		Appropriation Control Recreation Services -		9,375.94	
01-2010-28-3703-001 Appropriation Control Celebration of Public Events					
250685	05/05/25	VAN MARTIN PRODUCTION,INV#06725CC; BOGOTA DAY		4,000.00	05/13/25
Total for		Appropriation Control Celebration of Public		4,000.00	
Department Total:		Appropriation Control Celebration of Public		4,000.00	
01-2010-29-3902-004 Appropriation Control Free Public Library - 1/3 mil					
250696	05/06/25	BOGOTA FREE PUBLIC	2ND QTR 2025 LIBRARY	13,704.00	05/13/25
Total for		Appropriation Control Free Public Library -		13,704.00	
Department Total:		Appropriation Control Free Public Library -		13,704.00	
01-2010-31-4402-004 Appropriation Control Telephone Verizon - Main					
250652	05/01/25	VERIZON	ACCOUNT#	289.00	05/05/25
Total for		Appropriation Control Telephone Verizon - Main		289.00	
01-2010-31-4402-006 Appropriation Control Telephone Internet - Verizon					
250654	05/01/25	VERIZON WIRELESS	ACCT#	3,460.40	05/05/25
Total for		Appropriation Control Telephone Internet -		3,460.40	
01-2010-31-4402-022 Appropriation Control Telephone VERIZON - ELEVATOR LINE					
250726	05/12/25	VERIZON	ACCOUNT# 250-717-861-0001-86	64.47	05/13/25
Total for		Appropriation Control Telephone VERIZON -		64.47	
Department Total:		Appropriation Control Telephone		3,813.87	
01-2010-31-4452-007 Appropriation Control Water Meter #88228192 - Rec Bldg					
250727	05/13/25	VEOLIA WATER NEW	MARCH-APRIL 2025 FINAL BILL	62.14	05/13/25
Total for		Appropriation Control Water Meter #88228192 -		62.14	

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<u>Department Total:</u>		<u>Appropriation Control Water</u>		<u>62.14</u>	
<b>01-2010-32-4652-002 Appropriation Control Solid Waste Disposal Miscellaneous</b>					
250699	05/07/25	ATLANTIC COAST	INV# 130404; MX COM-INBD MAT	1,098.99	05/13/25
250666	05/05/25	ENVIRONMENTAL RENEWAL,	INV# 336559, 336560, &	1,106.00	05/13/25
250698	05/07/25	ENVIRONMENTAL RENEWAL,	INV# 336713, 336715; CMPT MX	1,247.00	05/13/25
<b>Total for</b>		<b>Appropriation Control Solid Waste Disposal</b>		<b>3,451.99</b>	
<u>Department Total:</u>		<u>Appropriation Control Solid Waste Disposal</u>		<u>3,451.99</u>	
<b>01-2010-45-9202-003 Appropriation Control Serial Bond - Principal 2012 12-01</b>					
250648	05/01/25	DEPOSITORY TRUST	BOND PRINCIPAL DUE	300,000.00	05/01/25
<b>Total for</b>		<b>Appropriation Control Serial Bond - Principal</b>		<b>300,000.00</b>	
<u>Department Total:</u>		<u>Appropriation Control Serial Bond - Principal</u>		<u>300,000.00</u>	
<b>01-2010-45-9302-003 Appropriation Control Serial Bond - Interest 2012 12-01</b>					
250649	05/01/25	DEPOSITORY TRUST	BOND INTEREST DUE 05/01/2025	57,937.50	05/01/25
<b>Total for</b>		<b>Appropriation Control Serial Bond - Interest</b>		<b>57,937.50</b>	
<u>Department Total:</u>		<u>Appropriation Control Serial Bond - Interest</u>		<u>57,937.50</u>	
<b>01-2030-28-3702-001 APPROPRIATION RESERVES Recreation Services - O/E Other</b>					
250645	05/01/25	UNITED SITE SERVICES	PORTA POTTYS AUGUST 1-APRIL	1,860.00	05/13/25
<b>Total for</b>		<b>APPROPRIATION RESERVES Recreation Services -</b>		<b>1,860.00</b>	
<u>Department Total:</u>		<u>APPROPRIATION RESERVES Recreation Services -</u>		<u>1,860.00</u>	
<b>01-2070-55-0000-000 Local School Taxes Payable Local School Taxes Payable</b>					
250728	05/13/25	BOGOTA BOARD OF	MAY 2025 SCHOOL TAXES	1,346,465.50	05/13/25
<b>Total for</b>		<b>Local School Taxes Payable Local School Taxes</b>		<b>1,346,465.50</b>	
<u>Department Total:</u>		<u>Local School Taxes Payable Local School Taxes</u>		<u>1,346,465.50</u>	
<b>01-2080-55-0000-000 County Taxes Payable County Taxes Payable</b>					
250729	05/13/25	COUNTY OF BERGEN,	2ND QTR 2025 COUNTY TAXES	641,273.00	05/13/25
<b>Total for</b>		<b>County Taxes Payable County Taxes Payable</b>		<b>641,273.00</b>	
<u>Department Total:</u>		<u>County Taxes Payable County Taxes Payable</u>		<u>641,273.00</u>	
<b>01-2110-55-0000-000 County Open Space Tax Payable County Open Space Tax</b>					
250730	05/13/25	COUNTY OPEN SPACE	2ND QTR 2025 COUNTY OPEN	28,885.00	05/13/25
<b>Total for</b>		<b>County Open Space Tax Payable County Open</b>		<b>28,885.00</b>	
<u>Department Total:</u>		<u>County Open Space Tax Payable County Open</u>		<u>28,885.00</u>	
<b>01-2710-55-0000-002 Due State of NJ Due State of NJ DCA Training Fees</b>					
250617	04/24/25	N.J. DEPT OF COMM	1ST QTR 2025 STATE PERMIT	1,358.00	05/13/25
<b>Total for</b>		<b>Due State of NJ Due State of NJ DCA Training</b>		<b>1,358.00</b>	
<u>Department Total:</u>		<u>Due State of NJ Due State of NJ</u>		<u>1,358.00</u>	
<b>01-2800- - - RESERVE FOR CREDIT CARD FEES RESERVE FOR CREDIT CARD</b>					
250692	05/05/25	AMERICAN EXPRESS	DEMAND DEBIT - 05/05/2025	48.39	05/05/25
250694	05/02/25	MERCHANT SERVICE FEES	DEMAND DEBIT - 05/02/2025	464.13	05/02/25
<b>Total for</b>		<b>RESERVE FOR CREDIT CARD FEES RESERVE FOR</b>		<b>512.52</b>	
<u>Department Total:</u>		<u>RESERVE FOR CREDIT CARD FEES RESERVE FOR</u>		<u>512.52</u>	
<b>04-2150-55-1532-001 Improvment Authorizations 1532 - Rec/Community Center</b>					
250371	03/06/25	ACCENTURE	CONSTRUCTION MANAGEMENT	9,276.00	05/13/25

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250371	03/06/25	ACCENTURE	CONSTRUCTION MANAGEMENT	9,276.00	05/06/25
241421	06/20/24	NEGLIA ENGINEERING	BOGOTA REC CENTER	1,662.73	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1532 - Rec/Community</b>		<b>20,214.73</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1532 - Rec/Community</u></b>		<b><u>20,214.73</u></b>	
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<b>04-2150-55-1544-001</b>		<b>Improvment Authorizations 1544 - Leonia Ave Ph V</b>			
250595	04/17/25	LERCH, VINCI & BLISS, 42129; PROF SRVCS; BOND SALE		5,682.54	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1544 - Leonia Ave Ph</b>		<b>5,682.54</b>	
<b>04-2150-55-1544-002</b>		<b>Improvment Authorizations 1544 - Leonia Ave Ph V Section</b>			
250595	04/17/25	LERCH, VINCI & BLISS, 42129; PROF SRVCS; BOND SALE		3,615.07	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1544 - Leonia Ave Ph</b>		<b>3,615.07</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1544 - Leonia Ave Ph</u></b>		<b><u>9,297.61</u></b>	
<hr/>					
<b>04-2150-55-1547-001</b>		<b>Improvment Authorizations 1544 - Central Ave Improvement</b>			
250595	04/17/25	LERCH, VINCI & BLISS, 42129; PROF SRVCS; BOND SALE		9,523.48	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1544 - Central Ave</b>		<b>9,523.48</b>	
<b>04-2150-55-1547-002</b>		<b>Improvment Authorizations 1544 - Central Avenue Improvem</b>			
250595	04/17/25	LERCH, VINCI & BLISS, 42129; PROF SRVCS; BOND SALE		366.91	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1544 - Central</b>		<b>366.91</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1544 - Central</u></b>		<b><u>9,890.39</u></b>	
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<b>04-2150-55-1560-003</b>		<b>Improvment Authorizations 1560 - Var. Cap. Impvts</b>			
250665	05/05/25	CARRATURA CONSTRUCTIONINV# 3678; BOGOTA SIDEWALK		2,150.00	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1560 - Var. Cap.</b>		<b>2,150.00</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1560 - Var. Cap.</u></b>		<b><u>2,150.00</u></b>	
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<b>04-2150-55-1568-001</b>		<b>Improvment Authorizations 1568 - Pine Street Phase II</b>			
250595	04/17/25	LERCH, VINCI & BLISS, 42129; PROF SRVCS; BOND SALE		812.00	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1568 - Pine Street</b>		<b>812.00</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1568 - Pine Street</u></b>		<b><u>812.00</u></b>	
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<b>04-2150-55-1598-010</b>		<b>Improvment Authorizations 1598 - Var. Cap. Impvts</b>			
240741	06/11/24	NEGLIA ENGINEERING	MS4 MAPPING STROMWATER	1,435.48	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1598 - Var. Cap.</b>		<b>1,435.48</b>	
<b>04-2150-55-1598-011</b>		<b>Improvment Authorizations 1598 - Var. Cap. Impvts Road</b>			
250465	03/25/25	NEGLIA ENGINEERING	HILL STREET IMPROVEMENTS -	9,255.00	05/13/25
250466	03/25/25	NEGLIA ENGINEERING	NJDOT - LARCH AVE	9,301.43	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1598 - Var. Cap.</b>		<b>18,556.43</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1598 - Var. Cap.</u></b>		<b><u>19,991.91</u></b>	
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<b>04-2150-55-1619-007</b>		<b>Improvment Authorizations 1619 - Var. Cap. Impvts Public</b>			
250733	05/13/25	NEGLIA ENGINEERING	WATERSHED INVENTORY REPORT	10,887.50	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1619 - Var. Cap.</b>		<b>10,887.50</b>	
<b>04-2150-55-1619-009</b>		<b>Improvment Authorizations 1619 - Var. Cap. Impvts</b>			
250466	03/25/25	NEGLIA ENGINEERING	NJDOT - LARCH AVE	4,398.17	05/13/25
250614	04/23/25	NEGLIA ENGINEERING	EMERGENCY SWR COLLAPSE RIVER	5,135.00	05/13/25
<b>Total for</b>		<b>Improvment Authorizations 1619 - Var. Cap.</b>		<b>9,533.17</b>	
<b><u>Department Total:</u></b>		<b><u>Improvment Authorizations 1619 - Var. Cap.</u></b>		<b><u>20,420.67</u></b>	
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04-2150-55-1620-001    Improvment Authorizations 1620 - Fairview Ave Reconstruc					
241417	10/21/24	NEGLIA ENGINEERING	PROF SRVCS; FAIRVIEW AVE -	5,781.05	05/13/25
Total for                    Improvment Authorizations 1620 - Fairview Ave				5,781.05	
04-2150-55-1620-002    Improvment Authorizations 1620 - Fairview Ave Reconstruc					
241417	10/21/24	NEGLIA ENGINEERING	PROF SRVCS; FAIRVIEW AVE -	943.30	05/13/25
Total for                    Improvment Authorizations 1620 - Fairview Ave				943.30	
<u>Department Total:</u> <u>Improvment Authorizations 1620 - Fairview Ave</u>				<u>6,724.35</u>	
04-2150-55-1627-001    Improvment Authorizations 1627 - Rec/Community Center					
250522	04/08/25	MILLENNIUM	REC CENTER DEMO & RE-INSTALL	5,753.44	05/13/25
Total for                    Improvment Authorizations 1627 - Rec/Community				5,753.44	
<u>Department Total:</u> <u>Improvment Authorizations 1627 - Rec/Community</u>				<u>5,753.44</u>	
04-2150-55-1629-002    Improvment Authorizations 1629 - Veteran's Park Phase 2					
241807	12/31/24	NEGLIA ENGINEERING	PROF SRVCS; VETERANS PARK	7,009.22	05/13/25
Total for                    Improvment Authorizations 1629 - Veteran's				7,009.22	
<u>Department Total:</u> <u>Improvment Authorizations 1629 - Veteran's</u>				<u>7,009.22</u>	
13-2880-00-0000-000    Summer Day Camp					
250705	05/07/25	A STITCH IN TIME	INV; HATS FOR SUMMER CAMP	288.00	05/13/25
250568	04/15/25	BERGEN COUNTY DEPT	ZOO ADMISSIONS; SUMMER CAMP	520.00	05/13/25
250681	05/05/25	BERGEN COUNTY DEPT OF	INV# 20250723B;PICNIC AREA	150.00	05/13/25
250651	05/01/25	MONARQUE BLAQUE LLC	VIDEO GAME TRUCK FOR CAMP	429.17	05/13/25
250549	04/11/25	NEW JOY FARM	EST# 000217; PETTING	920.40	05/13/25
Total for                    Summer Day Camp				2,307.57	
<u>Department Total:</u> <u>Summer Day Camp</u>				<u>2,307.57</u>	
13-2930-00-0000-000    Twirling					
250352	03/04/25	NEW JERSEY TWIRLING	ENTRY FEE FOR TWIRLING	125.00	05/13/25
250353	03/04/25	NEW JERSEY TWIRLING	ENTRY FEE FOR MARCH TWIRLING	205.00	05/13/25
Total for                    Twirling				330.00	
<u>Department Total:</u> <u>Twirling</u>				<u>330.00</u>	
13-3010-    -    -                    Karate					
250707	05/07/25	KERRY ESCAMILLA	INV#01; TAEKWONDO	1,000.00	05/13/25
Total for                    Karate				1,000.00	
<u>Department Total:</u> <u>Karate</u>				<u>1,000.00</u>	
13-3020-    -    -                    Soccer					
250191	02/04/25	MAYWOOD YOUTH ATHLETIC	SOCCER REG/KINDERGARTEN REG	1,565.00	05/13/25
Total for                    Soccer				1,565.00	
<u>Department Total:</u> <u>Soccer</u>				<u>1,565.00</u>	
13-3060-    -    -                    Flag Football					
241430	10/24/24	ANDREA MEJIA	REFUND FLAG FOOTBALL	160.00	05/13/25
Total for                    Flag Football				160.00	
<u>Department Total:</u> <u>Flag Football</u>				<u>160.00</u>	
13-3080-    -    -                    Special Events					
250647	05/01/25	HIGHWAY TRAFFIC SUPPLY	QUOTE# 8352; SNG/DBL SIDED	944.50	05/13/25



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Total for		Special Events		944.50	
<u>Department Total:</u>		<u>Special Events</u>		<u>944.50</u>	
13-3090-	-	-	Field Use		
250646	05/01/25	PERFECT GAME	ESTIMATE; BATTING CAGE	0.00	05/13/25
250646	05/01/25	PERFECT GAME	ESTIMATE; BATTING CAGE	3,200.00	05/13/25
Total for		Field Use		3,200.00	
<u>Department Total:</u>		<u>Field Use</u>		<u>3,200.00</u>	
16-2000-18-0001-		ACCUTRACK ACCOUNT	RCB URBAN RENEWAL, LLC.		
250630	04/25/25	BOGGIA & BOGGIA, LLC	PROF SRVCS RENDERED THRU	150.00	05/13/25
Total for		ACCUTRACK ACCOUNT	RCB URBAN RENEWAL, LLC.	150.00	
<u>Department Total:</u>		<u>ACCUTRACK ACCOUNT</u>		<u>150.00</u>	
16-2000-22-0015-		ACCUTRACK ACCOUNT	HAMPSHIRE COMPANIES (REDEVELOP		
250630	04/25/25	BOGGIA & BOGGIA, LLC	PROF SRVCS RENDERED THRU	300.00	05/13/25
Total for		ACCUTRACK ACCOUNT	HAMPSHIRE COMPANIES	300.00	
<u>Department Total:</u>		<u>ACCUTRACK ACCOUNT</u>		<u>300.00</u>	