

Ordinance No. 2007-006

AN ORDINANCE AMENDING AN ORDINANCE FOR THE PREVENTION OF FLOOD DAMAGE WITHIN THE BOROUGH OF MILLSTONE, COUNTY OF SOMERSET, THE STATE OF NEW JERSEY AND AMENDING THE DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE

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

1. "An Ordinance for the Prevention of Flood Damage Within the Borough of Millstone, County of Somerset, State of New Jersey," adopted prior to April 1, 1987, an Ordinance amending "An Ordinance for the Prevention of Flood Damage Within the Borough of Millstone, County of Somerset, State of New Jersey," adopted on April 1, 1987, and "An Ordinance for the Prevention of Flood Damage within the Borough of Millstone, County of Somerset, State of New Jersey," adopted in 2005, are hereby repealed.

2. Article 2, Zoning, of the Development Ordinance of the Borough of Millstone, is hereby amended by adding a NEW Section D-115.D as follows:

D-115.D FLOOD CONTROL

A. FINDINGS OF FACT, PURPOSE AND OBJECTIVES

(1) FINDINGS OF FACT

(a) The flood hazard areas of the Borough of Millstone are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase in flood heights and velocities and, when inadequately anchored, causes damage in other areas. Uses that are inadequately elevated, flood proofed, or otherwise protected from flood damage also contribute to flood loss.

(2) STATEMENT OF PURPOSE

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

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard in such a manner as to minimize future flood blight areas; and,
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard.
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(3) METHODS OF REDUCING FLOOD LOSSES

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

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

(d) Controlling filling, grading, dredging and other development which may increase flood damage.

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. DEFINITIONS

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

"Appeal" means a request for a review of the Zoning Officer interpretation of or decision on any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means land in the flood plain within a

community subject to a one percent or greater chance of flooding in any given year, unless a more extensive designation results from using applicable State criteria pursuant to Section D-115.D-C(2).

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

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

"Elevated building" means a non-basement building (i) built in the case of a building in an area of special flood hazard to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation

perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood" or "Flooding" means a general and temporary condition of partial or completed inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters
- (b) The unusual and rapid accumulation on run-off of surface waters from any source,

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

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

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

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

without cumulatively increasing the water surface elevation more than 0.2 feet.

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

"Historic structure" means any structure that is:

- (a) Listed individually in an 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 preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on the New Jersey Register of Historic Places.

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

"Manufactured home" means a structure, transportable in one or more

sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreation vehicle.

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

"New construction" means structures for which the start of construction commenced on or after October 1, 2005 and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 1, 2005.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the longest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,

addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. 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 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.

C. GENERAL PROVISIONS

(1) LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Millstone

(2) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the Borough of Millstone" with accompanying Flood Insurance Rate Map, Panel Numbers 0163, 0164, 0251, and 0252, dated September 28, 2007, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Millstone Borough Municipal Building, 1353 Main Street, Millstone, New Jersey 08844. The ordinance shall establish the location of areas of special flood hazard unless application of applicable criteria adopted by the State of New Jersey pursuant to the Flood Hazard Control Act, *N.J.S.A. 58:16A-50 et seq.*, for flood hazard areas, *N.J.A.C. 7:13*, establish a more

extensive area, in which case such area shall be considered the area of special flood hazard.

(3) COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,250.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Millstone from taking such other lawful action as is necessary to prevent or remedy any violation.

(4) ABROGATION AND GREATER RESTRICTIONS

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

(5) INTERPRETATION

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

- (a) Considered as minimum requirement

- (b) Liberally construed in furtherance of the purposes hereof.
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(6) WARNING AND DISCLAIMER OF LIABILITY

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

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

D. ADMINISTRATION

(1) ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development within any area of special flood hazard established by Section D-115.D-C(2). Application for a Development Permit shall be made to the Zoning Officer on forms furnished by him and may include, but not be limited to, plans in duplicate drawn

to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- (b) Elevation in relation to mean sea level to which any nonresidential structure has been flood proofed.
- (c) Certification by a registered professional engineer or architect that any nonresidential flood proofed structure meets the flood proofing criteria in Section D-115.D-E.
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) DESIGNATION OF ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying Development Permit applications in accordance with its provisions except when approval for the proposed construction from the Planning Board is required, in which case the Planning Board shall have jurisdiction over the Development Permit.

(3) DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

(a) Permit Review

- (i) Except when the development for which a Development Permit is necessary is subject to Planning Board review, review all Development Permits to determine that the permit requirements of this ordinance have been satisfied. The Zoning Officer shall forward a copy of all materials submitted to the Borough Engineer, who shall report on his findings as to the sufficiency of the data submitted and consistency with ordinance requirements to the Zoning Officer prior to the Zoning Officer's decision on the application.
- (ii) Review all Development Permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (iii) Review all Development Permits to determine if such proposed development is located within the floodway and, if the proposed development is located in the floodway, ensure that the encroachment provisions of D-155-E(2)(d)(i) are met.

(b) Use of Other Base Flood and Floodway Data

When base flood elevation and floodway data have not been provided in accordance with Section D-115.D-C(2), Basis for Establishing the Areas of

Special Flood Hazard, then the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section D-115.D-E(2), Specific Standards.

(c) Information to be Obtained and Maintained

- (i) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
- (ii) For all new or substantially improved flood proofed structures
 - [a] verify and record the actual elevation (in relation to mean sea level) ,and
 - [b] maintain the flood proofing certifications required in Section D-115.D-D(1)(3).
- (iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(d) Alteration of Watercourses

- (i) Arrange for the Borough Clerk to notify adjacent communities and the New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- (ii) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) Interpretation of FIRM Boundaries

After receiving a report therein from the Borough Engineer, make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section D-115.D-D(4).

(4) APPEALS AND VARIANCES

(a) Certain Standards with Respect to Variances and Appeals

In deciding appeals from the Zoning Officer's decision and applications for variances, the Planning Board shall consider, among other factors it must consider, technical evaluations submitted to it and the factors set forth below.

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;

- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services by the proposed facility to the community;
- (v) the necessity of the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets

and bridges.

The Planning Board shall not reverse the Zoning Officer's decision or grant a variance unless the public safety and welfare is ensured by proof, among other things, that the relief granted will not increase flood levels during the base flood discharge if the relief sought is within the floodway; will not increase flood heights; will not result in additional threats to the public safety, extraordinary public expense, nuisances, and fraud with respect to the federal insurance program; will not preclude a historic structure from continued designation as a historic structure; is the minimum necessary, considering the flood hazard, and, in the case of an historic structure, is the minimum necessary to preserve the historic character and design of the structure.

(b) Consideration of Lot Size

As the lot size increases, more weight shall be given to the factors set forth in Section D-115.D-D(4)(a), and the technical justification required for issuing the variance shall be more substantial. On appeals or variances involving lots of one-half-acre or less contiguous to and surrounded by lots with existing structures constructed below the base flood level, the Planning Board shall give special weight to the undue hardship and detriment to the public good caused by not granting relief to such smaller lot owners and the fact that granting such relief is consistent with the Borough zone plan, which the Borough Council hereby so finds.

(c) The Zoning Officer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(d) Notice to Applicant Awarded Relief on Appeal or by Variance

Any applicant to whom a variance or relief on appeal is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation in feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. PROVISIONS FOR FLOOD HAZARD REDUCTION

(1) GENERAL STANDARDS

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

(a) Anchoring

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

(b) Construction Materials and Methods

- (i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (ii) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (c) Utilities
 - (i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and,
 - (iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (iv) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) Subdivisions and Site Plans
 - (i) All subdivisions and site plans shall be designed to minimize flood

damage.

- (ii) All subdivisions and site plans shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (iii) All subdivisions and site plans shall have adequate drainage provided to reduce exposure to flood damage.
- (iv) Base flood elevation data shall be provided for subdivisions, site plans, and other proposed development which contain either 50 lots or more or 5 acres or more.

(e) Enclosure Openings

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or provide for a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of flood waters.

(f) Stream Channel Maintenance

Unless the owner of property within which a stream channel is located grants a right of access to the appropriate public utility to remove obstructions within the channel, such obstructions shall be promptly removed by the owner of the property. The owner shall not obstruct the channel and, upon notice from the Borough, shall remove any obstructions he or she places there.

(2) SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provide as set forth in Section D-115.D-C(2), Basis for Establishing the Areas of Special Flood Hazard, or Section D-115.D-D(3)(b), Use of Other Base Flood Data, the following standards apply:

(a) Residential Construction

- (i) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (ii) Within any AO zone on the Borough's FIRM, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). Adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures shall be provided.

(b) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base floor elevation or, together with attendant utility and sanitary facilities, shall

- (i) within any AO zone on the Borough's FIRM either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), with adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures; or
- (ii) be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (iii) have structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (iv) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the Zoning Officer.

(c) Manufactured homes

- (i) Manufactured homes shall be anchored in accordance with Section D-115.D-E(l)(a).
- (ii) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

(d) Floodways

Located within areas of special flood hazard established in Section D-115.D-C(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (i) Encroachments, including fill, new construction, substantial improvements and other developments, are prohibited unless a technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (ii) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood.

3. Section D-131D, Site Plan Review Requirements; Information to be Shown on Site Plans, is amended by modifying subsection 16 as follows:

(16) If applicable, all pertinent information required by the Borough Flood Damage Prevention Ordinance, Storm Water Management Ordinance, and Subdivision Ordinance shall be included.

4. Section D-136F(3), Application Charges and Escrow Fees; Schedule of Application Fees and Escrow Deposits; Other Submissions is amended by adding the following new subsection thereto.

p. Development permit in accordance with Flood Damage Prevention Ordinance, whether or not submitted as part of a development application

\$75	\$250
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5. If any paragraph, section, sentence, clause or phrase of this ordinance is held to be invalid, such determination shall not effect the validity of the remaining portions of the ordinance and they shall be deemed severable therefrom.

6. This Ordinance shall take effect upon its filing with the Somerset County Planning Board and its passage and publication, as provided for by law.

I, Gregory J. Bonin, Borough Clerk of the Borough of Millstone, in the County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Millstone Borough Council during their meeting held on September 28, 2007.



Gregory J. Bonin, Millstone Borough Clerk