

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY
MAYOR AND COUNCIL
ORDINANCE #:**

OFFERED BY:

SECONDED BY:

**ORDINANCE TO AMEND THE ORDINANCES OF THE
BOROUGH OF NEW MILFORD TO REQUIRE INTERIM
SURVEYS DURING THE COURSE OF DEVELOPMENT/
CONSTRUCTION PROJECTS IN THE BOROUGH OF
NEW MILFORD.**

WHEREAS, under the Uniform Construction Code adopted by the State of New Jersey (the AUCC@), construction and construction procedures are required to conform to established standards but enforcement and monitoring of construction projects are relegated to local municipalities and their officials; and

WHEREAS, Chapter X of the Borough=s Ordinances (10-1, et seq.) addresses Building and Housing matters in the Borough; and

WHEREAS, development and construction in the Borough proceeds under the auspices of the Borough=s Building Department and, in particular, its Construction Code Official; and

WHEREAS, although UCC-required inspections are made throughout the course of all construction in the Borough, it is impossible to inspect and monitor compliance with each and every phase of each and every development/construction project to ensure conformity with the plans, specifications, requirements, land-use board resolutions and developer agreements, if any, submitted at or before the time a permit(s) is issued for construction, and this has resulted in

variations from such plans, specifications, requirements, land-use board resolutions and developer agreements, to the detriment of the Borough and its residents insofar as their health, safety and welfare are concerned; and

WHEREAS, the Borough has determined that by invoking certain benchmark requirements as construction projects proceed, it may be possible to avoid such untoward variations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of New Milford, as follows:

1. The Revised General Ordinances of the Borough of New Milford, Chapter X, are hereby amended to include a Part XVI, Submission Requirements for Construction of Residential Buildings,³ to read substantially as follows:

10-8. Preamble.

Although pursuant to the Uniform Construction Code adopted by the State of New Jersey and by these Ordinances, required inspections are made throughout the course of all residential construction projects in the Borough, the Borough has discerned the need to monitor more closely construction and construction processes to help ensure compliance with the plans, specifications, requirements, land-use board resolutions and developer agreements, that served as the bases for the issuance of construction and other permits. The goal of this section is to eliminate construction and construction techniques which result in the erection of non-conforming buildings and structures. These benefits are addressed to the health, safety and welfare of the residents of the Borough of New Milford.

All surveys required by this section shall be prepared by a New Jersey State licensed engineer or professional land surveyor.

10-9. At the time of submission of the plans (engineering, architectural, etc.) for a residential construction project that either creates a new structure or that affects an alteration, modification, extension or other change to the roof or roof line of an existing structure, and before a construction permit shall issue, the applicant for such a permit shall file with the Construction Code Official, as part of a plan or separately, a survey(s) of the subject property which shall include (but not be limited to) descriptions of all property boundaries, existing topographical conditions and measurements, existing structural features, and other elements of existing conditions so that the pre-construction circumstances of the subject property are fairly and accurately described and depicted. Specifically excluded from the requirement of this subsection 10-9 shall be applications for the addition to an existing structure of a porch, deck, mud room, kitchen, or other similar renovation that shall cause no change to the existing height or roof of such structure.

10-10. Before the framing of any project to which the first sentence of subsection 10-9 applies shall be approved, the permittee shall file with the Building Department a survey which shall contain (a) a fair and accurate depiction of the location of the foundation on the subject property, including setbacks, and (b) a

framing as-built survey on which, among other things, building height shall be calculated and shown. Failure to submit such surveys within the time required therefor shall result in the Borough's issuance of a notice of violation.

10-11. No certificate of occupancy for a residential construction project shall be issued in the absence of the filing by the applicant therefor of a final as-built survey which shall fairly and accurately depict the post-construction condition of the completed and to-be-completed construction at and upon the subject property.

The as-built survey shall show and include, but not be limited to, the following:

- a. Locations of all existing conditions including dimensions and materials of driveways, utility pads, curbing, steps, sidewalks, barrier-free ramps, locations and sizes of roof leaders, seepage pits, storm drains, catch basins, head walls, rip-rap, manholes, sanitary system including location of tie-in to Borough sewer main, water service lines, including valves, hydrants, guide rails, air conditioning units, fences, structures and other construction details with dimensions and offsets to property lines, and tree locations (Borough/street, and site trees exceeding a 6" caliper);
- b. Finished contour lines over the entire site and extending 10 feet beyond the property lines;
- c. Spot elevations for driveway intersections with street, inverts of all storm drains and sanitary sewers, finished grades at corners and entrances to building, and finished floor elevations and drainage swales;

- d. Survey data for all boundaries of the property and on-site easements, if any, and width of roadway rights-of-way and locations of in/on street utilities;
- e. Utility locations and valve boxes;
- f. Retaining walls (if any) including top and bottom of wall elevations;
- g. Sanitary sewer clean out location with distance ties to the house corners;
- h. Lot size, in square feet;
- i. Flood zone information including stream encroachment lines and wetlands delineations and buffer zones, if applicable
- j. Final built dwelling height calculated in accordance with the Borough Ordinance. Spot elevations around the structure should be shown as well as the highest roof peak elevation.