

O-23-05
01/18/23

MUNICIPAL COUNCIL OF THE CITY OF BAYONNE

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 2, ADMINISTRATION, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold and underlined****, deletions ~~{within brackets and/or struck through}~~):

§ 2-2 POWERS AND DUTIES OF THE MAYOR.

§ 2-2.1 Election; Term; Compensation.

-No Change-

§ 2-2.2 General Powers and Duties of Mayor.

-No Change-

§ 2-2.3 Appointment Powers of Mayor.

-No Change-

§ 2-2.4 Veto Power.

-No Change-

§ 2-2.5 Acting Mayor.

-No Change-

~~§ 2-2.6 **Division of Community Development.**~~

~~Within the Office of the Mayor there shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the City Planner, and shall have at least five years' experience in the supervision and administration of housing and redevelopment projects.}~~

~~§ 2-2.7 **Division of Planning and Zoning.**~~

~~Within the Office of the Mayor there shall be a Division of Planning and Zoning, the head of which shall be the City Planner or Assistant Planner. Under the direction and supervision of the City Planner or Assistant Planner, the Division shall:~~

~~**a.**~~

~~Have administrative oversight of the personnel employed to perform zoning and land use functions.~~

~~**b.**~~

~~Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter **35** of the Revised General Ordinances of the City of Bayonne.~~

~~**c.**~~

~~Have authority to perform all of the functions and duties of the Division of Planning and Zoning as required by Chapter **33** of the Revised General Ordinances of the City of Bayonne and all other related planning functions.~~

~~**d.**~~

~~Supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement thereof.}~~

~~§ 2-2.8 **Municipal Housing Liaison/RCA Administrator.**~~

~~**a.**~~

~~Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.~~

~~**b.**~~

~~Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~

~~**ADMINISTRATIVE AGENT**~~

~~Shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low and moderate income households.~~

~~**MHL/RCA ADMINISTRATOR**~~

~~Shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.~~

~~**e.**~~

~~Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties.~~

~~**1.**~~

~~Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.~~

~~**2.**~~

~~Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.~~

~~**3.**~~

~~The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:~~

~~**(a)**~~

~~Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;~~

~~**(b)**~~

~~Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;~~

~~**(c)**~~

~~Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;~~

~~**(d)**~~

~~Compiling, verifying and submitting semi-annual reports as required by COAH;~~

~~**(e)**~~

~~Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;~~

~~**(f)**~~

~~Attending continuing education opportunities as offered or approved by COAH;~~

~~**(g)**~~

~~If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f below and any RCA's entered into by the City of Bayonne.~~

~~**d.**~~

~~Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.~~

~~**e.**~~

~~Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.~~

~~**f.**~~

~~Administrative Powers and Duties Assigned to the MHL/RCA Administrator.~~

~~**1.**~~

~~Affirmative Marketing.~~

~~**(a)**~~

~~Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and~~

~~**(b)**~~

~~Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;~~

~~**2.**~~

~~Household Certification.~~

~~**(a)**~~

~~Providing written notification to each applicant as to the determination of eligibility or ineligibility;~~

~~**(b)**~~

~~Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5.80 26.1 et seq.;~~

~~**(e)**~~

~~Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~

~~**(d)**~~

~~Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~

~~**(e)**~~

~~Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~

~~**(f)**~~

~~Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~

~~**3.**~~

~~Affordability Controls.~~

~~**(a)**~~

~~Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;~~

~~**(b)**~~

~~Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;~~

~~**(e)**~~

~~Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate County's register of deeds or County clerk's office after the termination of the affordability controls for each restricted unit;~~

~~**(d)**~~

~~Communicating with lenders regarding foreclosures; and~~

~~**(e)**~~

~~Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.~~

~~**4.**~~

~~Resale and Rental.~~

~~**(a)**~~

~~Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and~~

~~**(b)**~~

~~Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or rental.~~

~~**5.**~~

~~Processing Request From Unit Owners.~~

~~**(a)**~~

~~Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;~~

~~**(b)**~~

~~Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and~~

~~**(e)**~~

~~Processing requests and making determinations on requests by owners of restricted units for hardship waivers.~~

~~**6.**~~

~~Enforcement.~~

~~**(a)**~~

~~Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;~~

~~**(b)**~~

~~Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;~~

~~**(e)**~~

~~The posting annually in all rental properties, including two family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;~~

~~**(d)**~~

~~Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;~~

~~**(e)**~~

~~Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;~~

~~**(f)**~~

~~Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and~~

~~**(g)**~~

~~Providing annual reports to COAH as required.~~

~~**7.**~~

~~The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.}~~

§ 2-3 ORGANIZATION OF ADMINISTRATIVE FUNCTIONS.

§ 2-3.1 Organization Generally.

[Ord. No. O-16-48; Ord. No. O-18-70]

The administrative functions, powers and duties of City shall be allocated and assigned among and within Departments, Boards, Bodies or Commissions established or constituted by this chapter as follows:

a.

Statutory Offices.

1.

City Clerk.

2.

Tax Assessor.

b.

Departments Established.

1.

Department of Administration.

2.

Department of Public Safety.

3.

Department of Municipal Services.

4.

Department of Public Works and Parks.

5.

Department of Law.

****6.****

****Department of Planning, Zoning, and Development.****

c.

Municipal Court.

d.

Boards, Committees, Commissions.

1.

Zoning Board of Adjustment.

2.

Planning Board.

3.

Housing Authority.

4.

Environmental Commission.

5.

Board of Trustees of the Free Public Library and Cultural Center.

6.

Insurance Fund Commission.

7.

Board of Alcoholic Beverage Control.

8.

Rent Control Board.

9.

Ethical Standards Board.

10.

Office of Emergency Management.

11.

(Reserved)

§ 2-3.2 Powers and Duties of Department Directors.

-No Change-

§ 2-3.3 Removal.

-No Change-

§ 2-4. CITY CLERK; APPOINTMENT, FUNCTIONS AND DUTIES.

-No Change-

§ 2-5. DEPARTMENT OF ADMINISTRATION.

-No Change-

§ 2-6. DEPARTMENT OF PUBLIC WORKS AND PARKS.

-No Change-

§ 2-7. DEPARTMENT OF PUBLIC SAFETY.

-No Change-

§ 2-8. DEPARTMENT OF MUNICIPAL SERVICES.

-No Change-

§ 2-9. DEPARTMENT OF LAW.

-No Change-

****ARTICLE 10****

****DEPARTMENT OF PLANNING, ZONING AND DEVELOPMENT****

****§ 2-10. DEPARTMENT OF PLANNING, ZONING AND DEVELOPMENT.****

****§ 2-10.1 Department Generally.**

§ 2-10.2 Division of Planning; City Planner.

§ 2-10.3 Division of Zoning; Zoning Officer.

§ 2-10.4 Division of Development

§ 2-10.5 Municipal Housing Liaison/RCA Administrator.

§ 2-10.6 Division of Real Property and Infrastructure.**

****§ 2-10.1 Department Generally.**

a.

There shall be a Department of Planning, Zoning, and Development, the head of which shall be the Director of the Department of Planning, Zoning, and Development. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. The Department shall consist of the following Divisions:

1.

Planning.

2.

Zoning.

3.

Development and Housing.

4.

Municipal Housing Liaison/RCA Administrator.

5.

Real Property and Infrastructure.

b.

The Director Planning, Zoning, and Development shall, prior to appointment, be qualified by education, training and experience in the

process of the development of housing, commercial and industrial improvements within large urban areas.

c.

The Director, through the Divisions and otherwise, shall direct and supervise the functions necessary to assist and encourage the timely and proper improvement to real property within the City. These functions shall include at a minimum the acquisition of real property; the development of maps and standards governing the development of the City; the management, maintenance and operation of property owned by the City but not needed for public use; the upkeep and improvement of the City's infrastructure, including the water and sewer systems; and the disposition of such property by sale or lease and the operation and administration of such incentive programs as may be established by the City to assist and encourage the development of property.

§ 2-10.2 Division of Planning.

Within the Department of Planning, Zoning, and Development there shall be a Division of Planning, the head of which shall be the City Planner or Assistant Planner. Under the direction and supervision of the City Planner or Assistant Planner, the Division shall:

a.

Have authority to perform all of the functions and duties of the Division of Planning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions.

b.

Supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Planning process, regulations and enforcement thereof.

§ 2-10.3 Division of Zoning.

Within the Department of Planning, Zoning, and Development there shall be a Division of Zoning, the head of which shall be the City Zoning Officer. Under the direction and supervision of the City Zoning Officer, the Division shall:

a.

Have administrative oversight of the personnel employed to perform zoning and land use functions.

b.

Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.

§ 2-10.4 Division of Development and Housing.

a.

Within the Department of Planning, Zoning, and Development there shall be a Division of Development and Housing. The Division of Development and Housing shall focus on development, tax abatements, and housing stock.

b.

Under the supervision of the Director, the development functions are:

1.

Be responsible for the preparation, formulation and implementation of an overall economic development plan for the City.

2.

Coordinate all program activities concerning the economic development of the City.

3.

Formulate plans for attracting new business and industry into the City so that jobs are made available to alleviate or prevent conditions of unemployment, underemployment and economic dislocation.

4.

Develop and administer all programs established by the City to encourage the utilization, construction, reconstruction or rehabilitation of commercial and industrial property.

5.

Involve public officials and private citizens in analyzing local economics, defining development goals, determining project

opportunities and formulating and implementing development programs.

6.

Provide such other assistance as is proper and necessary to permit and encourage the development of real property for commercial and industrial purposes in a manner which is consistent with general law and local ordinance.

7.

Administer and direct urban conservation, rehabilitation and renewal activities of the City.

8.

Exercise the powers of the City as an authorized local public agency for purposes of any federal urban renewal or redevelopment program, provided that no project shall be undertaken except upon the approval of the Council, and nothing in this section shall be construed to authorize any expenditure except pursuant to an appropriation made by the Council.

9.

With the approval of the Director and the Business Administrator, appoint or contract with technical and professional advisers and assistance as may be required and approved for any federally or state aided planning, renewal, development or redevelopment project, provided that nothing herein shall be construed to authorize the making of any contract in excess of \$2,500 without the approval of Council.

10.

Make recommendations, in conjunction with the Law Director and the Business Administrator, to standardize certain redevelopment agreement terminology and provisions and to propose any needed changes in State legislation.

11.

Coordinate and liaison, as needed, with the Mayor, the Municipal Council, the Law Director and all City departments, in the redevelopment process.

c.

Under the supervision of the Director, the tax abatement functions are:

1.

Maintain in one place and ensure the security of all of the records, papers and submissions that pertain to all tax abatement and exemption financial agreements.

2.

Monitor and ensure compliance with the terms of all tax abatement and exemption financial agreements following approval by the Municipal Council.

3.

Along with the Finance Department, ensure the timely submission and payment of quarterly service charge bills with applicable arrearages and interest and insure full compliance with the terms and conditions contained within the City's tax abatement and exemption financial agreements by conducting periodic audits.

4.

Make recommendations, in conjunction with the Law Director and the Business Administrator, to standardize certain financial agreement terminology and provisions and to propose any needed changes in State legislation.

5.

Coordinate and liaison, as needed, with the Mayor, the Municipal Council, the Law Director and all City departments, in the tax abatement and exemption process.

6.

Act as a liaison with the Business Administrator and the City Council to review and analyze the financial ramifications of each tax abatement and exemption financial agreement.

8.

Assist in the preparation of the capital budget.

d.

Under the supervision of the Director, the housing stock preservation functions are:

1.

Advise the Director on policies to ensure the perseveration and creation of housing.

2.

Maintain in one place and ensure the security of all of the records, papers and submissions that pertain to short term rental permits.

§ 2-10.5 Municipal Housing Liaison/RCA Administrator.

a.

Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

b.

Definitions. As used in this subsection, the following terms shall have the meanings indicated:

ADMINISTRATIVE AGENT

Shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MHL/RCA ADMINISTRATOR

Shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.

c.

Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties.

1.

Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.

2.

Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner may be the MHL/RCA Administrator.

3.

The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:

(a)

Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;

(b)

Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;

(c)

Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;

(d)

Compiling, verifying and submitting semi-annual reports as required by COAH;

(e)

Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

(f)

Attending continuing education opportunities as offered or approved by COAH;

(g)

If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f below and any RCA's entered into by the City of Bayonne.

d.

Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.

e.

Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.

f.

Administrative Powers and Duties Assigned to the MHL/RCA Administrator.

1.

Affirmative Marketing.

(a)

Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and

(b)

Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

2.

Household Certification.

(a)

Providing written notification to each applicant as to the determination of eligibility or ineligibility;

(b)

Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5.80-26.1 et seq.;

(c)

Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(d)

Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

(e)

Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f)

Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

3.

Affordability Controls.

(a)

Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(b)

Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(c)

Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate County's register of deeds or County clerk's office after the termination of the affordability controls for each restricted unit;

(d)

Communicating with lenders regarding foreclosures; and

(e)

Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4.

Resale and Rental.

(a)

Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(b)

Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

5.

Processing Request From Unit Owners.

(a)

Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(b)

Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and

(c)

Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6.

Enforcement.

(a)

Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;

(b)

Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(c)

The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

(d)

Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;

(e)

Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;

(f)

Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

(g)

Providing annual reports to COAH as required.

7.

The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

§ 2-10.6 Division of Real Property and Infrastructure.

a.

Within the Department of Planning, Zoning, and Development there shall be a Division of Real Property and Infrastructure. Under the supervision of the Director, the Division shall manage and oversee all real property and infrastructure owned, leased, and controlled by the City of Bayonne. The Division of Real Property and Infrastructure shall focus on the acquisition, maintenance, and disposition of all real property and infrastructure.

b.

Under the supervision of the Director, there shall be a Long Term Control Plan and Resiliency Coordinator, who, in conjunction with the Director of Municipal Services, shall be responsible for the creation and implementation of the Long Term Control Plan and the recommendations of the Resilient New Jersey program.

1.

Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in creation and implementation of the Long Term Control Plan pursuant to the United States Clean Water Act and United States Environmental Protection Agency's Combined Sewer Overflows Control Policy, issued on April 11, 1994.

2.

Establishment of the Long Term Control Plan and Resiliency Coordinator Position; Powers and Duties.

(a)

Establishment of Position of the Long Term Control Plan and Resiliency Coordinator. There is hereby established the

position of Long Term Control Plan and Resiliency Coordinator for City of Bayonne.

(b)

The Long Term Control Plan and Resiliency Coordinator shall be responsible for the development, oversight and administration of the City's compliance with the Federal and State laws concerning the Combined Sewer Overflows Controls. The Long Term Control Plan and Resiliency Coordinator shall also be responsible for addressing flooding prevention and addressing climate change.

3.

Goals of the Long Term Control Plan. The National Combined Sewer Overflow Policy identifies the following essential elements of a Long Term Control Plan:

(a)

Characterization, monitoring, and modeling activities as the basis for selection and design of effective Combined Sewer Overflow controls.

(b)

A public participation process that actively involves the affected public in the decision-making to select long-term Combined Sewer Overflow controls.

(c)

Consideration of sensitive areas as the highest priority for controlling overflows.

(d)

Evaluation of alternatives that will enable the permittee, in consultation with the National Pollution Discharge Elimination System permitting authority, Water Quality Standards authority, and the public, to select Combined Sewer Overflow controls that will meet Clean Water Act requirements.

(e)

Cost/performance considerations to demonstrate the relationships among a comprehensive set of reasonable control alternatives.

(f)

Operational plan revisions to include agreed-upon long-term Combined Sewer Overflow controls.

(g)

Maximization of treatment at the existing Publicly Owned Treatment Works treatment plant for wet weather flows.

(h)

An implementation schedule for Combined Sewer Overflow controls.

(i)

A post-construction compliance monitoring program adequate to verify compliance with water quality-based Clean Water Act requirements and ascertain the effectiveness of Combined Sewer Overflow controls.

(j)

Provide clear levels of control that would be presumed to meet appropriate health and environmental objectives.

(k)

Provide sufficient flexibility to municipalities, especially those that are financially disadvantaged, to consider the site-specific nature of Combined Sewer Overflows and to determine the most cost-effective means of reducing pollutants and meeting Clean Water Act objectives and requirements.

(l)

Allow a phased approach for implementation of Combined Sewer Overflow controls considering a community's financial capability.

(m)

Review and revise, as appropriate, water quality standards, and their implementation procedures when developing long-term Combined Sewer Overflow control plans to reflect the site-specific wet weather impacts of Combined Sewer Overflows.

4.

Goals of the Resilient New Jersey. Resilient New Jersey is a program administered by the New Jersey Department of Environmental Protection and funded by the U.S. Department of Housing and Urban Development that brings together resilience experts, local leaders, community organizations, residents, and regional infrastructure entities to develop solutions to reduce flood risk and build resilience.
