

ORDINANCE NO. 2013-02 (1117)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 31, ENTITLED "FLOOD HAZARD AREAS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lavallette, in the County of Ocean, State of New Jersey,

Section 1. That Chapter §31, entitled "Flood Hazard Areas" is hereby amended and supplemented to incorporate the Advisory Base Flood Elevations and Maps as recommended by the Federal Emergency Management Agency. Chapter §31 shall read in its entirety as follows:

ARTICLE I

Statutory Authorization, Finding of Fact, Purpose and Objectives

§ 31-1. Statutory authorization.

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

§ 31-2. Findings of fact.

- A. The flood hazard areas of the Borough of Lavallette 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 to the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 31-3. Statement of purpose.

It is the purpose of this chapter 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 designated to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. 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 hazards.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 31-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter 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 floodwaters or which may increase flood hazards to other areas.

**ARTICLE II
Definitions**

§ 31-5. Definitions.

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

ADVISORY BASE FLOOD ELEVATION (ABFE) —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

ADVISORY FLOOD HAZARD MAP - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

APPEAL — A request for a review of the Construction Code Official's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) 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 — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

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

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

BOARD OF APPEALS – The Planning Board as established in § 37-1.

COASTAL HIGH-HAZARD AREA — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

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

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

ELEVATED BUILDING — A non-basement building:

A. Built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and

B. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

EROSION – The process of the gradual wearing away of land masses.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

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.

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.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed 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.

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

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

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION — A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

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

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

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

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the longest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348.) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of 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 — 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 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

VARIANCE — A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

ARTICLE III General Provisions

§ 31-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Lavallette, Ocean County, New Jersey.

§ 31-7. Basis for establishing the Areas of Special Flood Hazard.

A. The areas of special flood hazard for the Borough of Lavallette, Community No. 340379, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) A scientific and engineering report "Flood Insurance Study, Ocean County, New Jersey (All Jurisdictions)" dated September 29, 2006.
- (2) Flood Insurance Rate Map for Ocean County, New Jersey (All Jurisdictions) as shown on Index and panel number(s) 0327, 0329, 0331 whose effective date is September 29, 2006.
- (3) Advisory Base Flood Elevations and Advisory Flood Hazard Maps titled Seaside Park NW dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

B. The above documents are hereby adopted and declared to be part of this chapter. The Flood Insurance Study and maps are on file at Borough Hall, 1306 Grand Central Avenue, Lavallette, New Jersey 08735

§ 31-8. Violations and penalties.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, by imprisonment for a term not to exceed 90 days, or any community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 31-9 Abrogation and greater restrictions.

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

§ 31-10. Interpretation.

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

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 31-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the Borough of Lavallette or any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**ARTICLE IV
Development Permit**

§ 31-12. Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in § 31-7. Application for a Development Permit shall be made to the Construction Code Official on forms furnished by him/her and may include, but not be limited to, the following plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question and existing or proposed structures, fill, storage or materials and 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 structure has been floodproofed.
- C. Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria of § 31-18B and, after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria § 31-18B.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 31-13. Construction Code Official designated.

The Construction Code Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 31-14. Duties and responsibilities of Construction Code Official.

The duties of the Construction Code Official shall include, but not to be limited to:

A. Permit review.

- (1) Review of all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway.
- (4) Review plans for walls to be used to enclose space below the base flood level in accordance with § 31-19B(4).
- (5) Review all development permits in the coastal high-hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

B. Use of other base flood data and floodway data. When base flood elevation and floodway data has not been provided in accordance with § 31-7. Basis for establishing the Areas of Special Flood Hazard, the Construction Code Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State or other source in order to administer § 31-18A, Specific Standards, Residential Construction, and § 31-18B, Specific Standards, Nonresidential Construction.

C. Information to be obtained and maintained.

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures and whether or not that structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:

- (a) Verify and record the actual elevation in relation to mean sea level.
 - (b) Maintain the floodproofing certifications required in § 31-12C.
- (3) In coastal high-hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of § 31-19B(1) and § 31-19B(2) are met.
 - (4) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alterations of watercourses.

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

E. Interpretation of FIRM boundaries: make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 31-15.

§ 31-15. Board of Appeals.

- A. The Board of Appeals as established by the Borough of Lavallette shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Construction Code Official in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in the law.
- D. Considerations.

- (1) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location, where applicable.
 - (f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
 - (g) The compatibility of the proposed use with existing and anticipated development.
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

E. Upon consideration of the factors listed above and the purposes of this chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- F. The Construction Code Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

§ 31-16. Conditions for variance.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items within § 31-15D(1)(a) to (k) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances or cause fraud on or victimization of the public as identified in § 31-15D or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V
Provisions for Flood Hazard Reduction

§ 31-17. General standards.

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

A. Anchoring.

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

B. Construction materials and methods.

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

C. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

- (1) All subdivision proposals and other new development shall be consistent with the need to minimize flood damage.

- (2) All subdivision proposals and other new development shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new developments which contain at least 50 lots or five acres, whichever is less.

E. Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (5) 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 shall be provided.
- (6) The bottom of all openings shall be no higher than one foot above grade.
- (7) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 31-18. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 31-7, Basis for establishing the areas of special flood hazard, or § 31-14B, Use of other base flood data and floodway data, the following provisions are required:

A. Residential construction.

- (1) All new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at least one foot above the base flood elevation or advisory base flood elevation whichever is more restrictive;

- (2) Within any AO Zone on the municipality's FIRM, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the depth number specified in feet above the highest adjacent grade (at least three feet if no depth number is specified) or at least one foot above the advisory base flood elevation whichever is more restrictive; and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential construction.

Within an Area of Special Flood Hazard, all new construction and ~~or~~ substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with attendant utilities and sanitary facilities shall either:

- (1) Elevated at least one foot above the base flood elevation or advisory base flood elevation whichever is more restrictive; and
- (2) Within any AO Zone on the municipality's DFIRM, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the depth number specified in feet above the highest adjacent grade (at least three feet if no depth number is specified) or at least one foot above the advisory base flood elevation whichever is more restrictive; and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
 - (1) Be floodproofed so that below the base flood level plus one foot or advisory base flood elevation plus one foot (whichever is more restrictive) the structure is watertight, with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and,
 - (3) 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 Construction Code Official as set forth in § 31-14C(2).

C. Manufactured Homes.

- (1) Manufactured homes shall be anchored in accordance with § 31-17A(2).
- (2) 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 shall be at least one foot above the base flood elevation, whichever is more restrictive.

§ 31-19. Coastal high-hazard areas.

Coastal high-hazard areas (V Zones or VE Zones) are located within the areas of special flood hazard established in § 31-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. Location of structures.

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

B. Construction methods.

- (1) Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor, excluding the piling or columns, is elevated to or above the base flood elevation, advisory base flood elevation, or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in § 31-19B(4).
- (2) Structural support.
 - (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
 - (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values, each of which shall have a one-percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).

(c) There shall be no fill used for structural support.

(3) Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of § 31-19B(1) and § 31-19B(2)(a) and (b).

(4) Space below the lowest floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood latticework or insect screening are used as provided for in this section.

(b) Breakaway walls, open wood latticework or insect screening shall be allowed below the base flood elevation, provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

[1] Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

[2] The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(c) If breakaway walls are utilized, such as enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(d) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official for approval.

C. Sand dunes. There shall be no man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

Section 2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. That this Ordinance shall take effect upon final passage and publication in accordance with law.

Section 5. That a certified copy of this Ordinance shall be submitted to the Office of Engineer & Construction, Natural and Historic Resources of the New Jersey Department of Environmental Protection and the Construction Code Official within thirty (30) days of the final adoption hereof.

**BOROUGH OF LAVALLETTE
NOTICE**

ORDINANCE NO. 2013-02 (1117)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 31, ENTITLED "FLOOD HAZARD AREAS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAVALLETTE.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on January 7, 2013. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 4th day of February, 2013 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 4th day of February, 2013 and shall take effect upon publication as required by law.

(SEAL)



CHRISTOPHER F. PARLOW
Municipal Clerk

APPROVED:



WALTER G. LaCICERO
Municipal Clerk

Date: February 4, 2013

LaCicero	Moved	Second	Aye	Nay	Absent	Absent
Barowski			✓	✓	✓	
Filibone		✓	✓			✓
Zalton				✓		
Strogilli	✓		✓	✓		
Horen			✓	✓		
Lamb			✓			