

ORDINANCE NO. 2013-08 (1123)

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,

Deletions are shown by ~~strike through~~; additions are shown by underline.

SECTION 1. § 31-5 of the Code of the Borough of Lavallette, entitled “Definitions” is hereby amended and supplemented to add or modify certain definitions.

§ 31-5. Definitions.

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. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD ELEVATION (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BEST AVAILABLE FLOOD HAZARD DATA — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION— The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

EXISTING 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 before the effective date of the floodplain management regulations adopted by a community.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

LOWEST FLOOR — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable 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 to render the structure in violation of other applicable non-elevation design requirements of CFR Section 60.3.

PRELIMINARY FLOOD INSURANCE RATE MAP (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

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

VIOLATION — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 2. § 31-7 of the Code of the Borough of Lavallette, entitled “Basis for establishing the Areas of Special Flood Hazard” is hereby amended and supplemented to incorporate language that provides the basis for utilizing the best available flood hazard data. § 31-7 shall read in its entirety as follows:

§ 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) Best Available Flood Hazard Data . These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail. 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

SECTION 3. § 31-8 of the Code of the Borough of Lavallette, entitled “Violations and penalties” is hereby amended and supplemented to modify the violations section of the flood hazard ordinance consistent with the model ordinance provided by the Department of Environmental Protection. § 31-8 shall read in its entirety as follows:

§ 31-8. Violations and penalties.

No structure or land shall hereafter be constructed, re-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. Nothing herein contained shall prevent the Borough of Lavallette from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 4. § 31-17 of the Code of the Borough of Lavallette, entitled “General Standards” is hereby amended and supplemented to modify the general standard sections of the flood hazard ordinance consistent with the model ordinance provided by the Department of Environmental Protection. § 31-17 shall read in its entirety as follows:

§ 31-17. General standards.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required ~~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 proposed new development shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals and other proposed 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:

- (1) 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.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

SECTION 5. § 31-18 of the Code of the Borough of Lavallette, entitled “Specific Standards” is hereby amended and supplemented to modify the specific standards sections of the

flood hazard ordinance consistent with the model ordinance provided by the Department of Environmental Protection. § 31-18 shall read in its entirety as follows:

§ 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 located in an A or AE zone 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 (published FIS/FIRM) or the best available flood hazard data ~~advisory base flood~~ elevation whichever is more restrictive;
- (2) Require 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 best available flood hazard data ~~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 substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone 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 (published FIS/FIRM) or the best available flood hazard data ~~advisory base flood~~ elevation whichever is more restrictive; and
 - (2) Require 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 best available flood hazard data ~~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 the best available flood hazard data ~~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 (published FIS/FIRM) or the best available flood hazard date elevation, whichever is more restrictive.

SECTION 6. § 31-19 of the Code of the Borough of Lavallette, entitled “Coastal High Hazard Area” is hereby amended and supplemented to modify the specific standards sections of the flood hazard ordinance consistent with the model ordinance provided by the Department of Environmental Protection. § 31-19 shall read in its entirety as follows:

§ 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 (published FIS/FIRM), the best available flood hazard data ~~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 or Building Sub-Code Official for approval.

SECTION 7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 8. 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 9. That this Ordinance shall take effect upon final passage and publication in accordance with law.

SECTION 10. 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.

ORDINANCE NO. 2013-08 (1123)

**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 July 8, 2013. It was further considered for second reading and final passage at a meetings of the Borough Council held on the 22nd day of July, 2013 at 7:00 pm at the Lavallette First Aid Building located at 1207 Bay Boulevard, 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 22nd day of July, 2013 and shall take effect upon publication as required by law.

(SEAL)

CHRISTOPHER F. PARLOW
Municipal Clerk

APPROVED:

WALTER G. LaCICERO
Mayor

Date: July 22, 2013

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2013-08 (1123)

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.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey, held on the **8th** day of **July 2013**. It will be further considered for final passage after the public hearing thereon, at a meeting of said governing body to be held in the Lavallette First Aid Building, 1207 Bay Boulevard, Lavallette, New Jersey on the **22nd** day of **July 2013** at 7 pm or soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are being posted in the Temporary Administrative Trailer of the Borough located in the parking lot of the Lavallette Fire House during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Borough Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey

CHRISTOPHER F. PARLOW
Municipal Clerk