

ORDINANCE # 1 OF 2013

AN ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE BOROUGH CODE, ENTITLED "FLOODPLAIN MANAGEMENT," TO COMPLY WITH THE EMERGENCY AMENDMENTS TO THE NEW JERSEY FLOOD HAZARD AREA CONTROL ACT RULES, NJAC 7:13.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

SECTION 1. Section 166-5 of Article 1 (Flood Damage Prevention) of Chapter 166 (Floodplain Management) of the Borough Code of the Borough of Tuckerton, entitled "Definitions," is hereby amended and supplemented to provide additional/amended words & definitions as follows:

CHAPTER 166.
FLOODPLAIN MANAGEMENT

ARTICLE I.
Flood Damage Prevention
§ 166-5. Definitions.

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.

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

- [1] 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
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

All other definitions, paragraphs, subsections, parts and provisions of Tuckerton Borough Code § 166-5 shall remain in full force and effect.

SECTION 2. Section 166-7 of Article 1 (Flood Damage Prevention) of Chapter 166 (Floodplain Management) of the Borough Code of the Borough of Tuckerton, entitled "Basis for establishing the areas of special flood hazard," is hereby amended and supplemented to provide as follows:

§ 166-7. Basis for establishing the areas of special flood hazard.

A. The areas of special flood hazard for the Borough of Tuckerton, Community No. 340395, 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 Tuckerton NE, Tuckerton NW " dated December 12, 2012.

(2) Flood Insurance Rate Map for Ocean County, New Jersey, Tuckerton as shown on index and panel(s) 0576, 0577, 0578, 0579, 0581, 0583, whose effective date is September 29, 2006.

(3) Advisory Base Flood Elevations and Advisory Flood Hazard Maps 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 a part of this article. The Flood Insurance Study and maps are on file at Borough Hall, 140 E. Main Street, Tuckerton, New Jersey 08087.

SECTION 3. Section 166-16 of Article 1 (Flood Damage Prevention) of Chapter 166 (Floodplain Management) of the Borough Code of the Borough of Tuckerton, entitled "Provisions for flood hazard reduction," is hereby amended and supplemented to provide as follows:

§ 166-16. Provisions for flood hazard reduction.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (NJAC 5:23) and the following standards, whichever is more restrictive, is 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 to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and 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 sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge 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; and

(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; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development 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: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

SECTION 4. Section 166-17 of Article 1 (Flood Damage Prevention) of Chapter 166 (Floodplain Management) of the Borough Code of the Borough of Tuckerton, entitled "Specific standards," is hereby amended and supplemented to provide as follows:

§ 166-17. Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 166-7 or in § 166-14B, the following standards are required:

A. Residential construction.

(1) 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 or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot.

(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 above the highest adjacent grade one foot above, or at or above the advisory base flood elevation plus one foot, 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.

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

either

[1] Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot.

[2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above, or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[3] Be flood proofed 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;

[4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

[5] 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 official as set forth in § 166-14C(2).

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with § 166-16A(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 is at or above the base flood elevation or advisory base flood elevation, plus a one foot.

SECTION 5. Section 166-19 of Article 1 (Flood Damage Prevention) of Chapter 166 (Floodplain Management) of the Borough Code of the Borough of Tuckerton, entitled "Coastal high hazard area," is hereby amended and supplemented to provide as follows:

§ 166-19. Coastal high hazard area.

Coastal high hazard areas (V or VE Zones) are located with the areas of special flood hazard established in § 166-7. 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

(a) the bottom of the lowest horizontal structural member of the lowest floor (excluding 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, and

(b) with all space below the lowest floor's supporting member open so as not impede the flow of water, except for breakaway walls as provided or in § 166-19B(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 §§ 166-19B(1) and 166-19B(2)(a) and (b).

(4) Space below the lowest floor.

(a) Any alteration, repair, reconstruction or improvements to a structure started after the enactment of this article shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening is used as provided for in this section.

(b) Breakaway walls, open wood lattice-work 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 pounds per square foot and not more than 20 pounds per square foot (either by design or when so required by local or state codes) and 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 of 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 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 Building Sub-Code Official for approval.

C. Sand dunes. There shall be no alteration of sand dunes, which would increase potential flood damage.

SECTION 6. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 18th day of March, 2013, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 1st day of April, 2013, at 7:00pm at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.

GRACE DiELMO, RMC/CMC
Borough Clerk, Borough of Tuckerton

Passage on First Reading: date:_____ moved by_____ seconded by_____

VOTE:

Edwards ___ Schwartz ___ Marshall ___ Mathisen ___ Foglia ___ Short ___

Attest:

GRACE DiELMO, Borough Clerk

Final Passage: date:_____ moved by_____ seconded by_____

VOTE:

Edwards ___ Schwartz ___ Marshall ___ Mathisen ___ Foglia ___ Short ___

Attest:

GRACE DiELMO, Borough Clerk

Mayor Approved:

_____ date:_____
GEORGE EVANS, Mayor

Attest:

GRACE DiELMO, Borough Clerk