

09-012 G

AN ORDINANCE AMENDING CHAPTER XVII (CONSTRUCTION IN FLOOD HAZARD AREAS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF RUMSON.

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XVII (Construction in Flood Hazard Areas) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to amend or add certain provisions of the regulations regarding construction in flood hazard areas to adopt the revised Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) and DFIRM panel numbers and to enact changes to the Borough Flood Damage Prevention Ordinance as requested by the New Jersey Department of Environmental Protection.

Chapter XVII (Construction in Flood Hazard Areas) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XVII (Construction in Flood Hazard Areas) shall be amended, as follows:

**CHAPTER XVII
~~CONSTRUCTION IN FLOOD HAZARD AREAS~~
FLOOD DAMAGE PREVENTION ORDINANCE**

17-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

17-1.1 Statutory Authorization. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., and N.J.S.A. ~~58:16A et seq.~~ delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Rumson, in the County of Monmouth, State of New Jersey does ordain as follows:

17-1.2 Findings of Fact

- a. The flood hazard areas of the Borough of Rumson are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of 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 hazards 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.

17-1.3 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 designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;

- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To 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 hazard;
- f. To 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. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

17-1.4 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; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

17-2 DEFINITIONS.

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

“Appeal” shall mean a request for a review of the Borough ~~clerk-administrator’s~~ Construction Official’s interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” shall mean a designated AO, AH, or VO zone on ~~the Flood Insurance Rate Map (FIRM)~~ a community's Digital Flood Insurance Rate Map (DFIRM) with a one (1%) percent annual or greater chance of flooding to an average depth of The base flood depths range from one (1) to three (3) feet; where a clearly defined channel does not exist; where the path of flooding is unpredictable ~~and indeterminate~~; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” shall mean the land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

“Areas of special flood related erosion hazard” shall mean the land within a community which is most likely to be subject to severe flood related erosion losses. After a detailed

evaluation of the special flood related erosion hazard area will be designated a Zone E on the Digital Flood Insurance Rate Map.

“Base flood” shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

“Basement” shall mean any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway wall” shall mean 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.

“Coastal high hazard area” shall mean 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. the area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30.

“Development” shall mean any manmade 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 special flood hazard.

“Digital Flood Insurance Rate Map” (DFIRM) shall mean 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” shall mean a nonbasement building (i) 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 (ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard “elevated building” shall also include 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 building” shall also includes a building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls.

“Erosion” shall mean the process of the gradual wearing away of landmasses.

“Flood or flooding” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

~~“Flood Insurance Rate Map” (FIRM) shall mean 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) shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the ~~Flood Hazard Boundary Flood Way Map~~ Digital Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

“Flood plain management regulations” shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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.

“Highest adjacent grade” shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” shall mean 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” shall mean 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 ~~nonelevation~~ non-elevation design requirements.

“Manufactured home” shall mean 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 ~~connected~~ attached to the required utilities. The term “manufactured home” shall not include a “recreational vehicle.” ~~For flood plain management purposes the term “manufactured home” shall also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term “manufactured home” does not include part trailers, travel trailers or other similar vehicles.~~

“Manufactured home park or manufactured home subdivision” shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“New construction” shall mean structures for which the “start of construction” commenced on or after the effective date of ~~this chapter~~ a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” shall mean 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 flood plain management regulations adopted by the municipality.

“Primary frontal dune” shall mean 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 the relatively steep slope to a relatively mild slope.

“Recreational vehicle” shall mean a vehicle which is (a) built on a single chassis; (b) four hundred (400) 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” shall mean 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 one hundred eighty (180) days of the permit date. The actual start shall mean either the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs 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, 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 as part of the main structure. ~~For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” shall mean the affixing of the mobile home to its permanent site. For mobile homes within a mobile home park or mobile home subdivisions “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed. For a substantial improvement, the actual start of construction shall mean 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” shall mean a walled and roofed building, a ~~mobile~~ manufactured home, or a gas or liquid storage tank, that is principally above ground.

“Substantial damage” shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

“Substantial improvement” shall mean any ~~repair~~, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure ~~either:~~

- ~~a. — Before the improvement or the repair is started, or~~
- ~~b. — If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposed of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions 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 ~~comply with existing~~ State or local health, sanitary or safety code specifications which ~~are solely~~ 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 structure listed on the National Register of Historic Places or a State Inventory of Historic Places “an historic structure,” provided that the alteration will not preclude the structure's continued designation as a “an historic structure.”

“Variance” shall mean a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

17-3 GENERAL PROVISIONS.

17-3.1 Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Rumson, Monmouth County, New Jersey.

17-3.2 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard ~~identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the Borough of Rumson,” dated December 15, 1982, with accompanying Flood Insurance Rate maps is hereby adopted by reference and declared to be part of this chapter.~~ for the Borough of Rumson, Community No. 345316, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated September 25, 2009.
 1. A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated September 25, 2009.
 2. Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068F, 34025C0069F, 34025C0088F, 34025C0181F, 34025C0182F, 34025C0184F, 34025C0201F, 34025C0203F; whose effective date is September 25, 2009.

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps is are on file at in the Borough Clerk’s Office Borough Hall, 80 East River Road, Rumson, New Jersey 07760-1526.

17-3.3 Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than five (5) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall

prevent the Borough of Rumson from taking such other lawful action as is necessary to prevent or remedy any violation.

17-3.4 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 other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17-3.5 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; and,
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

17-3.6 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 manmade or natural causes. This chapter does not imply that land outside the area 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 Rumson, 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.

17-4 ADMINISTRATION.

17-4.1 Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 17-3.2. Application for a development permit shall be made on forms furnished by the construction official and may include, but not be limited to; 1 plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, 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. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 17-6.2.b; and,
- d. Description of the extent to which ~~the~~ any watercourse will be altered or relocated as a result of proposed development.

17-4.2 Designation of the Local Administrator ~~Construction Official~~. The Construction Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

17-4.3 Duties and Responsibilities of the Local Administrator ~~Construction Official~~. Duties of the Construction Official shall include, but not be limited to:

- a. *Permit Review*.

1. Review 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.~~ 3. Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters ~~mangrove stands or~~ sand dunes so as to increase potential flood damage.
 - ~~5.~~ 4. Review plans for walls to be used to enclose space below the base flood level in accordance with subsection 17-6.3.b.4.
- b. *Use of other Base Flood and Floodway Data.* When base flood elevation and floodway data has not been provided in accordance with subsection ~~17-3.2~~ 17-3.3, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsection 17-6.2. Specific Standards, paragraph a., Residential Construction, and paragraph b., 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 basement) of all new or substantially improved structures, and whether or not the 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); and
 - (b) Maintain the floodproofing certifications required in subsection 17-4.1.c.
 3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsection 17-6.3 paragraph b.1. and b.2. are met.
 4. Maintain for public inspection all records pertaining to the provisions of this chapter.
- d. *Alteration of Watercourses.*
1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Flood Control Section and the Land Use Regulation Program ~~Division of Water Resources, Department of Environmental Protection of the State of New Jersey~~ 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 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 subsection 17-5.

17-5 VARIANCE PROCEDURE.

17-5.1 Appeal Board.

- a. The Construction Board of Appeals as established by the Borough of Rumson shall hear and decide appeals and requests for variances from the requirements of this chapter.
- b. The Construction 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 official in the enforcement or administration of this chapter.
- c. Those aggrieved by the decision of the Construction Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in N.J. Court Rules, 1982, R4:69.
- d. In passing upon such applications, the Construction Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 11. 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 of subsection 17-5.1.d and the purposes of this chapter, the Construction 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 Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

17-5.2 Conditions for Variances.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1.-11.) in subsection 17-5.1d have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the ~~reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection~~ 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, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection 17-5.1d., 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.

17-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

17-6.1 General Standards. In all areas of special flood hazards the following standards 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 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.

~~(a) Over the top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side.~~

~~(b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet requiring four (4) additional ties per side.~~

~~(c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds, and~~

~~(d) Any additions to the mobile home be similarly anchored.~~

b. *Construction Material 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 flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; ~~and~~

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 shall be consistent with the need to minimize flood damage;

2. All subdivision proposals 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 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 development which contain at least fifty (50) lots or five (5) acres (whichever is less).
- e. *Enclosure ~~openings~~ Openings*. For 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 (2) openings having a total net area of not less than one (1) 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 (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

17-6.2 Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data, the following standards are required:

- a. *Residential Construction*. 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 to or above base flood elevation.

Within any AO zone on the Borough of Rumson's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet [at least two (2) feet if no depth number is specified]. 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 ~~New~~ construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. Either ~~either~~ have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utilities and sanitary facilities, and shall:

2. 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 either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). 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 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 official as set forth in subsection 17-4.3c.2.

c. *~~Mobile~~ Manufactured Homes.*

1. ~~Mobile~~ Manufactured homes shall be anchored in accordance with subsection 17-6.1a.2.
2. All ~~mobile~~ 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.

17-6.3 Coastal High Hazard Area. Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 17-3.2. 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 ~~mobile~~ manufactured homes shall be prohibited, except in an existing ~~mobile~~ manufactured home park or ~~mobile~~ 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 level, 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 paragraph b.4. of this subsection.
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 (1%) percent chance of being equaled or exceeded in any given year [~~one hundred-~~ (100) 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 paragraphs b.1 and b.2 (a) and (b) of this subsection.

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 lattice-work or insect screening are 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 ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (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 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 official for approval.
- c. *Sand Dunes.* There shall be no alteration of sand dunes which would increase potential flood damage.

17-7 PENALTY CLAUSE.

~~For any and every violation of the provisions of this chapter, the owner, contractor, or other persons interested as lessee, tenant or otherwise, in any building or premises where such violation has been committed or shall exist, shall for each and every violation be subject to a fine of not more than five hundred (\$500.00) dollars or five (5) days imprisonment or both, at the direction of the court or judicial officer before whom a conviction may be had. Each and every day that such violation exists shall be considered a separate and specific violation of this chapter. Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.~~

17-8 EFFECT.

This ordinance is a revision of Chapter XVII of the “Revised General Ordinances of the Borough of Rumson, New Jersey,” as the same were in effect in October, ~~1987~~ 1982 and

shall supersede said Chapter XVII as the same was in effect in October, ~~1987~~ 1982, to the extent that they are inconsistent herewith is hereby repealed.

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: August 11, 2009.

Passed and Approved: September 9, 2009.

I hereby approve of the
passing of this ordinance.

John E. Ekdahl,
Mayor

Attest:

Thomas S. Rogers,
Municipal Clerk/Administrator