

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2014-11

**ORDINANCE AMENDING CHAPTER 85 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK ENTITLED
"FLOOD DAMAGE PREVENTION"**

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 85 entitled "Flood Damage Prevention," shall be amended to read in its entirety as follows:

**Chapter 085
FLOOD DAMAGE PREVENTION**

Sections:

- 085.01** Statutory Authorization, Findings of Fact, Purpose and Objectives.
- 085.02** Definitions.
- 085.03** General Provisions.
- 085.04** Administration.
- 085.05** Approval, Appeal and Exception Procedure.
- 085.06** Provisions for Flood Hazard Reduction.

Section 085.01

Statutory Authorization, Findings of Fact, Purpose and Objectives.

Subsection 085.01.010 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 public health, safety, and general welfare of its citizenry.

Subsection 085.01.020 Finding of Fact.

- [1] The flood hazard areas of the Township of Pequannock 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.
- [2] 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 flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Subsection 085.01.030 Statement of Purpose.

It is the purpose of this ordinance 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:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in Areas of Special Flood Hazard;
- [6] 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;
- [7] To insure that potential buyers are notified that property is in an Area of Special Flood Hazard; and
- [8] To ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

Subsection 085.01.040 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] 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;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling, filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 085.02
Definitions.

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

APPEAL - a request for a review of the Administrator's interpretation of any provision of this ordinance or a request for an Exception.

AREA OF SHALLOW FLOODING - a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map [FIRM] with a one percent or greater annual 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 flood plain within a community subject to a one percent or greater chance of flooding in any given year. (100 year Flood Plain)

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 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.

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 Special Flood Hazard.

ELEVATED BUILDING - a non-basement building (i) built in the case of a building in a 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 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.

EXCEPTION - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

FLOOD OR FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

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 provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the Base Flood.

FLOOD PLAIN MANAGEMENT REGULATIONS - 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.

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.

HISTORIC STRUCTURE - any Structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) of 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 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, useable solely for the parking of vehicles, building access or storage in an area other than a Basement is not considered a buildings' Lowest Floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation 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 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 MANUFACTURED HOME SUBDIVISION - a Manufactured Home Park or Manufactured Home 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.

RECREATIONAL VEHICLE - a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 a 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 percent 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 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"

Section 085.03 General Provisions.

Subsection 085.03.010 Lands to which this ordinance applies.

This ordinance shall apply to all Areas of Special Flood Hazards within the jurisdiction of the Township of Pequannock.

Subsection 085.03.020 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 Township of Pequannock" dated July 3, 1986, as amended, Community Number 345411, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the office of the Township Engineer.

Subsection 085.03.030 Violations.

No structure or land shall hereafter be constructed, located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of this chapter. Any person, firm, corporation, partnership or association violating this ordinance or failing to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, for each violation. Each and every day that a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Subsection 085.03.040 Abrogation and greater restrictions.

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

Subsection 085.03.050 Interpretation.

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

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the Township; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

Subsection 085.03.060 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Township of Pequannock, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 085.04 Administration.

Subsection 085.40.010 Establishment of Development Permit.

A Development permit shall be obtained before construction or Development begins within any Area of Special Flood Hazard established in Section 085.03.020. Application for a Development permit shall be made on forms furnished by the Administrator and shall include, but not be limited to the following:

- A. 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, including:
 - (1) The existing and proposed contours at a contour interval of two (2) feet.
 - (2) Architectural or building drawings be provided with elevations in relation to mean sea level, for all floor levels, including Basements and crawl spaces.
 - (3) The proposed elevations of the lands involved at the corners of the foundation of any structure or structures.
 - (4) The layout of existing and proposed public streets and the nature, extent and location of existing and proposed utilities servicing and to service the premises is question.
 - (5) The elevation of any existing or proposed pumping facilities and overflow elevations of vents or entranceways, if underground; overflow elevations of sewage treatment plant units.
 - (6) The nature and extent of the construction, alterations or repairs.
 - (7) Proof of application of Stream Encroachment Permit from the New Jersey Department of Environmental Protection; if applicable.
 - (8) The extent of filling of the land; if any.
 - (9) Surrounding structures within a two-hundred foot radius.
- B. Elevation, in relation to mean sea level, of the lowest floor of all structures.
- C. Elevation, in relation to mean sea level, to which any non-residential structure has been flood proofed.
- D. Plans showing how any nonresidential flood proofed structure will meet the flood proofing criteria of this ordinance.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- F. Plans for any walls to be used to enclose space below the base flood level.
- G. Proof that the application has taken into account any floodplain management programs, if any, already in effect.
- H. Certification by a registered professional engineer or architect that the flood proofing methods for nonresidential structure meet the flood proofing criteria in Section 085.06.01.

Subsection 085.04.020 Designation of the Local Administrator.

The Township Engineer or his designee is hereby appointed to administer and implement this Chapter by granting or denying Development Permit applications eligible for Administrative approval or, by reviewing for completeness applications requiring Board approval.

Subsection 085.04.030 Duties and responsibilities of the Local Administrator

Duties of the Administrator shall include, but not be limited to:

- (a) Permit Review.
 - 1. Review all Development permits to determine that the permit requirements of this Article 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, assure that the encroachment provisions of Subsection 085.06.030 (1) are met.

- (b) Use of Other Base Flood and Floodway Data. When base flood elevation and Floodway data has not been provided in accordance with Subsection 085.03.020 Basis for Establishing the Areas of Special Flood Hazard, the Administrator 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 Subsections 45 54.2a 085.06.020 A, Specific Standards, Residential Construction and 45 54.2b, 085.06.020 B, 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 Basement) of all new or substantially improved Structures, and whether or not the Structure contains a Basement prior to the issuance of the Certificate of Occupancy.
 - 2. A final as-built topographic location survey referencing all floor elevations in relation to mean sea level including crawl spaces and Basements shall be provided for all new or substantially improved Structures prior to the issuance of a Certificate of Occupancy.
 - 3. National Flood Insurance Program Elevation Certificate shall be provided for all new or substantially improved Structures prior to the issuance of a Certificate of Occupancy.
 - 4. For all new or substantially improved flood proofed Structures
 - (a) Verify and record the actual elevation (in relation to mean sea level);
 - (b) Maintain the flood proofing certifications required in Subsection 085.06.020 B [3].
 - (c) Maintain for public inspection all records pertaining to the provisions of this Article.

Section 085.05
Approval, Appeal and Exception Procedure.

Subsection 085.05.010 Jurisdiction Approval.

- [1] The development permit required by this Chapter shall be issued only upon site plan approval by either the Planning Board or the Board of Adjustment except when eligible for administrative approval in accordance with Number [2] of this Subsection. Site plan review in conjunction with a related Development approval shall be heard by the Board having jurisdiction over the related approval. Any application not requiring any other development approval shall be heard by the Planning Board.
- [2] Administrative approval. The Township Engineer or designee may review and approve or disapprove applications for Development permits when the Development does not require N.J.D.E.P. approval.

Subsection 085.05.020 Appeals.

- [1] The Planning Board shall hear and decide Appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Engineer or designee in the enforcement of administration of this ordinance. In passing upon such applications, the applicable Board or the Township Engineer shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and;
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action, if applicable, expected at the site; and

- (xi) 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.
- [2] Upon consideration of the factors of this Section and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of exceptions as it deems necessary to further the purposes of this ordinance.
- [3] The Administrator shall maintain the records of all appeal actions, including technical information, and report any exceptions to the Federal Insurance Administration upon request.

Subsection 085.05.030 Conditions for Exceptions.

- [1] Generally, exceptions may be issued by the applicable Board having jurisdiction for new construction and Substantial Improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Subsection 085.05.020 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.
- [2] Exceptions 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 exception is the minimum necessary to preserve the historic character and design of the structure.
- [3] Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- [4] Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- [5] Exceptions shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the exception would result in exceptional hardship to the applicant; and,
 - (iii) a determination that the granting of a exception 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 Section 85.05. 020 or conflict with existing local laws or ordinances.
- [6] Any applicant to whom an exception 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.

**Section 085.06
Provisions for Flood Hazard Reduction.**

Subsection 085.06.010 General standards.

In all Areas of Special Flood Hazards the following general standards are required:

A. Anchoring.

- [1] All new construction and substantial improvements, including sheds and garages, 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.
- [3] All new construction and Substantial Improvements shall provide compensatory storage at hydraulically equivalent site at a ratio 1.5:1 for each cubic foot of fill placed in the regulatory floodplain.
- [4] All new construction and Substantial Improvements shall be constructed on foundations that are designed and sealed by a registered design professional in compliance with the currently adopted construction codes and not be constructed on fill.

- [5] 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 shall require a non-conversion agreement in the form of a deed restriction to be filed with the county clerk prior to the request for a Certificate of Occupancy.

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;
- [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 ductwork and other service facilities shall be designed and/or located three (3) feet above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals and Site Plan Proposals

- [1] All subdivision proposals and site plan 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 and site plan 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 site plan proposals other proposed Development which contain at least 50 lots or 5 acres (whichever is less).

E. Enclosure 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 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.

Subsection 085.06.020 Specific standards.

In all Areas of Special Flood Hazards where base flood elevation data have been provided as set forth in Subsection 085.03.020 or in Subsection 085.04.030B 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, elevated to or above three (3) feet freeboard above base flood elevation.

B. Nonresidential construction.

New Construction and Substantial Improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including Basement, elevated to the level of two (2) foot freeboard above the Base Flood elevation; or

- [1] be dry flood proofed to two (2) feet above the Base Flood level so that 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 Township Engineer and be in the form of a FEMA Flood Proofing certificate.

C. Manufactured homes.

- [1] Manufactured homes shall be anchored in accordance with Subsection 085.06.010.A.
- [2] All manufactured homes to be placed or substantially improved within an Area of Special Flood Hazard shall be elevated on a permanent foundation and shall have the lowest floor, including Basement elevated three (3) feet above the Base Flood Elevation.

Subsection 085.06.030 Floodways.

Located within Areas of Special Flood Hazard established in Section 085.03.02 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, New Construction, Substantial Improvements, and other Development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If Subsection 085.06.030(1) is satisfied, all new construction and substantial flood hazard reduction provisions of Section 085.06 Provisions for Flood Hazard Reduction shall apply.
- [3] In all Areas of Special Flood Hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated Development, shall not increase the water surface elevation of the Base Flood more than two-tenths (0.2) of a foot at any point.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

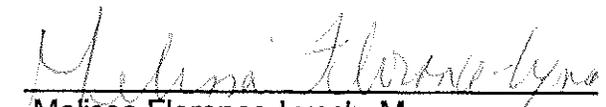
SECTION 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: May 27, 2014

Adopted: June 10, 2014



Joseph J. Delaney, Jr., Township Clerk



Melissa Florance-Lynch, Mayor