

ORDINANCE #2250-16

ORDINANCE OF THE CITY OF WOODBURY AMENDING CHAPTER 92 “FLOOD DAMAGE PREVENTION” OF THE CODE OF THE CITY OF WOODBURY

WHEREAS, the Mayor and City Council of Woodbury have determined that changes are necessary in order to update and clarify the language in the City’s ordinances regarding Flood Damage Prevention; and

WHEREAS, the Mayor and Council of the City of Woodbury have determined that adoption of the amendments set forth herein will further the health, safety and welfare and protection of the public and property;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Woodbury that Chapter 92 “Flood Damage Prevention” of the Code of the City of Woodbury is hereby AMENDED as follows and all other Sections remain in full force and affect:

§92-5 **Word usage; definitions.**

AO ZONE

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH ZONE

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AREA OF SPECIAL FLOOD HAZARD

Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD

A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)

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

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.

ELEVATED BUILDING

A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard 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.

EROSION

The process of the gradual wearing away of land masses.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

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

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.

FLOODPROOFING

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

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

LOWEST FLOOR

The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

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".

VIOLATION

The failure of a structure or other development to be fully compliant with this ordinance.

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

§92-7 Basis for establishing the areas of special flood hazard.

- A. The areas of special flood hazard for the City of Woodbury, Community No. 340216, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) A scientific and engineering report, “Flood Insurance Study, Gloucester County, New Jersey (All Jurisdictions)” dated August 17, 2016.
 - (2) “Flood Insurance Rate Map” for Gloucester County, New Jersey (All Jurisdictions), as shown on Index and panel(s) 34015C0081F, 34015C0082F, 34015C0083F and 34015C0084F, whose effective date is August 17, 2016.
- B. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 33 Delaware Street, Woodbury, New Jersey.

§92-8 Violations and penalties.

In the first sentence, change the word “located” to “re-located to” the remainder of that paragraph remains the same.

§92-14 Duties and responsibilities of local administrator.

Add new paragraph E. and former E. “Interpretation of FIRM boundaries” now becomes F.:

- E. Substantial Damage Review.
- (1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
 - (2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
 - (3) Ensure substantial improvements meet the requirements of sections 92-17A SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 92-17B, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

§92-16 General standards for flood hazard reduction.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

- C.
 - (4) For all new construction and substantial improvements the 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. Add the following phrase after the word “proposals” in sections (1), (2), (3) and (4):
“and other proposed new development”
- E. Add the following phrase after the phrase “(2) openings”:
“in at least two exterior walls of each enclosed area,”

§92-17 Specific standards for flood hazard reduction.

- A. Residential construction.
 - (1) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
 - (2) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three 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 construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, either:

- (1) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- (2) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three 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

- (3) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, 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 section 92-14C(2)(b).

C. Manufactured Homes.

- (1) Manufactured homes shall be anchored in accordance with section 92-16A(2).
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - (a) Be consistent with the need to minimize flood damage;
 - (b) Be constructed to minimize flood damage;
 - (c) Have adequate drainage provided to reduce exposure to flood damage; and
 - (d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI24-14, Table 2-1, whichever is more restrictive.

§92-18 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

