

BOROUGH OF BERGENFIELD
Ordinance No. 19-2550

AN ORDINANCE AMENDING CHAPTER 161 OF THE CODE OF THE BOROUGH OF
BERGENFIELD, ENTITLED "FLOOD DAMAGE PREVENTION"

WHEREAS, Chapter 161 of the Code of the Borough of Bergenfield sets forth all regulations regarding Flood Damage Prevention in the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

SECTION 1. Amendments and New Words

ARTICLE II. DEFINITIONS

§161-5 Terms defined is amended and supplemented to amend the existing definition AREA OF SPECIAL FLOOD HAZARD, ELEVATED BUILDING, HIGHEST ADJACENT GRADE, LOWEST FLOOR and the following new words and definitions BASE FLOOD ELEVATION (BFE), EROSION, EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, FLOODPROOFING, FREEBOARD, VIOLATION

Amend:

AREA OF SPECIAL FLOOD HAZARD

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

Add:

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.

Amend:

ELEVATED BUILDING

A nonbasement building:

A.

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 base flood elevation plus freeboard ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and

B.

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.

(1)

In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with opening(s) sufficient to facilitate the unimpeded movement of floodwaters.

(2)

In areas of coastal high hazard "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Add:

EROSION

The process of gradual wearing away of land masses.

Add:

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.

Add:

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.

Add:

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.

Amend:

HIGHEST ADJACENT GRADE

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

Amend:

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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 of 44 CFR Section 60.3.

Add:

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.

ARTICLE III. GENERAL PROVISIONS

§161-7 Basis for Establishing the Areas of Special Flood Hazard is amended and supplemented to read as follows:

Amend:

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019, Index Map and Flood Insurance Rate Maps (FIRMS) whose panel numbers are 34003C0184H, 34003C0192H, 34003C0211H dated August 28, 2019 are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study is on file with the Clerk of the Borough of Bergenfield, 198 North Washington Avenue, Bergenfield, NJ 07621.

§161-8 Violations and penalties is amended and supplemented to read as follows:

Amend:

A. No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations 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 violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 90 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 Bergenfield from taking such other lawful action as is necessary, in equity or law, to prevent or enjoin any threatened violation of this chapter.

ARTICLE IV. ADMINISTRATION

§161-12 Establishment of development permit is amended and supplemented to read as follows:

Amend:

A. A development permit shall be obtained before construction or development begins including placement of manufactured homes, within any area of special flood hazard established in § 161-7. Application for a development permit shall be made on forms furnished by the Construction Code Official and may include, but not be limited to, 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.

§161-14 Duties and responsibilities of Construction Code Official is amended and supplemented to read as follows:

Amend:

D. Alteration of watercourses.

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

Add:

F. 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, Bureau of Flood Control.
- (3) Ensure substantial improvements meet the requirements of sections 161-17A, B & C.

ARTICLE V. FLOOD HAZARD REDUCTION OF STRUCTURES

§ 161-16 General standards is amended and supplemented to read as follows:

Amend:

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:

Amend:

C. Utilities.

- (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.

Amend:

D. Subdivision proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or five acres (whichever is less).

Amend:

E. Enclosure openings. For all new construction and substantial improvements, 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 in at least two exterior walls of each enclosed area 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.

§ 161-17 Specific standards is amended and supplemented to read as follows:

Amend:

A.

Residential construction. 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 (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1. Require within any AO 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 highest adjacent grade at least as high as 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 the structures on slopes to guide floodwaters around and away from proposed structures.

Amend:

B. Nonresidential construction is amended and supplemented to read as follows:.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities as well as all electrical, heating, ventilating, air- conditioning and other service equipment, shall:

Either

- (a) Elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1; and
- (b) 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
- (c) Be flood-proofed so that below the more restrictive, base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- (d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (e) 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 certifications shall be provided to the official as set forth in § 161-14C(2).

Amend:

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with § 161-16A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- i. Be consistent with the need to minimize flood damage,
- ii. Be constructed to minimize flood damage,
- iii. Have adequate drainage provided to reduce exposure to flood damage,
- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1 and.
- v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above

grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION 2.

All ordinances or parts of Ordinance inconsistent herewith are hereby repealed as to such inconsistency only.

SECTION 3.

All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

SECTION 4.

This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 18 day of June, 2019 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 16 day of July, 2019 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk