

ORDINANCE NO. 9-2015

AN ORDINANCE FOR THE PARTIAL AMENDMENT,
SUPPLEMENTATION AND REVISION OF CHAPTER
11A, ENTITLED "FLOOD DAMAGE PREVENTION" OF
THE "REVISED ORDINANCES OF THE BOROUGH OF
MORRIS PLAINS, NEW JERSEY, 1972".

WHEREAS, the Borough Council is desirous of amending, supplementing and revising certain provisions set forth in Chapter 11A based on the recommendations of the Borough Engineer, the Borough's designated NFIP Floodplain Administrator.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Section 11A-4, entitled "**Definitions and word usage**" in Chapter 11A, "Flood Damage Prevention" of The Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" (hereinafter "Revised Ordinances or "Revision") is hereby amended, supplemented, revised with the addition of the following new definitions, which shall be inserted in Section 11A- 4in alphabetical order:

Base Flood Elevation (BFE) means 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.

Digital Flood Insurance Rate Map (DFIRM) means 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.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities 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.

Floodproofing means 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.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Section 2:

The definition of "**Lowest Floor**" set forth in Section 11A-4, entitled "**Definitions and word usage**" in Chapter 11A of the Revision is amended, supplemented, revised with the addition of the phrase "of 44 CFR Section 60.3" at the end of the definition.

Section 3:

The definition of "**New Construction**" set forth in Section 11A-4, entitled "**Definitions and word usage**" in Chapter 11A of the Revision is amended, supplemented, revised with the addition of the phrase "and includes any subsequent improvements to such structures" at the end of the definition so that hereafter it shall read as follows:

New Construction means structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.

Section 4:

Paragraph (1) in Section 11A-13(d) entitled "**Alteration of watercourses**" set forth in Chapter 11A of

the Revision is amended, supplemented, revised by replacing the term "New Jersey Department of Environmental Protection, Division of Water Resources" with the term "New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program".

Section 5:

Section 11A-13 set forth in Chapter 11A of the Revision is amended and supplemented with the addition of a new Subpart (f) entitled "Substantial Damage Review" which shall read, in its entirety, as follows:

(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, Dam Safety and Flood Control Section.
- (3) Ensure substantial improvements meet the requirements of Section 11A-16(a), Specific standards for Residential construction, or Section 11A-16(b), Specific standards for Nonresidential construction, as appropriate.

Section 6:

Subpart (d) "**Subdivision proposals**" in Section 11A-15 entitled "General standards" in Chapter 11A of the Revision is hereby amended, supplemented and revised by replacing the term "subdivision proposals" with the term "subdivision and site plan proposals" in paragraphs (1), (2), (3) and (4).

Section 7:

Subpart (a) "**Residential Construction**" in Section 11A-16 entitled "Specific standards" in Chapter 11A of the Revision is amended, supplemented, revised with the repeal of existing Subpart (a) which reads as follows:

(a) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

And inserting the following new Subpart (a) in its place and stead:

(a) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one foot.

Section 8:

Subpart (b) "**Nonresidential Construction**" in Section 11A-16 entitled "Specific standards" in Chapter 11A of the Revision is amended, supplemented, revised with the following changes and additions:

A. The introductory paragraph shall be amended, supplemented and revised so that hereafter it shall read as follows:

"New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated to or above the base flood elevation plus one foot; or"

B. The term "plus one foot" shall be added to paragraph (1) immediately after the phrase "below the base flood level" so that it reads "below the base flood level plus one foot".

- C. In paragraph (3), the phrase registered professional engineer or architect" shall be revised to read "licensed professional engineer or registered architect".

Section 9:

Paragraph (2) in Subpart (c) "**Manufactured homes**" in Section 11A-16 entitled "Specific standards" in Chapter 11A of the Revision is amended, supplemented, revised so that hereafter it shall read as follows:

(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; and
- (iv) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base elevation plus one foot.

Section 10:

Section 11A-16 entitled "Specific standards" in Chapter 11A of the Revision is amended, supplemented, revised with the addition of a new Part (d) which shall read in its entirety as follows:

(d) All construction in the Flood Hazard Area shall comply with the Flood Hazard Area Control Act rules, N.J.A.C. 7:13 et seq. as may be amended from time to time.

Section 11:

All other provisions of the aforesaid Chapter 11A of the Revised Ordinances shall be unaffected and are hereby continued.

Section 12:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: May 7, 2015

Adopted: May 21, 2015

/s/ Frank J. Druetzler