

TOWNSHIP OF HAMILTON

ORDINANCE #1877-2018

**AN ORDINANCE AMENDING CHAPTER 173, FLOOD DAMAGE PREVENTION,
OF THE TOWNSHIP CODE:
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY NJ**

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

Section 1. Amend the Code of the Township of Hamilton, Chapter 173, Flood Damage Prevention as follows:

1) Amend §173-5.B, Definitions, as follows:

- a) Delete the definitions for: Advisory Base Flood Elevation (ABFE), Advisory Flood Hazard Area (AFHA) and Advisory Flood Hazard Map.
- b) Insert the following new definitions in the appropriate alphabetical location:

A Zone – Areas where the base floodplain is mapped by approximate methods, *i.e.* base flood elevations are not determined.

AE Zone – Areas of the base floodplain where base flood elevations are provided.

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

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. In A zones the base flood elevation may be determined based on using the highest adjacent model based water surface elevation cross section found in the FIRM Database.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain 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.

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 conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

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.

c) Amend the following existing definitions to read as follows:

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater 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 — 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.

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

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, usable 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

New Construction — 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.

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 pilings, 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.

Substantial Improvement — Any 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 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".

2) Amend § 173-7, Basis for establishing areas of special flood hazard, to read as follows:

173-7. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard for the Township of Hamilton are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study Atlantic County, New Jersey (All Jurisdictions)” dated August 28, 2018.
- b) Flood Insurance Rate Maps whose panel numbers are 34001C0104F, 34001C0108F, 34001C0110F, 34001C0115F, 34001C0116F, 34001C0117F, 34001C0118F, 34001C0119F, 34001C0130F, 34001C0140F, 34001C0144F, 34001C0145F, 34001C0251F, 34001C02520F, 34001C0253F, 34001C0254F, 34001C0256F, 34001C0257F, 34001C0258F, 34001C0259F, 34001C0265F, 34001C0266F, 34001C0267F, 34001C0276F, 34001C0277F, 34001C0278F, 34001C0279F, 34001C0285F, 34001C0286F, 34001C0287F, 34001C0289F, 34001C0293F, 34001C0295F, 34001C0305F, 34001C0311F dated August 28, 2018

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file with the Township Clerk, Township Hall, Township of Hamilton, New Jersey.

- 3) Amend the first sentence of §173-8 by deleting the word “located” and inserting “relocated to” in replacement.
- 4) Amend §173-14, Powers and duties of floodplain administrator, by relabeling Section E., Interpretation of FIRM boundaries, to be Section F. and inserting the following as new Section E., Substantial damage review

E. Substantial Damage Review.

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
 - b) 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.
 - c) Ensure substantial improvements meet the requirements of section 173-17., Specific Standards, subsections A., Residential Construction, B., Nonresidential Construction and C, Manufactured Homes.
- 5) Amend §173-15, Variance procedure, by revising section B. (Conditions for variances) as follows:
 - (1) (Unchanged)
 - (2) Variances 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 variance is the minimum necessary to preserve the historic character and design of the structure.
 - (3) (Unchanged)
 - (4) (Unchanged)
 - (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (c) 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 section 173-15(a)(4) or conflict with existing local laws or ordinances.
 - (6) (Unchanged)

- 6) Amend §173-16, General Standards, to read as follows:

a. Amend subsection D.(4) to read:

- (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.

b. Amend section F., Enclosure openings, to be read as follows:

- F. 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 in at least two (2) exterior walls of each enclosed area, 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 covering or devices provided that they permit the automatic entry and exit of floodwaters

7) Amend §173-17. Specific standards, sections A, B and C to read as follows:

173.17 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in §173-7, Basis for establishing the areas of special flood hazard or in §173-14.B, Use of other base flood data, the following standards are required:

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) All electrical, heating, ventilating, air-conditioning and other service equipment associated with the new construction and substantial improvement shall be 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.

3) 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 (3) 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 as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

(1) either

(a) 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,

(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 (3) 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;

(2) or

(a) 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;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(c) 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 §173-14C(2)(b).

C. MANUFACTURED HOMES

- (1) Manufactured homes shall be anchored in accordance with §173-16.B.
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Be constructed to minimize flood damage,
 - (3) Have adequate drainage provided to reduce exposure to flood damage,
 - (4) 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/SEI 24-14, Table 2-1, whichever is more
 - (5) 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. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 4. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, NJ

ATTEST:

RITA MARTINO, RMC, CMR
TOWNSHIP CLERK

ART SCHENKER, MAYOR

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GUISHARD					
KURTZ					
LINK					
SILVA					
MAYOR SCHENKER					

FIRST READING AND INTRODUCTION: May 8, 2018

FINAL READING AND ADOPTION: