

ORDINANCE 215

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ORDINANCE NO. 158 ENTITLED "AN ORDINANCE ESTABLISHING REQUIREMENTS FOR CONSTRUCTION WITHIN THE SPECIAL FLOOD HAZARD AREA OF THE VILLAGE OF LOCH ARBOUR; ESTABLISHING PROCEDURES FOR ISSUANCE OF PERMITS FOR SUCH CONSTRUCTION; DESIGNATING THE CONSTRUCTION OFFICIAL TO ADMINISTER AND IMPLEMENT SUCH REQUIREMENTS AND PROCEDURES; PROVIDING FOR APPEAL FROM DETERMINATIONS OF THE CONSTRUCTION OFFICIAL AND PROVIDING FOR AND ESTABLISHING PROCEDURES FOR OBTAINING VARIANCES FROM CONSTRUCTION REQUIREMENTS." SO AS TO COMPLY WITH REGULATIONS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE FEDERAL REGISTER ON OCTOBER 1, 1986 IN ORDER TO MAINTAIN ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM IN AND BY THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY.

BE IT ORDAINED, by the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that the Ordinance referred to in the title hereof is amended as follows:

Section 1. Section 2.0 (Definitions) is hereby amended to delete the definitions "Habitable floor" and "Start of Construction".

Section 2. Section 2.0 (Definitions) is hereby amended and supplemented with the following definitions:

"Basement" means any area of the building having its floor sub grade (below ground level) on all sides.

"Breakaway wall" means 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 with causing damage to the elevated portion of the building or supporting foundation system.

"Elevated building" means 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 of 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. 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.

"Lowest Floor" means 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.

"Manufactured home" means 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 connected to the required utilities. For Flood plain management purposes the term **"manufactured home"** also includes park trailers, travel trailers and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes the term **"manufactures homes"** does not include park trailers, travel trailers and other similar vehicles.

"Manufactured home park and manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [P.L. 97-348]) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 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, 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.

Section 3. Section 4.3-2 (Use of Other Base Flood Data) is hereby amended to read as follows:

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official 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 Section 5.2-1 SPECIFIC STANDARDS, Residential Construction, and 5.2-2 SPECIFIC STANDARDS, Non-residential Construction.

Section 4. Section 5.1-1 (Anchoring) is hereby amended and supplemented with the following subsection:

(2) All Manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not 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.

Section 5. Section 5.1-3 (Utilities) is hereby amended and supplemented with a new subsection which shall read as follows:

(4) 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.

Section 6. Section 5.1 (General Standards) is hereby supplemented with a subsection numbered 5.1-5 to be entitled "Enclosure Openings" which shall read as follows:

5.1-5 ENCLOSURE OPENINGS

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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 coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 7. Section 5.2-2 (Non-residential Construction) is hereby amended to read as follows:

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 the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base floor level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify 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 Construction Official as set forth in Section 4.3-3(2).

All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

Section 8. Section 5.3-2 (Construction Methods) is repealed.

Section 9. There is hereby added a new Section 5.3-2 to be entitled "Construction Methods" which shall read as follows:

5.3-2 CONSTRUCTION METHODS

(1) Elevation

All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest

horizontal structure member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in section 5.3-2(4).

(2) Structural Support

(i) All new construction and substantial improvements shall be securely anchored on pilings or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

(3) Certification

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 5.3-2(1) and 5.3-2(2) (i) and (11).

(4) Space Below the Lowest Floor

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural).

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.

Section 10. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency. All parts of Ordinance No. 158 and 195 not inconsistent herewith are hereby ratified and confirmed.

Section 11. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, on the 11th day of March, 1987, and was then read for the first time. The said Ordinance will be further considered for final passage by the Board of Trustees at the Village Offices at 8:00 P.M. on the 8th day of April, 1987, at such time and place, or at any time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.