

# Egg Harbor Township

## Ordinance No. 25

2018

### An ordinance to amend the Code of the Township of Egg Harbor, Chapter 113, entitled “Flood Damage Prevention”

**BE IT ORDAINED**, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

**SECTION 1:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-3F is hereby amended by deleting it in its entirety and replacing it as follows:

- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

**SECTION 2:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-5 is hereby amended by deleting the following definitions:

Best Available Flood Hazard Data  
Best Available Flood Hazard Data Elevation

**SECTION 3:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-5 is hereby amended by deleting the following definitions which currently exist and replacing them as follows:

**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 Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed forty percent (40%) of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a ten (10) year period for which the cost of repairs at the time of each such

flood event, on the average, equals or exceeds twenty percent (20%) of the market value of the structure before the damages occurred.

**SECTION 4:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-7 is hereby amended by deleting it in its entirety and replacing it as follows:

The areas of special flood hazard for the Township of Egg Harbor, Community No. 340007, 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 Map for Atlantic County, New Jersey (All Jurisdictions)" as shown on Index and panels 34001C0288F, 34001C0289F, 34001C0293F, 34001C0294F, 34001C0295F, 34001C0305F, 34001C0308F, 34001C0309F, 34001C0311F, 34001C0312F, 34001C0313F, 34001C0314F, 34001C0316F, 34001C0317F, 34001C0318F, 34001C0319F, 34001C0338F, 34001C0401F, 34001C0402F, 34001C0404F, 34001C0406F, 34001C0407F, 34001C0408F, 34001C0409F, 34001C0417F, 34001C0426F, 34001C0427F, 34001C0428F, 34001C0429F, 34001C0431F, 34001C0432F, 34001C0433F, 34001C0434F, 34001C0436F, 34001C0437F, 34001C0441F, 34001C0442F, 34001C0451F, whose effective date is 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 at 3515 Bargaintown Road, Egg Harbor Township, NJ 08234.

**SECTION 5:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-14A(4) is hereby amended by deleting it in its entirety and replacing it as follows:

- (4) Review all development permits in the coastal high hazard and Coastal A Zone area to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.

**SECTION 6:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-14D(1) is hereby amended by deleting it in its entirety and replacing it as follows:

- (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 alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

**SECTION 7:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-14E(2) and (3) are hereby amended by deleting them in their entirety and replacing them as follows:

- (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 improvement meet the requirements of sections 113-17, specific standards for flood hazard reduction; A. residential contraction; B. Nonresidential construction; and C. Manufactured homes.

**SECTION 8:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-16A(1) is hereby amended by deleting it in its entirety and replacing it as follows:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

**SECTION 9:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-17A(2) and (3) are hereby amended by deleting them in their entirety and replacing them as follows:

- (2) 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 base flood elevation or as required by ASCE-SEI 24-14, Table 2-1, whichever is more restrictive, plus three (3) feet;
- (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 three (3) feet, 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.

**SECTION 10:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-17B is hereby amended by deleting it in its entirety and replacing it as follows:

**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 (for Coastal A Zone construction see section 113-17E. Coastal High Hazard Area and Coastal A 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 or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive plus three (3) feet; and
  - (b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus three (3) feet, 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 flood proofed so that below the base flood level or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, plus three (3) feet. 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 section 113-14C(2)(b).

**SECTION 11:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-17C is hereby amended by deleting it in its entirety and replacing it as follows:

C. Manufactured Homes.

- (1) Manufactured homes shall be anchored in accordance with section 113-16A(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 or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive, plus three (3) feet.
  - [e] The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**SECTION 12:** Chapter 113 of the Code of the Township of Egg Harbor, Section 113-17E(2)(a) is hereby amended by deleting it in its entirety and replacing it as follows:

(2) Construction Methods.

- (a) Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:
  - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, plus four (4) feet;
  - (2) All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated four (4) foot above the base flood elevation; and

- (3) 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 or in section 113-17E(2)(d).

**SECTION 13:** All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 14:** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 15.** This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD MAY 23, 2018 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON JUNE 20, 2018.

Dated: May 23, 2018

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Eileen M. Tedesco, RMC  
Township Clerk