



## ORDINANCE 1728

### **AN ORDINANCE BY THE COUNCIL AMENDING THE BOROUGH OF GLEN RIDGE CODE OF ORDINANCES TO REPEAL CHAPTER 15.28 FLOOD DAMAGE REGULATIONS TO ADOPT A NEW CHAPTER 15.28 FLOODPLAIN MANAGEMENT REGULATIONS TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1 et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Glen Ridge and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the Borough of Glen Ridge was accepted for participation in the National Flood Insurance Program on April 3, 1983 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the Borough of Glen Ridge is required, pursuant to N.J.S.A. 40:48-1 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of Borough of Glen Ridge that the following floodplain management regulations are hereby adopted.

#### **SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s):

#### **CHAPTER 15.28 FLOOD DAMAGE CONTROL REGULATIONS**

##### **15.28.010 Title.**

These regulations, in combination with the flood provisions of the Uniform Construction Code, Chapter 23 of Title 5 of the NJ Administrative Code (hereinafter "building codes," consisting of the Building Code, Residential Code, Existing Building Code, and related codes) and Appendix G of the International Building Code (hereinafter "Appendix G"), shall be known as the Floodplain Management Regulations of the Borough of Glen Ridge (hereinafter "these regulations").

**15.28.020 Scope.** These regulations, in combination with the flood provisions of the building codes shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

**15.28.030 Purposes and objectives.** The purposes and objectives of these regulations and the flood load and flood resistant construction requirements of the building codes are

to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Prevent unnecessary disruption of commerce, access and public service during times of flooding.
- (2) Manage the alteration of natural floodplains, stream channels and shorelines;
- (3) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (4) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (5) Contribute to improved construction techniques in the floodplain.
- (6) Minimize damage to public and private facilities and utilities.
- (7) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (8) Minimize the need for rescue and relief efforts associated with flooding.
- (9) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (10) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (11) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

**15.28.040 Coordination with Building Codes.** Pursuant to the requirement established in New Jersey statute that the Borough of Glen Ridge administer and enforce the State building codes, the Council of the Borough of Glen Ridge does hereby acknowledge that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the building codes.

**15.28.050 Warning.** The degree of flood protection required by these regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**15.28.060 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State or federal law.

**15.28.070 Violations.** Any violation of a provision of these regulations, or failure to comply with a permit or variance issued pursuant to these regulations or any requirement of these regulations, shall be handled in accordance with the requirements of Chapter 15.04.

**15.28.080 Abrogation and greater restrictions.** These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

**15.28.090 General.** These regulations, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the

subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the building codes; and other buildings and development activities.

**15.28.100 Establishment of Flood Hazard Areas.** The Borough of Glen Ridge was accepted for participation in the National Flood Insurance Program on March 26, 1984 by Ordinance 1087. The Essex County Flood Insurance Study 34013CV001B dated April 3, 2020 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) are hereby adopted by reference and serve as the basis for establishing flood hazard areas. Maps and studies that establish flood hazard areas are on file at the Office of the Building Department, Room 101, 825 Bloomfield Avenue, Glen Ridge, NJ 07028.

**Table 15.28.1 Effective Flood Insurance Rate Map Panel**

<b>Map Panel #</b>	<b>Panel Date</b>
0140G	April 3, 2020
0112G	April 3, 2020

**15.28.110 Designation of Floodplain Administrator.** The Borough Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**15.28.120 General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Appendix G.

**15.28.130 Coordination.** The Floodplain Administrator shall coordinate with the Building Official to administer and enforce the flood provisions of the building code, including Appendix G.

**15.28.140 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 15.28.100 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries, provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Building Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 15.28.160 of these regulations.

(7) Coordinate with the Building Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

(8) Review requests submitted to the Building Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Appendix G.

(9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

(10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NFIP State Coordinating Agency, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).

(11) Inspect development within the scope of Appendix G and inspect flood hazard areas to determine if development is undertaken without issuance of permits.

(12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Appendix G.

(13) Cite violations in accordance with Appendix G.

(14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Glen Ridge have been modified.

**15.28.150 Other permits.** It shall be the responsibility of the Floodplain Administrator to assure that approval of proposed development shall not be given until proof that necessary permits have been granted by federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act.

**15.28.160 Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

(4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

**15.28.170 Department records.** In addition to the requirements of the building code and Appendix G, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make

available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

**15.28.180 Liability.** The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

**15.28.190 Definitions.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Building Code and Appendix G and terms are defined where used in the Residential Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

**ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

**ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**MARKET VALUE.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

**WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**15.28.200 Severability.** Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or

invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**15.28. 210 Effective Date.** This ordinance shall take effect on

Introduced: Monday, February 10, 2020

Adopted:

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Stuart K. Patrick  
Mayor

Attest:

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Tara Lyn Ventola  
Deputy Clerk