

**BOROUGH OF MANASQUAN
ORDINANCE 2159-14**

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 29, SECTION 29-3
(DEFINITIONS) AND CHAPTER 29-12
(PROVISIONS FOR FLOOD HAZARD
REDUCTION) OF THE FLOOD DAMAGE
PREVENTION ORDINANCE FOR THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Chapter 29, Section 29-3 refers to Definitions to the Flood Damage Prevention Ordinance and Chapter 29-12 refers to Provisions for Flood Hazard Reduction; and

WHEREAS, the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing its current Ordinance entitled, "Flood Prevention", specifically Sections 29-3 and 29-12; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION 1: Chapter 29, Section 29-3 entitled "Definitions" of the Revised General Ordinances of the Borough of Manasquan is hereby amended and supplemented to include the following terms and definitions:

"Critical Facilities" shall mean facilities that are designed as facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood or facilities that, if flooded, would make the flood problem and its impacts much worse.

"Cumulative Substantial Improvement" shall mean any reconstruction, rehabilitation, addition or other improvement of a structure that equals or exceeds forty (40%) percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for ten (10) years.

"Substantial Damage" shall mean 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 (40%) percent 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-five (25%) percent of the market value of the structure before the damages occurred.

"Substantial Improvement" shall mean any reconstruction, rehabilitation, modification, addition, or other improvement of a structure during a ten (10) year period the cost which exceeds forty (40%) percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement" for the last 10 years prior to the issuance of a building permit for such improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

[a] 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;

[b] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SECTION 2: Chapter 29, Section 29-12.1 is hereby amended to add the following sections:

f. *Fill*

All new buildings constructed on fill in the regulatory flood plain must be constructed on properly designed and compacted fill that meets the criteria of Section 1803.58 and Section 1804.4 of the International Building Code and must be on fill that has appropriate protection from erosion and scour.

g. *Drainage*

All new construction must provide positive drainage away from the building site in accordance with Section 1803.3 and Section 1805 of the International Building Code.

SECTION 3: Chapter 29, Section 29-12.2 is hereby amended to add the following section:

d. *Critical Facilities*

New critical facilities shall not be permitted within the 500-year floodplain.

SECTION 4: Construction and Effective Date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance 2159-14 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of June, 2014 and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 16th day of June, 2014. At such time and place, or at any such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday except on legal holidays.



BARBARA ILARIA, RMC
Municipal Clerk

MARK G. KITRICK
Borough Attorney
635 Duquesne Boulevard
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Passed on first reading and Introduction: June 2, 2014
Approved on Second reading and Final Hearing: June 16, 2014


GEORGE R. DEMPSEY, JR. MAYOR