



Legislation Details (With Text)

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Title:	ORDINANCE AMENDING TITLE 12, FLOOD DAMAGE PREVENTION, TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF RESIDENTS AND BUSINESSES IN THE CITY OF NEWARK, NEW JERSEY, AS REQUIRED, IN ORDER TO REMAIN IN COMPLIANCE WITH CURRENT NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REGULATIONS.				

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3/18/2020	2	Municipal Council	No Action Taken	
3/4/2020	1	Municipal Council	Motion to amend	Pass
3/4/2020	1	Municipal Council	maintained on public hearing and adopted as amended	Pass
2/19/2020	1	Municipal Council	Adopt on First Reading	Pass
2/11/2020	1	Municipal Council	Advance to First Reading	Pass

ORDINANCE AMENDING TITLE 12, FLOOD DAMAGE PREVENTION, TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF RESIDENTS AND BUSINESSES IN THE CITY OF NEWARK, NEW JERSEY, AS REQUIRED, IN ORDER TO REMAIN IN COMPLIANCE WITH CURRENT NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REGULATIONS.

WHEREAS, on June 1, 2007, the Municipal Council adopted Ordinance 6S&Fa(s-1), to amend Title 12, Flood Damage Prevention, in order to comply with the requirements of the National Flood Insurance Act of 1968, as amended, and as a condition of continued eligibility in the National Flood Insurance Program; and

WHEREAS, on October 3, 2019 the City was notified that Federal Emergency Management Agency (FEMA) completed a revision to the countrywide Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Essex County, New Jersey; and

WHEREAS, the City of Newark wishes to update its floodplain management Ordinance to reflect the new FIRM effective date of April 3, 2020, as a condition of continued eligibility in the National Flood Insurance Program.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF

NEWARK, NEW JERSEY, THAT:

Note: Additions are shown in **bold and underlined**. Deletions are shown in ~~strikethroughs~~.

Title 12, Flood Damage Prevention, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, amended as follows:

Section 1.

TITLE XII FLOOD DAMAGE PREVENTION

Chapter Listings:

Chapter 1. Title; Purpose; Objectives

Chapter 2. Definitions; General Provisions

Chapter 3. Administration

Chapter 4. Provisions for Flood Hazard Reduction

Chapter 5. ~~Dissemination of Information Pertaining to Flood Hazard~~ **Construction Methods**

Chapter 6. Dissemination of Information Pertaining to Flood Hazard

Chapter 7. Severability

Chapter 8. Enactment

WHEREAS, the flood hazard areas of the City of Newark, County of Essex, New Jersey are subject to periodic inundation which results 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, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, **causes** damage ~~uses~~ in other areas; and ~~uses~~ that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, the Legislature of the State of New Jersey has delegated, in N.J.S.A. 40:48-1, et seq., the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, the Municipal Council of the City of Newark, New Jersey does hereby amend Title XII, Flood Damage Prevention, as required, in order to remain in compliance with current National Flood Insurance Program (NFIP) regulations.

(Ord. 6 S+FA (S-1), 6-1-07 Preamble)

Editor's Note: Prior ordinance history includes portions of R.O. 1966 C.S. §§ 11B-1-1-11B-5-1 and Ordinance Nos. 6 S+FB, 11-16-87 and 6 S+FE, 4-3-96.

Section 2.

CHAPTER 1 TITLE, PURPOSE, OBJECTIVES

12:1-1. TITLE.

This Title XII shall be known and cited as the Flood Damage Prevention Regulations, as amended and supplemented as follows. (Ord. 6 S+FA (S-1), 6-1-07 § 1)

12:1-2. PURPOSE.

It is the purpose of this Title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the ~~second~~ **sound** use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

(Ord. 6 S+FA (S-1), 6-1-07 § 1)

12:1-3. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this Title includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood

waters or which may increase flood hazards in other areas.

(Ord. 6 S+FA (S-1), 6-1-07 § 1)

CHAPTER 2 DEFINITIONS; GENERAL PROVISIONS

12:2-1. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Title shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.

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.

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.

Appeal shall mean a request for a review of the Flood Control Compliance Officer's interpretation of any provision of this Title or a request for a variance.

Area of shallow flooding shall mean a designated AO, AH or VO zone on the Digital Flood Insurance Rate Map (DFIRM) with a one (1%) percent annual or greater chance of flooding. The base flood depths range to an average depth from one (1) to three (3) feet; where a clearly defined channel does not exist; where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one (1%) 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.**

Base flood shall mean the a flood having a one (1%) percent chance of being equaled or exceeded in any given year.

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.

Basement shall mean any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may

be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

Breakaway wall shall mean 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 without causing damage to the elevated portion of the building or supporting foundation system.

Coastal A Zone - The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Cumulative Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Development permit shall mean any of the following:

- a. Construction permit issued by the Central Permit Office.
- b. Soil erosion and sediment control permit issued by the Central Permit Office.
- c. Site plan approval issued by the Central Planning Board.
- d. Use variance issued by the Board of Adjustment.

Digital Flood Insurance Rate Map (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated building shall mean a non-basement building (a) built, in the case of a building in an 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 or Coastal A Zone, to have the bottom of the lowest horizontal structural member 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 (b) 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 floodwaters. **In Areas of Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.**

Elevation Certificate - An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a required Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Erosion - The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA Publication - Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents.

Flood Design Class - An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s), and the water surface elevation of the base flood.

Flood plain management regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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.

Floodproofing Certificate - Certification by an engineer or architect to certify a floodproofing design for a non-residential building.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-tenths (0.2) of a foot.

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

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed **or existing** walls of a structure.

Historic structure shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) - Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest floor shall mean 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.**

Manufactured home shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a "recreational vehicle."

Manufactured home park or manufactured home subdivision shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction shall mean structures for which the start of construction commenced on or after the effective date of the floodplain regulations adopted by the City and includes any subsequent

improvements to such structures.

New manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the City.

Preliminary Flood Insurance Rate Map- The draft version of the FIRM released for public comment before finalization and adoption.

Recreational vehicle shall mean a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the longest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act - P.L. No. 97-348) shall mean and includes substantial improvements and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (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 ~~piles~~**spilings**, 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 ~~effects~~ **affects** the external dimensions of the building.

Structure shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

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 be equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it is before damaged condition would equal or exceed fifty (50) 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 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, addition or other improvement of a structure, the cost of which 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:

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period 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. Substantial improvement also means "cumulative substantial 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; or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance shall mean a grant of relief from the requirements of this Title that permits construction in a manner that would otherwise be prohibited by this Title.

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.

Water Surface Elevation - the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

(Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-2. LANDS TO WHICH THIS TITLE APPLIES.

This Title shall apply to all areas of special flood hazards within the jurisdiction of the corporate boundaries of the City of Newark, New Jersey. (Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-3. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard for the City of Newark, Community No. 340189 are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

- a. A scientific and engineering report "Flood Insurance Study, Essex County, New Jersey (All Jurisdictions)" dated June 4, 2007 **April 3, 2020**.
- b. Flood Insurance Rate Map for Essex County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 0113F, 0114F, 0116G, 0117F, 0118F, 0119F, 0132F, 0151F, 0152F, 0153F, 0154F, 0156F, 0157F, 0158F, 0159F, 0162F, 0166F, 0167F, 0176F, 0178F, **0200F**; whose effective date is June 4, 2007 **April 3, 2020**.

- c. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.**

The above documents are hereby adopted and declared to be a part of this Title. The Flood Insurance Study and Flood Insurance Rate Maps **and maps and advisory documents** are on file in the Department of Engineering, City Hall, 920 Broad Street, Room 420 **412**, Newark, New Jersey, 07102 and in the offices of the City Clerk.

(Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-4. PENALTIES FOR NON-COMPLIANCE.

No structure or land shall hereafter be constructed, **re-located to**, extended, converted, or altered without full compliance with the terms of this Title and other applicable regulations. Violation of the provisions of this Title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Title or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not more than three hundred (\$300.00) dollars for each day the violation persists or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Newark, New Jersey, from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-5. ABROGATION AND GREATER RESTRICTIONS.

This Title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Title and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-6. INTERPRETATION.

In the interpretation and application of this Title, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the Governing Body; and
- c. Deemed neither to limit nor ~~appeal~~**repeal** any other powers granted under State Statutes.

(Ord. 6 S+FA (S-1), 6-1-07 § 2)

12:2-7. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Title does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of the City of Newark,

New Jersey, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this Title or any administrative decision lawfully made thereunder. (Ord. 6 S+FA (S-1), 6-1-07 § 2)

Section 3.

CHAPTER 3 ADMINISTRATION

12:3-1. DEVELOPMENT PERMIT.

This Title shall establish and maintain a local development permitting system to determine whether such proposed construction or other is reasonably safe from flooding. A local development permit shall be obtained before construction or development begins, including placement of manufactured homes, with within any area of special flood hazard established in Section 12:2-3 of this Title. Application for a development permit shall be made on forms provided by the Flood Control Compliance Officer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location of the foregoing. The permit shall be issued by the appropriate board or Central Permit Officer of the City of Newark only upon the certification of the Flood Control Compliance Officer that all the requirements of this Title have been satisfied.

Specially, the following information is required for consideration by the appropriate review board or office:

- a. Elevation in relation to ~~mean sea level~~ **0 foot elevation NAVD 88 datum**, of the lowest floor (including basement) of all structures.
- b. Elevation in relation to ~~mean sea level~~ **0 foot elevation NAVD 88 datum** to which any structure has been floodproofed.
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 12:4-6b.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. **Any forms, plans, or information required pursuant to any applicable FEMA publication.**

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-2. DESIGNATION OF THE FLOOD CONTROL COMPLIANCE OFFICER.

The Director of Engineering is appointed to administer and implement this Title by certifying development permit applications in accordance with its provisions. (Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-3. DUTIES AND RESPONSIBILITIES OF THE FLOOD CONTROL COMPLIANCE OFFICER.

Duties of the Director of Engineering as Flood Control Compliance Officer shall include, but not be limited to:

- a. Review all development permits to determine that the permit requirements of this Title have

been satisfied.

- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure that the encroachment provisions of Section 12:4-5 are met.
- d. **Review all permit applications to determine whether proposed building sites are reasonably safe from flooding.**
- e. **Review all permit applications to determine whether development complies with all applicable FEMA Publications.**
- f. **Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements.**
- g. **Review all development permits in the Coastal A Zone area to determine if the proposed development alters natural coastal protections so as to increase potential flood damage.**
- h. **Review plans for walls to be used to enclose space below the base flood level in accordance with Section 12:5-4.**

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-4. USE OF OTHER BASE FLOOD DATA.

When base flood elevation and floodway data has not been provided in accordance with Section 12:2-3, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Flood Control Compliance Officer 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 12:4-6a.1, Specific Standards Residential Construction and Section 12:4-6b.2, Specific Standards, Nonresidential Construction. (Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-5. INFORMATION TO BE OBTAINED AND MAINTAINED.

The Flood Control Compliance Officer shall:

- a. Obtain from the applicant and record **on a current Elevation Certificate** the actual elevation (in relation to ~~mean sea level~~ **0 foot elevation NAVD 88 datum**) of the lowest ~~habitable~~ floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures:
 - 1. Verify and record **on a Floodproofing Certificate** the actual elevation (in relation to ~~mean sea level~~ **0 foot elevation NAVD 88 datum**); and
 - 2. Maintain the floodproofing certifications required in Section 12:3-1;
- c. **In coastal high hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of Section 12:5-1 and Section 12:5-2, i. and ii. are met.**
- d. **Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and**
- e. Maintain for public inspection all records pertaining to the provisions of this Title.

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-6. ALTERATION OF WATERCOURSES.

The Flood Control Compliance Officer shall:

- a. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section **Bureau of Flood Engineering** and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-7 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, Bureau of Flood Engineering.
- c. Ensure substantial improvements meet the requirements of sections 12:4-6.1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 12:4-6.2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION, and 12:4-7, SPECIFIC STANDARDS, MANUFACTURED HOMES.

12:3-7 12:3-8. INTERPRETATION OF "FIRM" BOUNDARIES.

The Flood Control Compliance Officer shall make interpretations where needed, as to exact locations of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 12:3-8. (Ord. 6 S+FA (S-1), 6-1-07 § 3)

12:3-9 REPORT CHANGES IN FLOODING CONDITIONS.

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

12:3-8 12:3-10. APPEAL BOARD.

- a. The "Flood Hazard Variance Control Board" shall consist of all members appointed to serve on the Uniform Construction Code Appeals Board [Construction Board of Appeals] as established by the Municipal Council of the City of Newark under ordinances. This Board shall hear and decide appeals and requests for variances from the requirements of this Title.
- b. The Flood Hazard Variance Control Board shall hear and decide appeals when it is

alleged there is an error in any requirement, decision, or determination, made by the Flood Control Compliance Officer in the enforcement or administration of this Title.

- c. Any person aggrieved by the decision of the Flood Hazard Variance Control Board, or any taxpayer, may appeal the Board's decision before a court of competent jurisdiction.
- d. In passing upon such applications, the Flood Hazard Variance Control Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Title, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e. Upon consideration of the above factors and the purposes of this Title, the Flood Hazard Variance Control Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Title.
- f. The Flood Control Compliance Officer shall maintain the records of all appeal actions, including technical information, **the justification for their issuance**, and report any variances to the Federal Insurance Administration upon request.

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

CROSS REFERENCE: For Construction Board of Appeals, see editor's note, Chapter 3, Title VII of these Revised General Ordinances.

~~12:3-9~~ 12:3-11. CONDITIONS FOR VARIANCES.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section ~~12:3-8d~~**10d**, paragraphs 1 through 11 have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- b. 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.

- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued, upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. 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 12:3-8d10d., or conflict with existing local laws or ordinances.
- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 6 S+FA (S-1), 6-1-07 § 3)

Section 4.

CHAPTER 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

12:4-1. ANCHORING.

~~In all areas of special flood hazards the following standards are required:~~

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be 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.

12:4.1. GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever are more restrictive, are required:

12:4-1.1 ANCHORING.

In all areas of special flood hazards the following standards are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes **to be placed or substantially improved** shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be 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.
(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-2. CONSTRUCTION MATERIALS AND METHODS.

In all areas of special flood hazards the following standards are required:

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-3. UTILITIES.

In all areas of special flood hazards the following standards are required:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d. **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.

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-4. SUBDIVISION PROPOSALS.

In all areas of special flood hazards the following standards are required:

- a. All subdivision proposals **and other proposed new development** shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals **and other proposed new development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals **and other proposed new development** shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed **new** development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-5. ENCLOSURE OPENINGS.

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.

12:4-6. SPECIFIC STANDARDS.

In areas of special flood hazards where base flood elevation data have been provided as set forth in Section 12:2-3, Basis for Establishing the Areas of Special Flood Hazard or in Section 12:3-4, Use of Other Base Flood Data, the following standards are required:

12:4-6.1 RESIDENTIAL CONSTRUCTION.

For Coastal A Zone construction see Section 12:4-9 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.

a. *Residential Construction.* New construction and substantial improvement of any residential structure **located in an A, AE, AO or AH 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 to at or above the **more restrictive of the following:**

a. **For A or AE zones:**

- i) **base flood elevation (published FIS/FIRM) plus one (1) foot;**
- ii) **the best available flood hazard data elevation plus one (1) foot;**
- iii) **as required by ASCE/SEI 24-14, Table 2-1, or**
- iv) **as required by N.J.A.C. 7:13-3.**

b. **For AO or AH zones on the municipality's FIRM 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.**

c. **Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.**

12:4-6.2 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 12:4-9 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE), 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 as well as all electrical, heating, ventilating, air-conditioning and other service equipment:
Either:

a. Elevated at or above the more restrictive of the following:

i. For A or AE zones:

- a. base flood elevation (published FIS/FIRM) plus one (1) foot,
- b. the best available flood hazard data elevation plus one (1) foot,
- c. as required by ASCE/SEI 24-14, Table 2-1, or
- d. as required by N.J.A.C 7:13-3.

ii. For AO or AH zones on the municipality's FIRM 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;

iii. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

Or

b. Be floodproofed so that below:

i. For A or AE zones apply the more restrictive of the following:

- a. base flood elevation (published FIS/FIRM) plus one (1) foot,
- b. the best available flood hazard data elevation plus one (1) foot,
- c. as required by ASCE/SEI 24-14, Table 6-1, or
- d. as required by N.J.A.C 7:13-3.

e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (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,

ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iv. 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 12:3-5.

v. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-7. MANUFACTURED HOMES.

In all areas of special flood hazard the following standards are required:

a. Mobile homes shall be anchored in accordance with Section 12:4-1.

b. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be:

i. Be consistent with the need to minimize flood damage,

ii. Be constructed to minimize flood damage,

- iii. Have adequate drainage provided to reduce exposure to flood damage; and,
- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or the more restrictive of the following:
 - a. base flood elevation (published FIS/FIRM) plus one (1) foot,
 - b. the best available flood hazard data elevation plus one (1) foot, or
 - c. as required by ASCE/SEI 24-14, Table 2-1,
 - d. as required by N.J.A.C 7:13-3.
 - e. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (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,
- v. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit

- c. All recreational vehicles located within an area of special flood hazard shall either:
 - i. Be on site for fewer than 180 consecutive days,
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet the requirements of Section 12:3-1 and Section 12:4-7 a) and b) above.

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-8. FLOODWAYS.

Located within areas of special flood hazard identified by the flood insurance study for the City of Newark, New Jersey, are areas designated as floodways. Since the floodway is extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements, and other developments unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- b. If Section 12:4-8a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter, Provision for Flood Hazard Reduction;
- c. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, **no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that,** the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

(Ord. 6 S+FA (S-1), 6-1-07 § 4)

12:4-9. COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of

special flood hazard established in Section 12:2-3. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

12:4-10. LOCATION OF STRUCTURES

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

12:4-11. 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 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 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 coverings or devices provided they permit the automatic entry and exit of floodwaters. (Ord. 6 S+FA (S-1), 6-1-07 § 4)

Section 5.

CHAPTER 5 CONSTRUCTION METHODS.

12:5-1 ELEVATION.

All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) (together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment) is elevated to or above the more restrictive:
 - (a) Base flood elevation (published FIS/FIRM) plus one (1) foot
 - (b) The best available flood hazard data elevation plus one (1) foot
 - (c) as required by ASCE/SEI 24-14, Table 2-1, or
 - (d) as required by N.J.A.C 7:13-3
- ii. Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit; and
- iii. 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 12:5-4.

12:5-2 STRUCTURAL SUPPORT.

- i. All new construction and substantial improvements shall be securely anchored on piling 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. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

12:5-3 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 12:5-1 and 12:5-2 i. and ii.

12:5-4 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.
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (ii) 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). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- 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 Code Official or Building Sub-Code Official for approval.

12:5-5 SAND DUNES.

Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

Section 6.

CHAPTER 6 DISSEMINATION OF INFORMATION PERTAINING TO FLOOD HAZARD.

12:6-1. POLICY.

It is the policy of the City of Newark that the Flood Control Compliance Officer may provide flood hazard information concerning specific properties to interested members of the public, provided that:

- a. It is understood that the information provided by the Flood Control Compliance Officer is not considered to be of an expert nature;
- b. The final and conclusive determination of the potential for flood hazard remains the responsibility of the lending institution which is providing a mortgage for the premises in question;
- c. Any person requesting flood hazard information shall pay to the City of Newark a fee of ten (\$10.00) dollars for flood hazard information on each property so requested. Payment shall be in the form of a check or money order made payable to the City of Newark.

(Ord. 6 S+FA (S-1), 6-1-07 § 5)

Section 7.

CHAPTER 7 SEVERABILITY.

If any Section, Subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 8.

CHAPTER 8 ENACTMENT.

12:8-1 ADOPTION.

This Title shall be effective on April 3, 2020 and shall remain in force until modified, amended or rescinded by the City of Newark, Essex County, New Jersey.

Section 9. This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance Amending Title 12, Flood Damage Prevention, to promote the public health, safety, and general welfare of residents and businesses in the City of Newark, New Jersey, as required, in order to remain in compliance with current National Flood Insurance Program (NFIP) regulations.

