

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 22nd day of November, 2016, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 20th day of December, 2016 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

Ordinance #16-28

**AN ORDINANCE TO AMEND CHAPTER 175 FLOOD DAMAGE
PREVENTION**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Chapter 175 Flood Damage Prevention of the Borough Codebook shall be amended as follows:

Section 1. Amend:

§ 175-13 Designation of local administrator.

~~The Planning Board is hereby appointed~~ **The Governing Body shall annually appoint a certified Floodplain Manager by resolution** to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 175-14 Duties and responsibilities of local administrator.

Duties of the ~~Planning Board~~ Floodplain Manager shall include, but not be limited to:

A. Permit review. The ~~Planning Board~~ **Floodplain Manager** shall:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) 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.
- (3) Review all development permits **for land in the floodway** to determine if the proposed development is located in the floodway and assure that the encroachment provisions of § **175-18A** are met.

B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with § **175-7**, Basis for establishing areas of special flood hazard, the ~~Planning Board~~ **Floodplain Manager** 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 § **175-17**, Specific standards, Subsection **A**, Residential construction, and Subsection **B**, Nonresidential construction.

C. Information to be obtained and maintained **where development is proposed in the floodway**. The ~~Planning Board~~ **Floodplain Manager** shall:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:

- (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in § **175-12C**.
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Alteration of watercourses. The ~~Planning Board~~ **Floodplain Manager** shall:
- (1) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished.
- E. Interpretation of FIRM boundaries. The ~~Planning Board~~ **Floodplain Manager** shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § **175-15**.

§ 175-17 Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in § **175-7**, Basis for establishing areas of special flood hazard, or in § **175-14B**, Use of other base flood and floodway data, the following standards are required:

- A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to ~~or~~ **1 foot** above base flood elevation.
- B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either:
 - (1) Have the lowest floor, including basement, elevated to the level of **1 foot above** the base flood elevation; or
 - (2) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water, have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and 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 § **175-14C(2)**.
- C. Manufactured homes.
 - (1) Manufactured homes shall be anchored in accordance with § **175-16A(2)**.
 - (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is **1 foot at** ~~or~~ above the base flood elevation.

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance

Section 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk