**ORDINANCE 8-2016**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, amending Chapter XXX, “FLOOD HAZARD PROTECTION,” section 30-5, “Provisions for Flood hazard reduction,” section 30-5.2, “Specific standards,” of the code of the borough of bloomingdale**

**WHEREAS**, the Borough Engineer has recommended certain revisions to the Borough Code to provide for a freedboard requirement for residential and nonresidential construction; and

**WHEREAS**, the Borough Council seeks to adopt the recommendation of the Borough Engineer.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1**. Chapter XXX, “Flood Hazard Protection,” Section 30-5, “Provisions for Flood Hazard Reduction,” Section 30-5.2, “Specific Standards,” of the Code of the Borough of Bloomingdale is hereby amended to read in its entirety as follows:

#### § 30-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 30-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 30-4.3b, Use of Other Base Flood Data, the following standards are required:

 a. Residential Construction.

 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two (2) feet above the level of the base flood elevation;

 2. Require within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) 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.

 b. Nonresidential Construction.

 1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two (2) feet above the level of the base flood elevation; or

 2. Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) 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; or together with the attendant utilities and sanitary facilities, shall:

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

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

 5. 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 subsection 30-4.3c,2.

 c. Manufactured Homes.

 1. Manufactured homes shall be anchored in accordance with subsection 30-5.1a,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 at or above the base flood elevation.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 1st day of March 2016, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 15th day of March, 2016 at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.**

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**Jane McCarthy, RMC**

**Municipal Clerk**