

**BOROUGH OF PARAMUS
COUNTY OF BERGEN**

ORDINANCE 19-22

ORDINANCE AMENDING CHAPTER 253 OF THE PARAMUS CODE

Section 1. Purpose and Authority. The purpose of ordinance is to amend Chapter 253 of the Paramus Code, entitled Flood Damage Prevention, to meet the standards set forth by the New Jersey Department of Environmental Protection and pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50.

Section 2. Amendments. Chapter 253 Paramus Code is hereby amended to provide, as follows [additions highlighted/deletions in strikethrough]:

§ 253-1. Legislative authority.

The Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the governing body of the Borough of Paramus in the County of Bergen, State of New Jersey, does ordain the following.

§ 253-2. Findings.

A. The flood hazard areas of the Borough of Paramus 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.

B. 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, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 253-3. Purpose.

It is the purpose of this chapter 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 to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.

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- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. 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. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 253-4. Scope.

In order to accomplish its purposes, this chapter 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 floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

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§ 253-5. Definitions and word usage.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter 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

A request for a review of the Construction Official's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) ~~where the base flood depths range from one to three feet;~~ with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-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

A flood having a one-percent chance of being equaled or exceeded in any given year.

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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

Any area of the building having its floor subgrade (below ground level) on all sides. [Added 3-24-1987 by Ord. No. 87-7]

BREAKAWAY WALL

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. [Added 3-24-1987 by Ord. No. 87-7]

DEVELOPMENT

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. Editor's Note: The definitions of "existing mobile home park or mobile home subdivision" and "expansion to an existing mobile home park or mobile subdivision," which immediately followed this definition, were deleted 3- 24-1987 by Ord. No. 87-7. [Amended 8-29-1995 by Ord. No. 95-27]

ELEVATED BUILDING

A nonbasement building (i) 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, to have the bottom of the lowest horizontal structural member of the elevated floor~~ elevated above the ~~ground-level~~ base flood elevation plus freeboard by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water and (ii) 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, elevated building also includes a building otherwise meeting the definition of elevated building even though the lower area is enclosed by means of breakaway walls.~~ [Added 3-24-1987 by Ord. No. 87-7]

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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.

FLOOD or FLOODING

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)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as Flood Insurance Rate Map(s) ~~the Flood Boundary - Floodway Map~~ and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, subdivision regulations, special purpose ordinances (such as a floodplain 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. [Amended 8-29-1995 by Ord. No. 95-27]

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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.

FLOODWAY

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 0.2 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

The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE

Any structure that is: [Added 8-29-1995 by Ord. No. 95-27]

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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.

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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.

LOWEST FLOOR

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 nonelevation design requirements of 44 CFR Section 60.3. [Amended 3-24-1987 by Ord. No. 87-7]

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. [Amended 3-24-1987 by Ord. No. 87-7]

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Added 3-24-1987 by Ord. No. 87-7]

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvement to such structures. Editor's Note: The definition of "new mobile home park or mobile home subdivision," which immediately followed this definition, was deleted 3-24-1987 by Ord. No. 87-7.

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NEW 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 on or after the effective date of the floodplain management regulations adopted by the municipality.

RECREATIONAL VEHICLE

A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION

The "start of construction" includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 pilings, 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 the external dimensions of the building. [Amended 3-24-1987 by Ord. No. 87-7; 8-29-1995 by Ord. No. 95-27]

STRUCTURE

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

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SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. [Amended 8-29-1995 by Ord. No. 95-27]

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the "start date 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:

~~or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:~~

A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. [Amended 8-29-1995 by Ord. No. 95-27]

VARIANCE

A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

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.

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§ 253-6. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Borough of Paramus.

§ 253-7. Basis for establishing areas of special flood hazard.

[Amended 5-24-1988 by Ord. No. 88-12; 8-29-1995 by Ord. No. 95-27; 7-26-2005 by Ord. No. 05-30]

The areas of special flood hazard for the Borough of Paramus, Community No. 340062, are identified and defined ~~are identified~~ by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study of Bergen County, New Jersey (All Jurisdictions)," dated August 28, 2019, and Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions) as shown on Index and Panels 176, 177, 178, 179, 181, 183, 186, 187 and 191 (revision H) of 332, dated ~~September 30, 2005~~ August 28, 2019, ~~with accompanying Flood Insurance Rate Map~~ The above documents, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file in the Borough of Paramus Municipal Building, ~~Route 171~~ West Jockish Square, Paramus, New Jersey.

§ 253-8. Violations and penalties.

[Amended 11-24-1992 by Ord. No. 92-23; 3-14-2006 by Ord. No. 06-2]

No structure or land shall hereafter be constructed, re-located to, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction, be subject to the penalties provided by §1-15 of this Code, and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Paramus from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 253-9. Abrogation; greater restrictions to prevail.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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§ 253-10. Construal of provisions.

In the interpretation and application of this chapter, 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 repeal any other powers granted under state statutes.

§ 253-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Borough of Paramus, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 253-12. Development permit.

A. A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 253-7. Application for a development permit shall be made on forms furnished by the Construction Official 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; and the location of the foregoing.

B. Specifically, the following information is required:

(1) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

(2) The elevation in relation to mean sea level to which any structure has been floodproofed.

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(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 253-18B.

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 253-13. Administration.

The Construction Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 253-14. Powers and duties of Construction Official.

Duties of the Construction Official shall include but not be limited to:

A. Permit review. The Construction Official 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 for those federal, state and local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway and, if located in the floodway, assure that the encroachment provisions of § 253-19A.

B. Use of other base flood data. When base flood elevation and floodway data has not been provided in accordance with § 253-7, Basis for establishing areas of special flood hazard, the Construction Official 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 § 253-18, Specific standards for flood hazard reduction.[Amended 3-24-1987 by Ord. No. 87-7; 11-24-1992 by Ord. No. 92-23]

C. Information to be obtained and maintained. The Construction Official shall:

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(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 § 253-12B(3).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of watercourses. The Construction Official shall:

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program, ~~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 that the flood-carrying capacity is not diminished.

E. Substantial Damage review: The Construction Official shall:

(1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

(2) 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 Control.

(3) Ensure substantial improvements meet the requirements of sections 253-18, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and SPECIFIC STANDARDS, MANUFACTURED HOMES.

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F. Interpretation of FIRM boundaries. The Construction Official 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 field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §§ 253-15 and 253-16.

§ 253-15. Appeals; variances.

A. The Planning Board or Zoning Board of Adjustment, as established by the Borough of Paramus, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Board or Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Construction Official in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Planning Board or Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of the State of New Jersey. [Amended 11-24-1992 by Ord. No. 92-23]

D. In passing upon such applications, the Planning Board and Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and: [Amended 11-24-1992 by Ord. No. 92-23]

(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.

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- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the Comprehensive Plan and floodplain 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 floodwaters and the effects of wave action, if applicable, expected at the site.
- (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 factors of Subsection D and the purposes of this chapter, the Planning Board or Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

§ 253-16. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that § 253-15D(1) through (11) have been fully considered. As the lot size increases beyond the 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 an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure. [Amended 8-29-1995 by Ord. No. 95-27]

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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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 a 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 or extraordinary public expense or create nuisances or cause fraud on or victimization of the public as identified in § 253-15D 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 will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 253-17. General standards for flood hazard reduction. [Amended 9-10-1985 by Ord. No. 85-21]

In all areas of special flood hazard, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, ~~are~~ is required, and the Planning Board or Zoning Board of Adjustment shall also determine, with the advice and assistance of the Borough Engineer, Construction Official and other competent authority, that:

A. Proposed construction, repairs or alterations shall use construction materials and utility equipment that are resistant to flood damage. Proposed construction, repairs or alterations shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction methods and practices are used that will resist rupture or collapse from water pressure and minimize flood damage.

C. Proposed utilities and facilities such as water, sewer and electrical systems are located, elevated and constructed to minimize or eliminate flood damage. These shall include watertight manholes with vents, raised vents, flap valves, etc. Such facilities shall be constructed with overflow elevation two feet above flood level. In

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addition, on-site waste disposal systems shall be located to avoid impairment to them or contamination for them during flooding.

D. Drainage is provided to reduce exposure to flood hazards.

E. New or replacement water systems and sanitary systems are designed and located to prevent infiltration, leakage, impairment or contamination during flooding.

F. Installation of watertight doors.

G. Use of paints, membranes or mortars to reduce seepage of water through walls.

H. Backfill should be of soils with natural low permeability.

I. Eight inches of compacted granular fill beneath ground floor; said fill materials shall act as a french drain.

J. No buried fuel oil tanks shall be permitted unless properly anchored and vented, with the vent two feet above the flood level.

K. All new construction and substantial improvements to mechanical devices and equipment subject to water damage, including furnaces and electrical distribution centers, shall be located at least two feet above flood level.

L. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) 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.[Added 3-24-1987 by Ord. No. 87-7]

M. Construction materials and methods.[Amended 8-29-1995 by Ord. No. 95-27]

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

N. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) 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. [Added 3-24-1987 by Ord. No. 87-7]

O. Subdivision proposals.

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage.

(2) 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.

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or five acres (whichever is less).

P. Enclosure openings. For all new construction and substantial improvements, 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 are subject to flooding shall be designed to automatically equalize hydrostatic flood

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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:

(1) A minimum of two openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade. The bottom of all openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 253-18. Specific standards for flood hazard reduction. [Amended 9-10-1985 by Ord. No. 85-21]

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 253-7, Basis for establishing areas of special flood hazard, or in §253-14B, 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 together with attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, ~~to one foot above base flood elevation.~~ Any new construction and substantial improvement of a residential structure in any AO or AH zone on the municipality's FIRM shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated 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.

(2) MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section § 253-17(L)(2).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,

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- iii. Have adequate drainage provided to reduce exposure to flood damage,
- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1 and,
- v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

~~All manufactured homes to be placed or substantially improved within an area of special flood hazard be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.~~ [Added 3-24-1987 by Ord. No. 87-7]

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either~~ have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment ~~either: to the level of one foot above base flood elevation or, together with attendant utility and sanitary facilities, shall:~~

(1) elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1; and

(2) require within any AO or AH zone on the municipality's DFIRM 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;

or

~~(3)~~ Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 6.1, ~~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

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(53) 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 § 253-17M(5). Editor's Note: Former § 253-17M(5) was repealed 8-29-1995 by Ord. No. 95-27. [Amended 3-24-1987 by Ord. No. 87-7]

§ 253-19. Floodways.
[Amended 9-10-1985 by Ord. No. 85-21]

Located within areas of special flood hazard established in § 253-7 are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited 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 Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 253-17 & 18, General standards for flood hazard reduction.

C. Editor's Note: Former Subsection C, which prohibited the placement of manufactured homes in a floodway, was repealed 8-29-1995 by Ord. No. 95-27. This ordinance also relettered former Subsection D as C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, 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 0.2 of a foot at any point.

SECTION 3.0

SEVERABILITY

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

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Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Paramus Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Paramus Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

ATTEST:


ANNEMARIE KRUSZNIS
Borough Clerk

APPROVED:


RICHARD LABARBIERA
Mayor

INTRODUCED: July 24, 2019
APPROVED: August 21, 2019