

ORDINANCE NO. 2018-03

**ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 126 OF THE MUNICIPAL CODE
OF THE BOROUGH OF BAY HEAD, ENTITLED "FLOOD
DAMAGE PREVENTION"**

WHEREAS, on March 28, 2014, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided the Borough of Bay Head with preliminary copies of the Flood Insurance Rate map (FIRM) and Flood Insurance Study (FIS) report for Ocean County, New Jersey (All Jurisdictions); and

WHEREAS, this study has been on hold pending resolution of the New York City coastal appeal; and

WHEREAS, one community within Ocean County has elected to move forward with adopting the updated flood hazard information shown on the preliminary FIRM panels and FIS report; and

WHEREAS, FEMA Region II has decided to issue a final, effective FIRM and FIS report for Ocean County without including the updated flood hazard information for the Borough of Bay Head that was shown on the preliminary FIRM panels and FIS report; and

WHEREAS, although the Borough of Bay Head is now unaffected by the updated flood hazard information presented in the preliminary FIRM and FIS report, the Borough of Bay Head does lie on one or more of the revised map panels; and

WHEREAS, based upon FEMA's decision to revise the map panels the Borough of Bay Head has been advised that there is a need to revise the current Flood Damage Prevention Ordinance in order to continue participation in the National Flood Insurance Program.

BE IT ORDAINED by the Mayor and Council of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 126, entitled "Flood Damage Prevention" so as to amend 126-7 entitled "Basis for establishing areas of special flood hazard" so as to modify 126-7(2) in order to reference the revised map panels. 126-7 shall read in its entirety as follows:

§ 126-7. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Borough of Bay Head Community No. 345281, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) A scientific and engineering report "Flood Insurance Study, Ocean County, New Jersey (All jurisdictions)" dated June 20, 2018.

(2) Flood Insurance Rate Map for Ocean County, New Jersey (All Jurisdictions), as shown on Index and Panel Number(s) 34029C0208G, and 34029C0216F, whose effective date is June 20, 2018.

(3) 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.

B. The above documents are hereby adopted and declared to be part of this chapter. The Flood Insurance Study and maps are on file at Borough Hall, 83 Bridge Avenue, Bay Head, New Jersey.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. After introduction of this ordinance, the Borough Clerk shall send a copy of this ordinance to the Borough Planning Board for its review and comment. The Borough shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading: February 5, 2018
Introduced on Second Reading: April 2, 2018
Approved: May 7, 2018

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor