

CHAPTER 4A

FLOOD PLAIN MANAGEMENT REGULATIONS

Authority

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i)
and N.J.A.C. 19:4-6.27.

Source and Effective Date

R.1993 d.176, effective March 29, 1993.
See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Executive Order No. 66(1978) Expiration Date

Chapter 4A, Flood Plain Management Regulations, expires on March 29, 1998.

Chapter Historical Note

Chapter 4A, Flood Plain Management Regulations, was adopted as R.1983, d.143, effective May 2, 1983. See: 15 N.J.R. 18(a), 15 N.J.R. 697(d). Pursuant to Executive Order No. 66(1978), Chapter 4A expired on May 2, 1988, and was subsequently adopted as new rules by R.1988 d.281, effective June 20, 1988. See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b). Pursuant to Executive Order No. 66(1978), Chapter 4A was readopted as R.1993 d.176. See: Source and Effective Date.

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SUBCHAPTER 1. TITLE

19:4A-1.1 Chapter title

This chapter shall be known and may be referred to as the Flood Plain Management Regulations of the Hackensack Meadowlands District.

SUBCHAPTER 2. PURPOSE

19:4A-2.1 Purposes enumerated

This chapter sets forth procedures, engineering and planning standards, rules and regulations in accordance with which the Commission shall review and approve or disapprove applications for the development or use of land within the District. It is designed 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 protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to new and existing construction; to minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; to help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas; to insure that potential buyers are notified that property is in an area of special flood hazard; to ensure that those who own or occupy the areas of special flood hazard assume responsibility for their actions; and generally to provide for the exercise of the powers regarding the review and regulation of land use and development conferred upon the Commission by Chapter 404 of the Laws of 1968. In order to accomplish its purpose, this chapter includes methods and provisions for: Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights; requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters; controlling filling, grading, dredging and other development which may increase flood damage; and, preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SUBCHAPTER 3. DEFINITIONS

19:4A-3.1 Words and phrases defined

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

"Appeal" means a request for a review of the Commission's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

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

"Breakaway wall" means 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.

"Chief engineer" means a professional engineer registered in the State of New Jersey appointed by the Commission having responsible charge of all matters carried out by the Office of the Chief Engineer as expressed or implied in accordance with Chapter 404 of the Laws of 1968.

"Commission" means the Hackensack Meadowlands Development Commission or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers and duties conferred upon the Commission shall be given by law.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations within the area of special flood hazard.

"District" means the Hackensack Meadowlands District as defined in Chapter 404 of the Laws of 1968.

"Elevated building" means a non-basement building which is:

1. In the case of a building in an Area of Special Flood Hazard, built to have the top of the elevated floor; or in the case of a building in a Coastal High Hazard Area, built to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and
2. 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 flood waters. 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.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation utilities, either final site grading or pouring of concrete or the construction of streets).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal water and/or;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation to the base flood.