

**ORDINANCE NO. 2023-3**

**AN ORDINANCE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 46B OF THE  
TOWNSHIP CODE ENTITLED  
“FLOOD DAMAGE PREVENTION”**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that the following provisions of Chapter 46B of the Township Code entitled “Flood Damage Prevention” is hereby amended to read as follows and all other provisions remain unchanged:

**SECTION 1.**

Chapter 46B-2.3 Establishing the local design flood elevation (LDFE).

A. Unchanged.

B. At a minimum, the local design flood elevation shall be as follows:

- (1) For a delineated watercourse, the elevation associated with the best available flood hazard data area determined in §46B-2.2, above plus three foot or as described by N.J.A.C. 7:13 of freeboard; or
- (2) For any un-delineated watercourse [where mapping or studies described in §46B-2.2C(1) and (2) and above are not available] that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the local design flood elevation:
  - (a) A copy of an unexpired NJDEP Flood Hazard Area Verification plus additional three foot of freeboard to comply with this chapter; or
  - (b) A determination of the flood hazard area design flood elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) which includes 3 foot of freeboard and is sealed and submitted according to §46B-5-2 and §46B-5.3.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08731

- (3) AO Zones. For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the local design flood elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus three foot of freeboard. If no depth number is specified, the local design flood elevation is three feet above the highest adjacent grade.
- (4) Class IV critical facilities. For any proposed development of new and substantially improved Flood Design Class IV critical facilities, the local design flood elevation must be the higher of the 0.2% annual chance (500-year) flood elevation or the flood hazard area design flood elevation with an additional three feet of freeboard in accordance with ASCE 24.
- (5) Class III critical facilities. For proposed development of new and substantially improved Flood Design Class III critical facilities in coastal high hazard areas, the local design flood elevation must be the higher of the 0.2% annual chance (500-year) flood elevation or the flood hazard area design flood elevation with an additional three foot of freeboard in accordance with ASCE 24.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08731

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **1<sup>st</sup> day of January, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **7<sup>th</sup> day of February, 2023, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

---

Donna M. Manno RMC  
Municipal Clerk

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08731

## **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely **Ordinance 2023-3** “Amending and Supplementing various sections of Chapter 46B of the Township code Entitled, “Flood Damage Prevention” was introduced and passed at a meeting of the Township Committee on the **1<sup>st</sup> day of January, 2023** and finally adopted after Public Hearing at a meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the **7<sup>th</sup> day of February, 2023 at 10:00AM.**

---

Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08731