

ORDINANCE NO. 2024 - 06

ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 185 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY ENTITLED "FLOOD HAZARD AREAS" TO REVISE CERTAIN REGULATIONS IN THE COASTAL AND FLOOD ZONE AREAS

BE IT ORDAINED, by the Mayor and Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Section 185-5 of the Township Code of the Township of Lacey entitled "Ordinary building maintenance and minor work" is hereby revised to read as follows:

§185-5 Ordinary building maintenance and minor work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code, including nonstructural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc., shall be exempt.

SECTION 2. Section 185-26 of the Township Code of the Township of Lacey entitled "Substantial improvement and substantial damage determinations" is hereby repealed in its entirety and replaced with the following:

§185-26 Substantial improvement and substantial damage determinations

When buildings and structures are damaged due to any cause, including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building

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or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

- B. Determine and include the costs of all regulated work, as discussed in §185-11, performed in the floodplain regulated by these regulations in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvement and repairs over a period of five years, effective January 1, 2023, prior to the permit application or substantial damage determination as specified in the definition of "substantial improvement"
- E. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Building Code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood-resistant construction requirements of the Building Code to the NJDEP Bureau of Flood Engineering.

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SECTION 2. Section 185-57 of the Township Code of the Township of Lacey entitled "Activities prohibited in floodways" is hereby amended and supplemented to revise Paragraph

A to read as follows:

§ Section 185-57 Activities prohibited in floodways

The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13. These regulations do not apply to A and Coastal A zones.

SECTION 4. Section 185-79 of the Township Code of the Township of Lacey entitled "Fences" is hereby deleted in its entirety and replaced with the following:

§185-79 Fences

Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of §185-36A of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than six feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Article VII of these regulations. These regulations do not apply to A and Coastal A zones.

SECTION 5. Section 185-81 of the Township Code of the Township of Lacey entitled "Swimming pools" is hereby deleted in its entirety and replaced with the following:

Section 185-81 Swimming Pools

Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Aboveground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of §185-36A of these regulations. Aboveground swimming pools are prohibited in floodways by N.J.A.C. 7:13. These regulations do not apply to A and Coastal A zones.

SECTION 6. Section 185-82 of the Township Code of the Township of Lacey entitled "Roads and watercourse crossings" is hereby deleted in its entirety and replaced with the following:

(RESERVED)

SECTION 7. Section 185-83 of the Township Code of the Township of Lacey entitled "Other development in coastal high hazards areas (Zone V) and Coastal A Zones" is hereby deleted in its entirety and replaced with the following:

(RESERVED)

SECTION 8. That should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 9. That all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

SECTION 10. That this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Lacey on first reading at a meeting held on the 11th day of April, 2024. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 25th day of April, 2024 at 6:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 818 Lacey Road, Forked River, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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AMY McGUCKIN,
Municipal Clerk, Township of Lacey