



## Section 8 Capability Assessment

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### 8.1 Overview and Purpose of Capability Assessment

Although not required by Disaster Mitigation Act of 2000 or the Interim Final Rule, a capability assessment adds context to a mitigation plan by providing an inventory of a municipality's programs and policies, and an analysis of its capacity to carry them out. These are essential for developing mitigation strategies and actions.

The capability assessment is a review of Morris County's resources in order to identify, review, and analyze what the county is currently doing to reduce losses, and to identify the framework that is in place for the implementation of new mitigation activities. This section of the Plan also facilitates efforts with the New Jersey State Office of Emergency Management (NJOEM) and with federal agencies and resources. In addition, this assessment will be useful in gauging whether the current local organizational structures and inter-jurisdictional or county coordination mechanisms for hazard mitigation could be improved, and how.

This local capability is extremely important, because the municipal officials know their own landscape best. Additionally, many of the most critical and effective hazard mitigation strategies and programs, including enforcement of floodplain management, building codes, and land-use planning, require a strong local role to achieve effective implementation.

New Jersey follows a strong *home rule* legal philosophy. That philosophy dictates that all land in the state not directly belonging to a government entity is incorporated into a municipality.

State statutes require each municipality to assign an individual to be responsible for its local emergency management duties. The municipal emergency management coordinator is responsible for coordinating municipal emergency response and recovery operations with county, state, and federal officials.



## 8.2 Methodology

This capability assessment results from research, interviews, and surveys. Relevant documents were reviewed related to hazard mitigation, including especially the New Jersey State Hazard Mitigation Plan Update (2008), as well as state and federal sources related to funding, planning, and regulatory capability. Extensive summary information from these sources can be found in Appendices F.1-F.3.

For the county capability assessment, a series of in-depth one-on-one interviews provided key insights and information. In Morris County, these interviews were conducted during the period of February, 2009 until March, 2009 with the following individuals:

- Raymond Zabihach, Division Head, Morris County Planning and Development Department
- Bill Charlton, Supervising Environmental Health Specialist, Morris County Office of Health Management
- Robert Alpaugh, Sergeant, Morris County Sheriff's Office
- Robert McDermott, Sergeant, Morris County Prosecutor's Office
- Brian Caruso, Principal Engineer, Morris County Engineering Department

For the municipal capability assessment, a web-based survey tool was designed and administered. The questions were vetted by the Morris County Office of Emergency Management (MCOEM), and the survey was live from September, 2008 until December 2008. The survey was targeted to the primary municipal contacts for this planning process. For the most part, these are municipal Office of Emergency Management (OEM) coordinators. Other municipal staff with relevant expertise—including those in the departments of planning, public works, and buildings—were also encouraged to take the survey.

The survey generally covered the following topics:

- Staff, personnel, and technical capability
- Knowledge of Federal Emergency Management Agency (FEMA) mitigation programs
- Current/ongoing mitigation efforts
- Intra- and inter-governmental coordination
- Land use and regulation
- Floodplain management
- Building code inspection
- Capital improvement
- Land conservation programs

The text of this survey, as well as tabular results can be found in Appendix F.4.

Additionally, a separate survey was created to assess the knowledge of the general public in matters related to hazard mitigation. This is a key capability issue, as many of the most crucial mitigation decisions are made by members of the public. The questions were vetted by the Morris County Hazard Mitigation Steering Committee (MCHMSC), and the survey went live in September 2008. To date, the survey has been taken by 585 individuals. This is not enough representation of the Morris County population to warrant an in depth analysis at this time. The text of this survey and a summary of the results collected thus far can be found in Appendix F.5.



## 8.3 Federal and State Regulations, Plans, and Funding Sources

### 8.3.1 Inventory of Regulations, Plans, and Funding Sources

This section, including Table 8.3.1-1, provides summary information regarding selected federal and state regulations, plans, and sources of funding that are relevant to mitigation projects and activities. For additional information regarding funding availability and eligibility, and other details about and evaluations of these regulations, plans, and funding sources, see Appendices F.1-F.3.

Also, see Table 8.5.1-1 for further discussion and evaluation of key regulations and minimum standards that are implemented at the municipal level.

**Table 8.3.1-1  
Summary of Selected State and Federal Regulations, Plans, and Funding Sources Relevant to Natural Hazard Mitigation**

Title	Program Type	Administered by State	Eligible recipient	
			County	Municipality
Farm Bill Cons. Program/ Farm and Ranch Lands Protection Program	Funding (Fed.)	NJDOA/Division of Agriculture and Natural Resources	X	X
FEMA Public Assistance (PA) grants	Funding (Fed.)	NJOEM	X	X
FEMA Hazard Mitigation Grant Program (HMGP)	Funding (Fed.)	NJOEM	X	X
FEMA Pre-Disaster Mitigation (PDM) grants	Funding (Fed.)	NJOEM	X	X
FEMA/NFIP Repetitive Flood Claims (RFC) grants	Funding (Fed.)	NJOEM	X	X
FEMA/NFIP Severe Repetitive Loss (SRL) grants	Funding (Fed.)	NJOEM	X	X
FEMA/NFIP Flood Mitigation Assistance (FMA) grants	Funding (Fed.)	NJOEM	X	X
National Dam Safety Program/ Water Resources Development Act (WRDA)	Funding (Fed.)	NJDEP/Dam Safety Section		(specific waterways explicitly identified in WRDA)
HUD Community Development Block Grants (CDBG)	Funding (Fed.)	NJDCA/Division of Community Resources	X	X
Land and Water Conservation Fund	Funding (Fed.)	NJDEP/Green Acres Program	X	X
USDA Forest Legacy Program	Funding (Fed.)	NJDEP/Green Acres Program		(available to private landowners)
NJ Open Space Program	Funding (local)	NJDEP/Green Acres Program	X	X



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Title	Program Type	Administered by		Eligible recipient	
		State	County	Municipality	
Community Wildfire Hazard Mitigation Assistance Program	Funding (NJ)	NJDEP/Forest Fire Service	X	X	
Shore Protection Program	Funding (NJ)	NJDEP/Office of Engineering and Construction	X	X	
Green Acres	Funding (NJ)	NJDEP/Green Acres Program	X	X	
Coastal Blue Acres	Funding (NJ)	NJDEP	X	X	
Farmland Preservation Program	Funding (NJ)	NJDOA/State Agriculture Development Committee	X	X	
Flood Control Plan grants (1)	Funding (NJ)	NJ Meadowlands Commission		X	
Municipal Assistance Program (1)	Funding (NJ)	NJ Meadowlands Commission		X	
Freshwater Wetland Protection Act/ Wetland Mitigation Fund	Funding (NJ)	NJDEP	X		
Dam Restoration and Inland Water Projects Loan Program	Funding (NJ)	NJDEP	X	X	
Sewerage Infrastructure Improvement Act Grants	Funding (NJ)	NJDEP	X	X	
NJ Small Communities CDBG	Funding (NJ)	NJDCA/ Division of Community Resources	X	X	
Environmental Infrastructure Financing Program	Funding (NJ)	NJDEP			Any public, private, or non-profit owned water system
Transportation Trust Fund Municipal Aid	Funding (NJ)	NJDOT/Division of Local Aid	X	X	
Transportation Trust Fund	Funding (NJ)	NJDOT	X		
New Jersey Conservation Foundation (NJCF)	Funding (private)				(private program)
NJ Development And Redevelopment Plan	Plan	NJDCA/OSG	X	X	
Highlands Preservation Area	Regulation	NJDEP/DLUR		X	
Watershed Permitting	Regulation	NJDEP/Municipal Stormwater Regulation Water Quality Division		X	
NJ Flood Hazard Area Control Act	Regulation	NJDEP/Flood Control Section		X	
Uniform Construction Code	Regulation	NJDCA/Division of Codes		X	
Uniform Fire Code	Regulation	NJDCA/Fire Safety Division		X	
Flood Hazard Area Control Act	Regulation	NJDEP	X	X	
Safe Dam Act	Regulation	NJDEP	X	X	
Waterfront Development Statute and Coastal Permit Program	Regulation	NJDEP/DLUR		X	



Title	Program Type	Administered by State	Eligible recipient	
			County	Municipality
Coastal Area Facility Review Act (CAFRA)	Regulation	NJDEP/DLUR		X
Wetlands Act/ Coastal Zone Management (CZM)	Regulation	NJDEP/DLUR		X
Stormwater Management Rules	Regulation	NJDEP		X
Tidelands Act	Regulation	NJDEP		X
Municipal Land Use Law	Regulation	NJDEP/B. of Land Use Compliance	X	

Notes: (1) Available/applicable in Pinelands areas only.

For many federal grants, the non-federal share can be borne by the state as *grantee*, the recipient community as *sub-grantee* or in some cases, the property owner who benefits from the project. In the case of property acquisitions intended to remove properties that experience repetitive flood losses, the non-federal share is typically covered by the property owner, who accepts the federal share of 75% and documents the lost equity as the non-federal share. This can serve as a disincentive to participation.

It is also important to note in this discussion of federal plans that on March 19, 2009, during the development of this Plan, FEMA approved a multi-year initiative called “Risk Mapping, Assessment and Planning” or “Risk MAP”. The plan implementation spans FY10-FY14 and builds on the success of FEMA’s Map Modernization program that will soon be concluding the work to provide reliable digital flood mapping for the majority of the Nation’s population.

Per FEMA’s website<sup>1</sup>, the “vision for Risk MAP is to deliver quality data that increases public awareness and leads to action that reduces risk to life and property”. One objective of the initiative is to “[r]educe losses of life and property through continuous improvement of mitigation plans”, which is consistent with the goals and specific action items in this Plan. The Mitigation Action Plan for Morris County (see Section 9) includes an action item that specifically includes ensuring that Morris County takes full advantage of any opportunities that the Risk MAP program will provide.

### 8.3.2 Implications of NJOEM Capabilities on Local Hazard Mitigation Efforts

State capabilities for hazard mitigation have an impact on the efficacy of local planning and implementation. In accordance with the State Hazard Mitigation Plan Update (SHMPU), the focus of New Jersey’s statewide hazard mitigation effort is centered in the NJOEM, located in the Division of State Police.

NJOEM is represented on the State Hazard Mitigation Team (SHMT), which is chaired by a representative of the Governor’s Office. Other state agencies represented on the SHMT and actively involved in hazard mitigation include the NJDEP, NJDCA, the NJDOT, and the Department of Banking and Insurance.

<sup>1</sup> <http://www.fema.gov/plan/ffmm.shtm>



The SHMT has responsibility for the following, at a minimum:

- Identifying hazards, monitoring changes in hazard vulnerability, and implementing measures for reducing potential damage by providing a mechanism for follow-up activities crucial to the successful implementation of team recommendations.
- Developing and maintaining a comprehensive state hazard mitigation plan for the reduction of natural hazards.
- Promoting public awareness of risks associated with known hazards and preparedness among residents of the state.
- Serving as an advisory group to the Governor's Advisory Council on Emergency Services (GACES) and preparing post-disaster hazard mitigation recommendations for all applications.
- Investigating and recommending cost-effective hazard mitigation opportunities to the NJOEM and GACES as part of any disaster recovery effort.

Historically, NJOEM has had limited staffing to address the hazard mitigation needs of the state. Additional staff is needed to expand the ability of the state to support local and county mitigation planning needs. NJOEM needs to employ adequate staffing with the necessary expertise for the timely development of hazard mitigation plans and to facilitate the implementation of risk reduction projects statewide.

In the past, NJOEM has employed planning professionals and program administrators who conducted community outreach, mitigation workshops, and training opportunities to promote development of hazard mitigation plans, assist with developing alternative funding sources, and promote a statewide risk reduction strategy. Recent staffing loss and the inability to hire has left the State Hazard Mitigation program understaffed to meet the needs of county and local emergency management programs.

As stated in the SHMPU, the state would benefit from hiring professional staff for the State Mitigation Unit to fulfill its responsibilities and manage its increased workload resulting from recent disasters; the addition of several FEMA funded mitigation programs, and commitments in the SHMPU. Increased NJOEM staffing is needed in the areas of planning, engineering, and project management.

In addition to the employment of professional staff, there is a need to develop a cadre to supplement disaster recovery operations and mitigation staff to assist NJOEM with education of affected communities, project assessment, and development of mitigation projects that have been recommended but not initiated. Such a cadre could be used to supplement state staffing during disaster recovery operations.

## 8.4 Capability Assessment for Morris County

In accordance with New Jersey's home rule structure, authority over the three key tools for proactive hazard mitigation—land use planning, floodplain management, and building code enforcement—reside at the municipal level. For more on this, see Section 8.5. Counties play a coordinating role in these matters.

### 8.4.1 Relevant Ordinances and Policies

This section, as illustrated in Table 8.4.1-1, provides a list of Morris County ordinances and policies that have the potential to affect and/or promote mitigation within the county. Understanding which ordinances and policies affect



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mitigation in the county is a helpful component to mitigation activities. Many of the ordinances and policies that most directly affect development in relation to hazards reside at the municipal level. These include zoning, floodplain management, and building code enforcement.

**Table 8.4.1-1: Morris County Ordinances and Policies Relevant to Hazard Mitigation**  
 (Source: Interviews with Morris County Staff, 2009)

Ordinance/Policy	Description	Enforcement / Implementation
Municipal Land Use Law	Encourages appropriate development in municipalities that promotes public health, safety, morals, and general welfare.	Municipal planning and zoning offices
Cross-Acceptance Report	Encourages consistency between municipal, county, regional, and state plans for development and redevelopment.	Morris County Planning and Development Department
Morris County Comprehensive Farmland Preservation Plan	Encourages sound planning for growth and economic development.	Morris County Planning and Development Department
Morris County Master Plan Open Space Element (This is a sub-portion of the Open Space Master Plan.)	Trust fund to preserve agricultural lands or open space and protect sensitive areas.	Morris County Planning and Development Department and Municipal planning and zoning offices
Emergency Operations Plan	The county is required by state Statute to update its Emergency Operations Plan every four years. The current Plan is dated January 2008.	Morris County Office of Emergency Management



## 8.4.2 Fiscal Capacity

This section, as illustrated in Table 8.4.2-1, provides a list of local funding sources within Morris County and determines if that funding source can be used to affect or promote mitigation within the county. Understanding where potential funding sources are available to the county is a helpful component to mitigation activities.

**Table 8.4.2-1**  
**Morris County Funding/Financing Sources Relevant to Hazard Mitigation**  
(Source: Interviews with Morris County Staff, 2009)

<b>Financial Resources</b>	<b>Accessible or Eligible to Use</b>
General Fund	Yes
Development Fees	Yes
Community Development Block Grant (CDBG)	Yes
Capital Improvements Project Funding	Yes
Authority to Levy taxes for Specific Purposes	Yes
Fees for Water, Sewer, Gas or Electric Service	Yes
Green Acres Fund	Yes
Impact Fees for Homebuyers or Developers for New Developments/Homes	Yes
County Match Fund	Yes
Transportation Grant Funds	Yes

Generally, the following conditions must be met in order for a project to be considered for county funding:

- Projects result in an upgrade or improvement to a current design of a county facility
- Projects have a sustainable result and low maintenance cost
- Project designs meet public and safety standards

Additionally, counties may participate in projects that affect county infrastructure, including roads and drainage infrastructure.

## 8.4.3 Technical, Administrative, and Regulatory Capacity

This section provides a review of the administrative and technical resources within the county's departments to determine if all of the necessary resources are available to Morris County to engage in mitigation planning processes. Table 8.4.3-1 indicates potential resource needs, and indicates whether the county currently has staff with that expertise or available outside contractors.



**Table 8.4.3-1: Morris County Administrative and Technical Capacity**  
(Sources: Interviews with Morris County Staff, 2009 and The Land Conservancy of New Jersey, <http://www.morrislandconservancy.org/municipalprogram.html>)

Staff/Personnel Resources	On Staff	Department/Agency
Planner(s) or engineer with knowledge of land development and Land management practices	Yes	Planning Board
Engineer(s) or professional(s) trained in construction practices related to buildings and/or infrastructure	Yes	Engineering Department
Planners or engineer(s) with an understanding of natural and/or human-caused hazards	No	--
Floodplain Manager	No	Municipalities
Surveyors	Yes	Engineering Department
Staff with education or expertise to assess the community's vulnerability to hazards	Yes	MCOEM
Personnel skilled in Geographic Information Systems (GIS) and/or HAZUS	Yes	Planning Board
Scientists familiar with the hazards of the community	No	--
Emergency Manager	Yes	MCEOM

Additionally, although most land-use related regulatory powers in New Jersey reside at the municipal level, counties have the ability to influence and guide development in important ways. These are discussed below.

### Intra- and Inter-Jurisdictional Coordination

Morris County departments offer a variety of services to local municipalities. For instance, the Planning Department is capable of providing GIS analysis and other compiled information regarding site plans upon request from municipalities. Through the Morris County Department of Public Health, staff provide environmental oversight and specialized services to municipalities without hazmat teams and work in conjunction with municipalities with established hazmat teams. Morris County also works closely with local fire and police departments, offering them specialized services including a bomb squad, traffic management resources, and K-9 capabilities.

The MCOEM has a long standing positive working relationship with NJOEM as well as FEMA. Numerous grant programs and services programs are run with close cooperation and daily interaction with both entities out of the MCOEM offices. The personnel with MCOEM and the municipal level OEM staffs have been working with FEMA through the Public Assistance (PA) program for years in an effective and efficient manner.

### Regionalization

Municipalities in New Jersey are currently being encouraged to consolidate ("regionalize") services and functions. These may include police, fire, EMS, limited emergency operations functions, and other items. In Morris County, the county freeholders have taken the following steps regarding shared services:

Two areas showing regionalization are environmental and hazmat coordination and in the detection, deterring, response to and recovery from threats and incidents of terrorism. The New Jersey Urban Security Initiative (UASI) FIRE/CBRNE subcommittee provides an opportunity for hazmat teams to meet and work together on discussing and facilitating hazmat issues within the region. Furthermore, UASI provides resources to state, county, and municipal governments to develop plans for terrorism events on a regional level. While this initiative focuses primary on operations and is still relatively a new concept, the coordination and cooperation being established will strengthen the process of regionalizing other services in the county.



## **Land Use Planning and Regulation**

The Morris County Planning Department provides recommendations on all development projects and site plans at the municipal level under the New Jersey Municipal Land Use Law. This gives the county some control and provides a mechanism for coordinated development. The Planning Department manages drainage issues/projects along county roads and holds meetings in which the municipalities are encouraged to participate and bring forth current issues.

The Planning Department is responsible for reviewing development proposals (i.e. Subdivision and Site Plan Applications) to determine whether county roads/property and or drainage facilities would be adversely affected. The objective with this is to reduce hazards to the general public caused by unsafe traffic conditions and or flooding. The county also encourages municipalities to coordinate large development projects with them to address any transportation, wastewater, and storm drainage issues that may arise.

## **Floodplain Management**

Floodplain management in Morris County is a function strictly handled at the municipal level of government. The county is not responsible for adopting or enforcing a minimum floodplain ordinance. At the municipal level, 35 of 39 municipalities have adopted some type of ordinance that restricts or controls development or construction in flood prone areas. For more information on floodplain management and NFIP participation at the municipal level, see Section 8.5 and Appendix F.1-F.2 and F.4.

The county is required to follow all applicable national and state restrictions pertaining to floodplains and wetlands when acquiring land for parks and recreation through programs such as Green Acres or Farmland Preservation. Such lands are then owned by the county.

## **Building Code Enforcement**

Building code enforcement in Morris County takes place at the municipal level of government. All municipalities are required by New Jersey law to enforce the New Jersey Uniform Construction Code. Building codes are either enforced by local inspectors or third party contractors. Morris County manages the Construction Board of Appeals, which provides a mechanism to solve disputes over construction practices at the municipal level. For more on building code enforcement at the municipal level, see Section 8.5 and Appendix F.1-F.2 and F.4

## **Economic Development Planning**

The Morris County Economic Development Department is responsible for promoting and developing the economic growth of the county. The Director of Economic Development is fully responsible for the implementation and coordination of all economic development plans and programs including matters affecting workforce investment, community development, quality of housing and preservation of historic sites and programs. The department works to strengthen Morris County's economy and positioning the county to compete in a global marketplace by stimulating and creating new jobs, retaining existing businesses, and facilitating economic growth and development.



### **Capital Improvements Planning**

The County Treasurer, by law, is the custodian of all county funds and is responsible for meeting the county's long and short term capital fund requirements. Drainage projects and improvements to roads, bridges, and county facilities receive annual appropriations in the budget which are important projects in terms of hazard mitigation.

### **Land Conservation**

The Land Conservancy of New Jersey, at one time known as the Morris Land Conservancy, works to address the quickening pace of development through the preservation of land. With a goal of preserving a total of 26,000 acres over the next 10 years, the Land Conservancy is particularly focused on preserving the Highlands area, which includes almost all of Morris County and parts of Sussex, Passaic, Warren, Hunterdon, and Somerset counties.

The Land Conservancy provides municipalities with technical land preservation skills, having developed a number of tools targeted specifically at helping municipalities preserve open space land. These tools and services include: landowner outreach and negotiations, grant writing, open space planning, farmland preservation planning, trail and greenway planning, open space and greenway mapping, conservation easement and stewardship, landowner education workshops and land acquisition assistance. In conjunction with municipal open space committees, the Land Conservancy also helps facilitate the acquisition of lands, preserving special natural, cultural and recreational places. The Land Conservancy of New Jersey currently provides open space advising services to 23 municipalities in seven counties. To date, they have worked to preserve more than 7,000 acres of land in the last nine years and they continue to work on over 210 projects in seven counties throughout New Jersey.



## 8.5 Capability Assessment for Municipalities within Morris County

### 8.5.1 Overview of Relevant Statewide Mandatory Minimum Standards Related to Local Ordinances and Policies

New Jersey follows a home rule philosophy under which each municipality is directly responsible for local enforcement of building codes, floodplain management, emergency management, and zoning ordinances.

In order to ensure a minimum set of standards, the state has passed laws and regulations mandating each municipality adopt local ordinances with the same basic criteria, so that jurisdictions may add additional requirements, but cannot have fewer/weaker requirements than the state standard. Having each municipality with a core set of policies, programs, and capabilities at its disposal allows for more effective mitigation against hazards, regardless of a municipality's relative size, population, or wealth.

New Jersey mandates compliance with the Municipal Land Use Law, Uniform Construction Codes, Floodplain Management, and Growth Management, and strongly encourages land and water preservation through incentive programs. These mandates translate into local ordinances, policies, or programs that regulate and enforce how zoning, building, and open space are managed by the municipalities. Table 8.5.1-1 highlights the State Laws that drive the state's policies to support local municipalities' ability to impact hazard mitigation.

**Table 8.5.1-1: New Jersey Policies that Impact Municipal Hazard Mitigation Efforts**  
(Source: New Jersey State Hazard Mitigation Plan Update, 2008)

<b>Policy</b>		<b>Land Use Planning</b>
Description		State of New Jersey Municipal Land Use Law (MLUL) L.1975, c. 291, s. 1, effective August 1, 1976, is the legislative foundation of the land use process, including decisions by Planning Boards and Zoning Boards of Adjustment, in the State of New Jersey. It defines the powers and responsibilities of boards and is essential to their functions and decisions. It also provides the required components of a municipal Master Plan.
Applicability		Every municipal agency shall adopt and may amend reasonable rules and regulations, not inconsistent with this act or with any applicable ordinance, for the administration of its functions, powers, and duties.
Effectiveness		The MLUL requires that each municipality prepare a comprehensive plan and update that plan every six years. These plans help jurisdictions review their land use plans and policies with public participation.
<b>Policy</b>		<b>Floodplain Management</b>
Description		New Jersey State Law Flood Hazard Area Control Act (NJSA 58:16A-52). The National Flood Insurance Act of 1968 is a federal program establishing the NFIP, which enables property owners in participating communities to purchase insurance as protection against flood losses, in exchange for state and community floodplain management regulations that reduce future flood damages. As further incentive for communities to surpass the NFIP basic requirements, the Community Rating System (CRS) recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.



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Applicability	<p>The Act and regulations attempt to minimize damage to life and property from flooding caused by development within fluvial and tidal flood hazard areas, to preserve the quality of surface waters, and to protect the wildlife and vegetation that exist within and depend upon such areas for sustenance and habitat. While it does not require local adoption, as it is enforced by the NJDEP. The floodplain ordinances of each municipality need to be reviewed to be in compliance with revised regulations (2007).</p> <p>NFIP: Municipality participation is voluntary; however, members of the National Flood Insurance Program must have the required aspects of the NFIP codified within their zoning, floodplain, and land development ordinances and (CRS) additional aspects if the municipality is a member of CRS.</p>
Effectiveness	<p>Flood Hazard Control Act: Regulations for the Flood Hazard Control Act were adopted in November, 2007; it is therefore difficult to quantify the effectiveness at this time. See below for discussion of floodplain management activity at the county and municipal levels in Morris County. The New Jersey Dam Safety program, new state storm water management requirements, and the development of all hazard mitigation plans, are among some of the efforts that can provide CRS credits for New Jersey municipalities.</p>
<b>Policy</b>	<b>Building Codes</b>
Description	<p>Uniform Construction Code (UCC) Act of 1975 requires all jurisdictions to have current land use master plans (reexamined every six years), zoning, and other land development ordinances. The UCC contains sub-codes for residential and other buildings, as well as requirements that address construction in both A and V flood zones.</p> <p>All new construction is required to comply with the UCC for flood zone construction. In the affected areas, older at-grade structures have been routinely razed and replaced with new and often larger structures, all now conforming to the NFIP's requirements for A-zone and V-zone construction. Thus, through the building boom of the 1990's and 2000's, there have been thousands of structures modified to FEMA's more stringent requirements, especially with respect to homes built on piling at or above the base flood elevation for that zone. This in itself is a form of mitigation. However, there are still thousands of older homes still at grade that remain vulnerable to flood from storm surge and other sources.</p>
Applicability	<p>New Jersey State Law requires that all municipalities adopt ordinances that follow the UCC.</p>
Effectiveness	<p>Considered among the most effective elements in a mitigation program because building codes mandate best practices and technology, much of which is designed to reduce or prevent damage from occurring when structures are under stress.</p>
<b>Policy</b>	<b>Growth Management</b>
Description	<p>The State Plan was prepared and adopted by the State Planning Commission according to the requirements of the State Planning Act of 1985 as amended (NJSA 52:18A-196 et seq.) to serve as an instrument of state policy to guide state agencies and local government in the exercise of governmental powers regarding planning, infrastructure investment, and other public actions and initiatives that affect and support economic growth and development in the state.</p>
Applicability	<p>Through the Green Acres Program, Open Space Tax Program, State Development and Redevelopment Plan, and the State Planning Act, New Jersey has enhanced the traditionally limited role of county land use planning and control. The state also provides tools for municipalities when preparing their master plans and better opportunity for a comprehensive approach to planning so not to harm or be in conflict with neighboring municipalities' plans.</p>
Effectiveness	<p>See below for discussion of land use planning and regulation as it applies to hazard mitigation in Morris County.</p>



Policy	Critical Area Protection
Description	Green Acres Program; Blue Acres Program; Historical Preservation Program; Farmland Preservation
Applicability	These programs provide the funding necessary for municipalities and counties to purchase land for open space preservation and recreation.
Effectiveness	The state has made a \$3.3 billion public investment in open space preservation and recreation since 1961. New Jersey residents have consistently voted for open space and recreation referendums at the state and local levels. In 2007, all 21 counties and 231 municipalities assessed a special tax for land preservation and recreation purposes. See below for further discussion of land conservation as it relates to hazard mitigation in Morris County.

### 8.5.2 Technical, Administrative, and Regulatory Capacity

As described above, capability at the municipal level was assessed through the use of an online survey, augmented by research into other state sources and interviews with county officials. The survey was targeted to the primary contacts for this Hazard Mitigation Plan in each municipality (those who comprise the Morris County Hazard Mitigation Planning Steering Committee). Typically, these were municipal OEM coordinators. Others with relevant knowledge were solicited to participate as well, including those in the departments of planning, public works, and buildings. In Morris County, 20 out of 39 primary contacts participated to some degree.

The full text of the survey questions, as well as full data reporting for Morris County, is contained in Appendix F.4.

#### Staffing and Personnel Capability for Hazard Mitigation

Municipal primary contacts in Morris County typically have relatively strong experience and training. Forty percent of the respondents have had 10 to 15 years of training. Approximately 5% of the respondents had worked in their positions for 20 plus years and only one individual had less than six months experience in their current role.

Approximately 30% of offices reported having staff trained in grant writing and only 15% with grant administration, with a large majority (80%) stating that their staff could spend a total of zero-to-five hours per week on mitigation-related management duties.

Respondents reported use of GIS (60%). Respondents stated that GIS data was used within their municipality for sewer and storm identification.

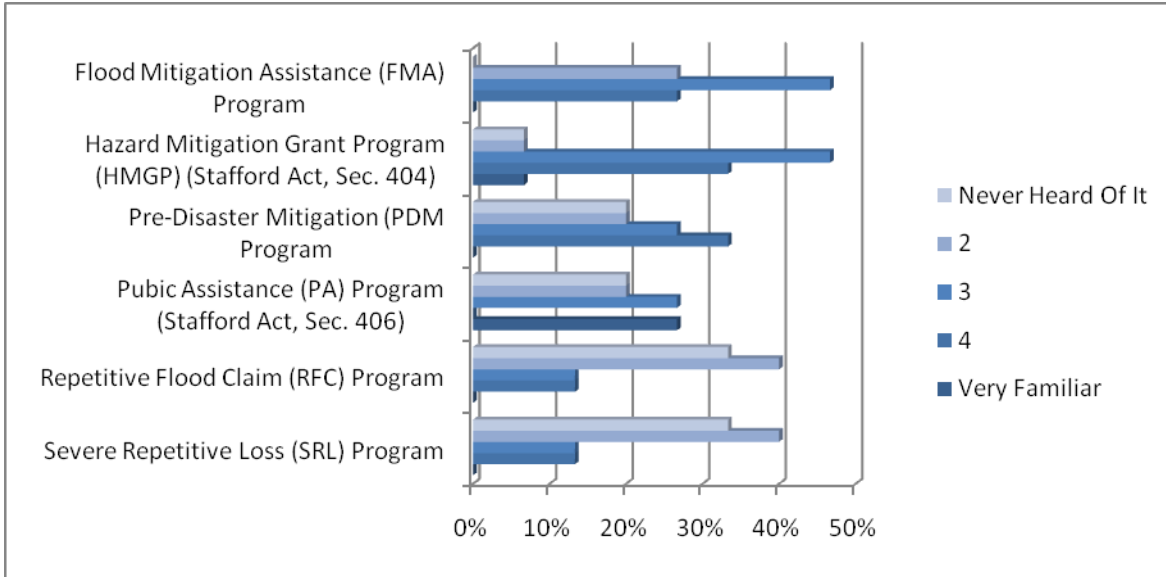


More than half (65%) of the respondents had some familiarity with FEMA mitigation programs. Overall, at least 50% of respondents reported a moderate or higher familiarity with one or more of programs such as PA, Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation Program (PDM), and Flood Mitigation Assistance (FMA) among others. Figure 8.5.2-1 and Figure 8.5.2-1 further details responders understanding of these programs and Morris County's participation in FEMA grant programs.

**Figure 8.5.2-1: Respondent Familiarity with FEMA Mitigation Funding Sources**

Answering 15 of 20

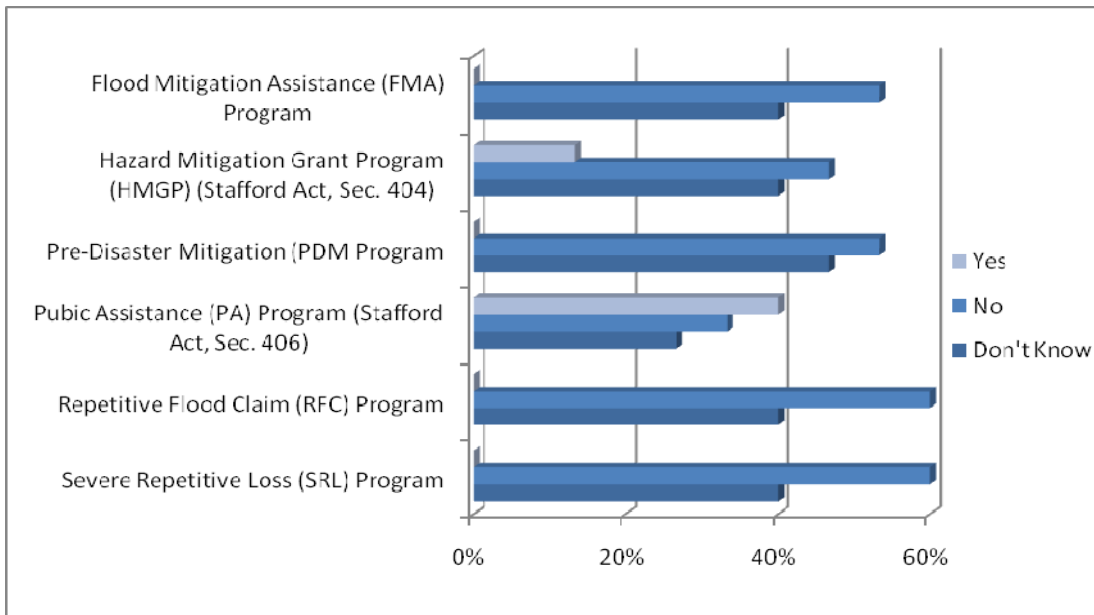
(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)



**Figure 8.5.2-2: Municipal Participation in FEMA Mitigation Programs**

Answering 15 of 20

(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)





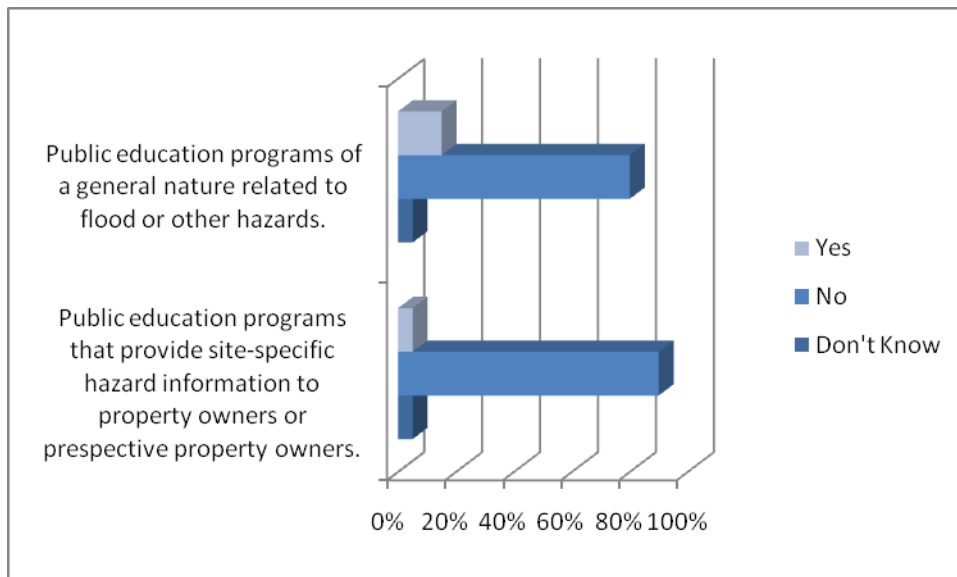
Very few respondents provided insight into the effectiveness of mitigation programs in their municipalities. Challenges attributed to executing mitigation projects included limited funding and planning reviews. Proposed mitigation programs that would be useful in their municipality include constructing flood walls, making repairs to storm water pipes, upgrades to emergency generators, culvert improvements, and engineering studies to implement mitigation initiatives.

As Figure 8.5.2-3 shows, only 15% of respondents reported that their municipalities maintain any public information programs related to hazard mitigation and even fewer (5%), provide site-specific hazard information for property owners or prospective property owners.

**Figure 8.5.2-3: Existence of Municipal Public Education Programs Related to Hazard Mitigation**

Answering 20 of 20

(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)





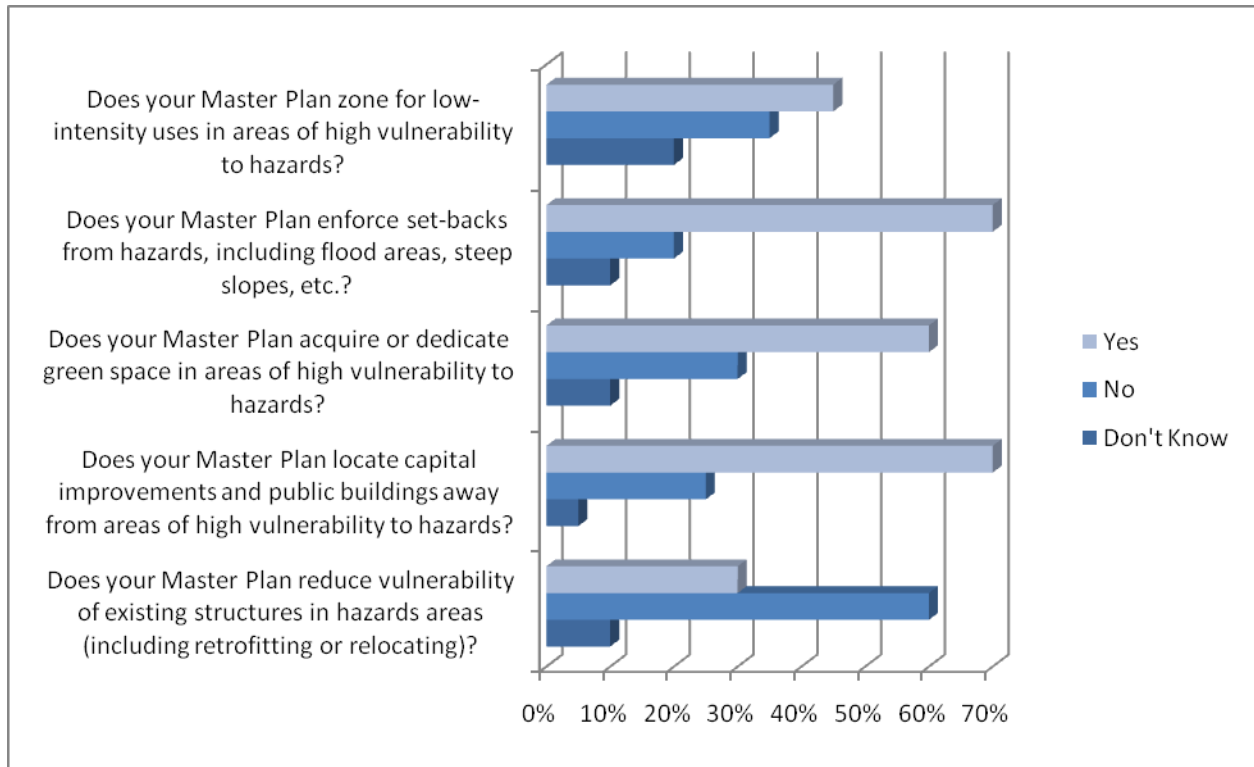
### Land Use Planning and Regulation

Of the respondents, over half of the primary contacts were familiar with some part of land-use planning and regulation tools as they relate to hazard mitigation as shown in Figure 8.5.2-4. Comprehensive Plans were generally understood to call for limiting development in hazard-prone areas and establishing policies related to set-backs and other mitigation measures near flood areas, steep slopes, etc.

**Figure 8.5.2-4: Hazard Mitigation Addressed in Municipal Comprehensive Plans**

Answering 20 of 20

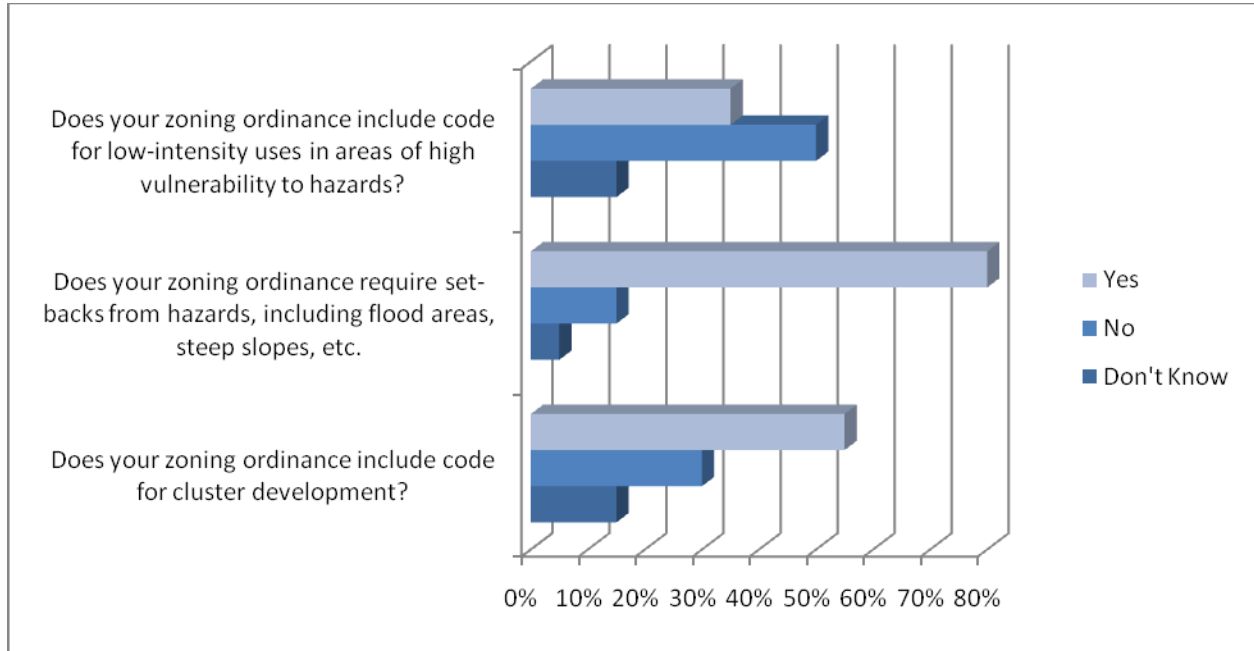
(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)





As shown in Figure 8.5.2-5 zoning codes were generally understood to call for limiting development in hazard-prone areas and establishing policies related to set-backs and other mitigation measures near flood areas, steep slopes, etc. Codes were also understood to allow for compliance with floodplain management ordinances that can help mitigate hazards.

**Figure 8.5.2-5: Hazard Mitigation Addressed in Municipal Zoning**  
Answering 20 of 20  
(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)



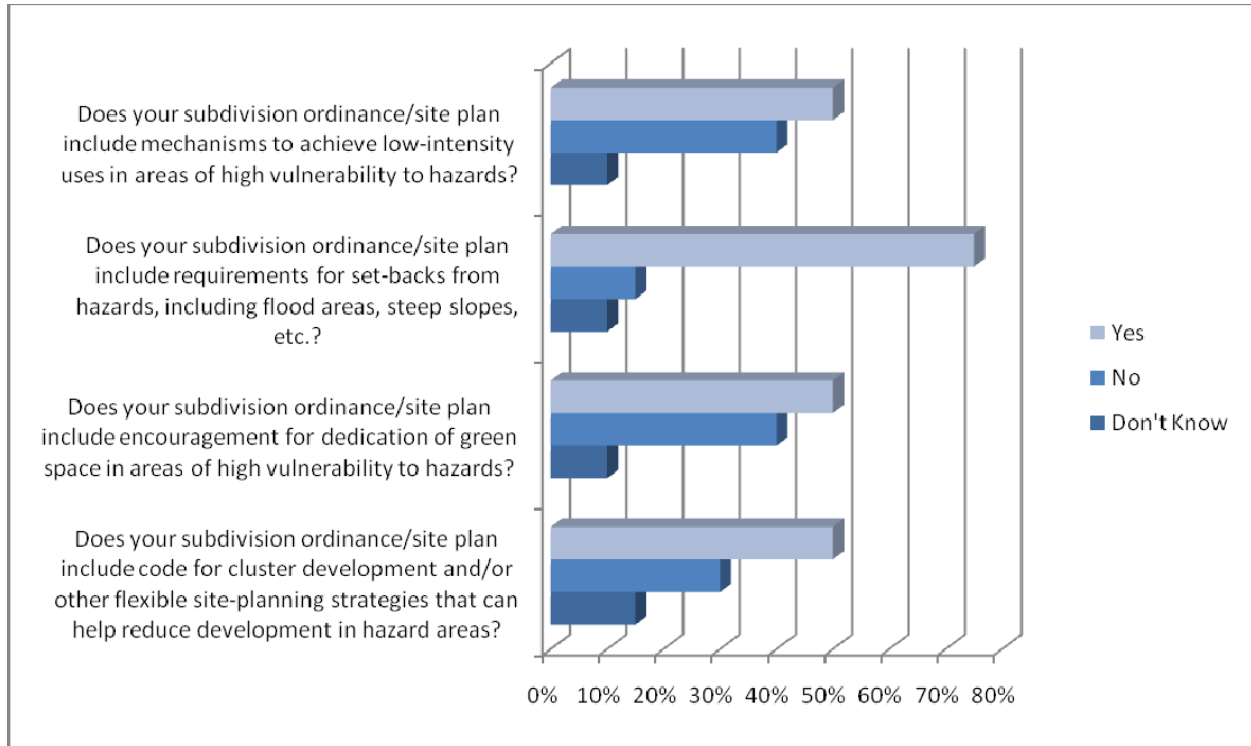


Subdivision ordinances were generally understood to call for limiting development in hazard-prone areas and establishing policies related to set-backs and other mitigation measures near flood areas, steep slopes, etc.

**Figure 8.5.2-6: Hazard Mitigation Addressed in Subdivision Ordinance**

Answering 20 of 20

(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)





## Floodplain Management

Approximately 74% of respondents reported a familiarity with floodplain management program. As Table 8.5.2-1 shows, 20 of 20 municipalities in Morris County participate in the NFIP, meaning that they are required under state and federal law to have adopted a model floodplain management ordinance and have a designated floodplain manager. However, the degree of on-the-ground effectiveness of floodplain managers varies widely. Only a few are estimated to be actively engaged in mitigating risk. In some cases, the individual who is formally tasked with the responsibility for floodplain management may not be aware of the assignment.<sup>2</sup>

**Table 8.5.2-1: NFIP and CRS Participation in Morris County**  
(Source: FEMA)

Municipality	Participating in the National Flood Program as of December, 2008	CRS Rating
Boonton, Town of	Yes	10
Boonton, Township of	Yes	10
Butler, Borough of	Yes	10
Chatham, Borough of	Yes	10
Chatham, Township of	Yes	10
Chester, Borough of	No	--
Chester, Township of	Yes	10
Denville, Township of	Yes	10
Dover, Town of	Yes	10
East Hanover, Township of	Yes	10
Florham Park, Borough of	Yes	10
Hanover, Township of	Yes	10
Harding, Township of	Yes	10
Jefferson, Township of	Yes	10
Kinnelon, Borough of	No	--
Lincoln Park, Borough of	Yes	10
Long Hill, Township of	Yes	10
Madison, Borough of	Yes	10
Mendham, Borough of	Yes	10
Mendham, Township of	Yes	10
Mine Hill, Township of	Yes	10
Montville, Township of	Yes	10
Morris, Township of	Yes	10
Morris Plains, Borough of	Yes	10
Morristown, Town of	Yes	10
Mount Arlington, Borough of	Yes	10
Mount Olive, Township of	Yes	10

<sup>2</sup> In the past, municipal building code enforcement/inspectors were often automatically assigned the duties of a floodplain manager. This practice is now being discouraged by the state Division of Codes and Standards (DCA), which is part of the Office of Community Affairs. This agency supervises building inspection programs in New Jersey.



Municipality	Participating in the National Flood Program as of December, 2008	CRS Rating
Mountain Lakes	No	--
Netcong, Borough of	Yes	10
Parsippany-Troy Hills, Township of	Yes	9
Pequannock, Township of	Yes	10
Randolph, Township of	Yes	10
Riverdale, Borough of	Yes	9
Rockaway, Borough of	Yes	10
Rockaway, Township of	Yes	10
Roxbury, Township of	Yes	10
Victory Gardens	No	--
Washington, Township of	Yes	10
Wharton, Borough of	Yes	10

### Building Code Enforcement

Respondents reported that building code enforcement is most often (85%) the responsibility of a Building Department. Twenty percent of code enforcement officers have 6-10 staff working directly with building code enforcement.

### Capital Improvement Planning

The primary responders reported that the engineering department, as well as other departments like the township administers, department of public works, and township mayor's and council's office oversee their municipalities capital improvement program. Of the responders, approximately 40% reported that hazard mitigation projects are generally considered as part of the capital improvements program, while 15% reported that capital improvement projects themselves are assessed for hazard or hazard mitigation implications.

### Land Conservation

Sixty-five percent of respondents stated that their municipalities participate in land conservation programs such as Green Acres and Blue Acres. The one respondent states that the Township Administrator administers the Green Acres and Blue Acres funds within their municipality and that they are used for scenic/conservation landscape.



## 8.6 Current and Completed Hazard Mitigation Programs and Projects

This section provides a review of the completed hazard mitigation projects or programs and provides a description of potential or in-process projects or programs and the agency or agencies that the county worked with or is working with to complete the projects.

**Table 8.6-1: Current and Completed Hazard Mitigation Programs and Projects**  
(Source: New Jersey Morris County Municipal Capability Assessment Survey, 2008)

Program or Project	Description	Agency
Hazard Mitigation Plan	The county and its municipalities are currently in the process of developing a Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan.	MCOEM
Jackson Brook Flood Damage Reduction Project	Evaluation and implementation of a flood damage reduction and watershed management plan.	Army Corps of Engineers
Berkshire Valley Road Drainage Improvement	Road drainage Improvement	Department of Public Works

## 8.7 Summary and Conclusions

In conclusion, there are several areas which may be further investigated in order to determine the relevance of developing hazard mitigation strategies to fill gaps or shortcomings. Particularly these areas include: resources and coordination.

As noted, additional time and resources need to be devoted at the local level on hazard mitigation related activities. These activities include project identification, data gathering, and overall knowledge about FEMA grants. Furthermore, additional education and training for current staff regarding hazard mitigation, the resources available, and methods of using specified grant funding could assist Morris County in reducing future risk. This knowledge would also assist in preparing better project applications that may be selected based on a competitive selection process. Increasing staff and resources would subsequently allow for greater coordination among all levels of government.