Section 1: Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for development.

C. Applicability

The following activities shall be required to provide for control of peak stormwater runoffs and stormwater quality, in accordance with this ordinance by use of detention and/or retention basins or other appropriate techniques, which may be reviewed and approved by the Municipality with the advice of the Township Engineer:

1. Subdivisions not meeting the definition of a Minor Subdivision described in Chapter 234-3 of the Township Code.

2. Major Site Plans.

3. Any area of documented existing flooding conditions, which would be exacerbated by any increase in peak flows of stormwater runoff for the 1, 2, 10, and 100-year return frequency storm events. The existence of this condition requires the full force and effect of this ordinance.

4. Single family lot development and subdivisions of not more than four (4) total lots shall comply with the intent of the ordinance to the degree possible and appropriate and specifically to those sections identified as single family lot development or subdivisions of not more than four (4) lots.

D. Compatibility with Other Permit and Ordinance Requirements
"Development" means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

"Empowerment Neighborhood" means a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water that seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this ordinance includes the placement of impervious surface, the exposure and/or movement of soil or bedrock, and the clearing, cutting, or removal of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. are also considered "major development."
"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (as in the case of a constructed stormwater wetland).

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tract, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this ordinance, if no new streets are created: (1) divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; (2) divisions of property by testamentary or intestate provisions; (3) divisions of property upon court order, including but not limited to judgments or foreclosure; (4) consolidation of existing lots by deed or other recorded instrument; and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision." In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

"Urban Redevelopment Area" means previously developed portions of areas: (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1),
B. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 4.E and 4.F:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

C. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 4.E and 4.F may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.E and 4.F to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements at Sections 4.E and 4.F, existing structures currently in use, such as homes and buildings would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under C.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of Sections 4.E and 4.F that were not achievable on-site.

D. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in 4.E and 4.F shall be met by incorporating nonstructural stormwater management strategies at 4.D into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in 4.D.2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.


E. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

   a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

   b. The minimum design and performance standards for groundwater recharge are as follows:

      (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 4, either:

         (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

         (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

      (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment" area, or projects subject to (3) below.

      (3) The following types of stormwater shall not be recharged but shall be managed in accordance with applicable federal and/or state regulations:

         (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than 'reportable quantities' as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan and
District for review and approval in accordance with any HUD-ESSEX-Passaic Soil and Water Conservation District regulations on storms, runoff quantity and erosion control. For "urban development" means land uses normally associated with urban fiber and livestock for sale. Such uses do not include the processing or sale of food and the related products.

F. Stormwater Runoff Quality Standards

1. Stormwater management measures shall include the construction load of total suspended solids (TSS) of the anticipated load from the development. Stormwater management measures shall include the construction load of the anticipated load from the development. Stormwater management measures shall include an additional 1/4 acre of impervious surface to be added to the site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

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2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey...
that optimize nutrient removal while still achieving the performance standards in Sections 4.E and 4.F.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.

7. In accordance with the definition of an FW1 stream, at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

   a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

      (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or where vegetation allowed to follow natural succession is provided.

      (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

   b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
piped drainage. Additionally, roof water (and driveway drainage if possible) shall be managed by direct connection to existing piped drainage. If soils are adequate, dry wells shall also be employed as a method to manage increased runoff. The design and applicable use of dry wells shall be in strict conformance with Chapter 9.3 of the NJDEP BMP manual. Dry wells shall be accompanied by direct piping installation designed to accept and manage overflow. Soils data and volume calculations shall be provided with drywell design proposals to demonstrate both soil suitability and adequacy of the design to manage anticipated flow.

b. The Township Engineer shall have the authority to waive the requirements for an individual lot, whereas the appropriate Board with the advice of the Township Engineer shall have the right to waive the requirements for subdivisions creating no more than four (4) lots.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

   a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or


2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. Stormwater Management Basins

a. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

b. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.

c. The depth of stormwater basins shall be designed to the minimum depth practicable. Moreover to avoid public safety concerns and to ensure that no inspection obligation will be imposed on the Township, the depth and configuration of any stormwater basin shall be designed to avoid classification as a "dam", as defined and regulated under NJDEP Dam Safety standards.

d. Except for single family lot developments, the use of underground basins, drywells and perforated pipes for the purpose of detention or infiltration is discouraged because of restricted access, which discourages proper maintenance. However, if the applicant supplies sufficient justification to the Township that there are no other reasonable alternatives, the Township will allow their use provided that the applicant can demonstrate compliance with the design standards contained in applicable chapters of the NJDEP BMP manual.

e. All stormwater management basins shall be designed and constructed so as to minimize liability exposure and maintenance requirements to the owner.

f. Retention basins shall not be permitted on single family lot subdivision applications.

5. Pipes and Conduits.

a. The design of pipes and conduits shall be by Manning's equation for the 25-year storm to determine capacity. Runoff for pipe flow shall be calculated using the rational method.

b. Design velocities in pipes must be a minimum of three (3) feet per second to allow self-cleaning and a maximum of fifteen (15) feet per second to prevent scouring of pipes, manholes, and inlets, and to prevent erosion at points of discharge. When deviations from these standards are required because of physical terrain or other features, the applicant's engineer shall bring the specifics to the attention of the Township Engineer for special consideration.

c. Reinforced Concrete Pipe (RCP), Class 3 Wall B Tongue and Groove shall be used, except where high velocities can be slowed through the use of corrugated galvanized metal pipes or corrugated aluminum pipes, only in areas without traffic loads. Consideration will be given to High Density Polyethylene Pipe (HDPE) in non-public right-of-way areas. Higher-class pipe will be required where insufficient cover warrants. Pipes shall be installed in accordance with manufacturer's specifications.
C. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

Section 7: Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.


B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

Section 8: Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This subchapter applies to any new stormwater management basin.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the
c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

D. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

Section 9: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit 18 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied for purposes of a completeness determination and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map.

The reviewing engineer may require upstream tributary drainage system information as necessary. The topographic base map of the site shall extend a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and flood plains along with their appropriate buffer strips,
b. When the proposed stormwater management control measures (e.g. infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10: Maintenance and Repair

A. Applicability

1. Projects subject to review as described in Section 1.C of this ordinance shall comply with the requirements of Section 10.B, 11.C and 12.D.

B. General Maintenance – Proposed Facilities

1. This section shall be enforced by the Governing Body with the assistance of the Township Engineer and the Township Health Officer.

2. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

3. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners’ association) as having the responsibility for maintenance, the plan shall include documentation of such person’s agreement to assume this responsibility, or of the developer’s obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
C. General Maintenance – Existing Facilities

1. Any detention/retention or infiltration basin hereinafter constructed shall be regularly maintained in order to preserve its function, capacity and appearance. Minimum standards for maintenance shall be as follows:

a. If intended to be a maintained bottom basin, then all grass or other ground cover in the basin shall be kept mowed or otherwise cut so as not to exceed a height of eight (8) inches at any time. The basin shall be kept clean and free of debris, litter and leaves.

b. All inlet and outlet structures, spillways and other appurtenances shall at all times be kept free of any debris or foreign material in order to prevent clogging or reduction in performance.

c. All embankments, dams and other lateral supports shall be kept in a sound condition at all times.

d. Any fence installed around the perimeter of the basin shall be maintained in sound condition and shall be repaired or replaced whenever needed.

2. Each detention/retention or infiltration basin shall be inspected periodically, but not less than once in each calendar year, in order to determine that adequate maintenance is being performed.

3. It is the intent of this ordinance to treat the existence of swales in a similar fashion to that of storm piping, in that they shall not be altered, relocated, filled, or damaged by any individual. Swales, within easements either private or public, shall enjoy the same protection in order to ensure that they function for their intended purpose. Private storm water easements on lots shall be maintained by the individual property owner or designated homeowners' association. Said maintenance includes normal mowing, cleaning of debris, lawn clippings and leaves, etc. as appropriate and necessary to allow the drainage component to function as designed. Storm water easements shall be filed with the County Clerk and run with the land as an ongoing obligation to successors in title. The Township of Cedar Grove shall be named as a party with rights to enter upon and provide such maintenance only should the property owner fail to do so and cause a public nuisance or safety concern. In such event, the costs incurred by the Township of Cedar Grove shall be assessed against the property.

4. Once every five (5) years, the property owner and/or responsible party of any detention/retention or infiltration basin shall cause to be performed an inspection of the basin and the preparation of a written report by a professional engineer licensed in the State of New Jersey and qualified in the field of hydrology and hydraulic engineering and such other qualified persons as may be appropriate. The time of inspection and the deadline for submission of the written report shall be determined by the Township Engineer. The written report shall be submitted to the Township Engineer and shall address the following:
Nothing in this section shall preclude the municipality in which a major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

C. Penalties and Enforcement

A. Any responsible person who violates any portion or section of this ordinance shall, upon conviction, be subject to the following penalties:

1. A fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed ninety (90) days or by both such fine and imprisonment; and each violation of any of the provisions of this section of the code and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

B. Should any section, subsection, paragraph, sentence, clause or phrase of this section of the code be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, subsection, paragraph, sentence, clause or phrase thereof directly involved in the controversy in which said judgment shall have been rendered.

C. Unless otherwise stated or required by the Board, all storm water management infrastructure shall be maintained by the property owner or designated homeowners' association.

D. Private stormwater easements on lots shall be maintained by the individual property owner or designated homeowners association. Said maintenance includes normal mowing, cleaning of debris, lawn clippings and leaves, etc. as appropriate and necessary to allow the drainage component to function as designed. Stormwater easements shall be filed with the County Clerk and run with the land as an ongoing obligation to successors in title. The Township of Cedar Grove shall be named as a party with rights to enter upon and provide such maintenance only should the property owner fail to do so and cause a public nuisance or safety concern. In such event, the costs incurred by the Township of Cedar Grove shall be assessed against the property.

Section 11: Severability

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.
TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY, NEW JERSEY
STORM WATER CONTROL ORDINANCE
SECTION 1: PURPOSE
A. Policy Statement
Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loadings of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity and groundwater recharge.

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It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for development.

C. Applicability
The following activities shall be required to provide for control of peak stormwater runoff and stormwater quality, in accordance with this ordinance by use of detention and/or retention basins or other appropriate techniques, which may be reviewed and approved by the Township Engineer:
1. Subdivisions not meeting the definition of a Minor Subdivision described in Chapter 234-3 of the Township Code.
2. Major Site Plans.
3. Any area of documented existing flooding conditions, which would be exacerbated by any increase in peak flows of stormwater runoff for the 1, 2, 10, and 100-year return frequency storm events. The existence of this condition requires the full force and effect of this ordinance.
4. Single family lot development and subdivisions of not more than four (4) total lots shall comply with the intent of the ordinance to the degree possible and appropriate and specifically to those sections identified as single family lot development or subdivisions not more than four (4) lots.

D. Compatibility with Other Permit and Ordinance Requirements
Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals. The Township Engineer shall consider these requirements as part of the overall review process and do not relieve the applicant of the responsibility to secure other permits or approvals for activities regulated by other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rules or regulations, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

This Ordinance shall take effect upon final reading, adoption and publication in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the Township Council of the Township of Cedar Grove, Essex County, held in the Municipal Building on April 3, 2006.

A copy of the proposed ordinance may be obtained from the Township Clerk's Office during regular business hours (9:30 a.m. - 4:30 p.m. M-F)

This ordinance will come up for final consideration after final reading and a Public Hearing on same at the meeting of the Township Council on May 15, 2006 at 7:00 P.M.

Kathleen R. Stutz
Township Clerk

Submitted: April 4, 2006
Verona-Cedar Grove Times 176926
Fee $42.00
April 6, 2006