



**LAKE COMO BOROUGH
1740 MAIN STREET
LAKE COMO, NJ 07719
(732) 681-3232
AGENDA**

**DATE: JANUARY 19, 2021
7:30 PM WORKSHOP**

DISCUSSION ITEMS

1. Bamboo Ordinance
2. Storm Water Control Ordinance Amendment

PUBLIC COMMENTS ON WORKSHOP ITEMS

ORDINANCE 2019-944
ORDINANCE OF THE BOROUGH OF LAKE COMO
REGULATING THE PLANTING OR GROWING
OF BAMBOO WITHIN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKE COMO THAT CHAPTER 10 BE AMENDED AND SUPPLEMENTED AS FOLLOWS:

SECTION I. PURPOSE AND INTENT.

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

SECTION II. DEFINITIONS.

- A. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.
- B. Bamboo Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. Borough – The Borough of Lake Como, Monmouth County, New Jersey.
- D. Notice – Any written notice by, from or on behalf of the Borough, notifying the Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.
- E. Receipt of Notice – Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

SECTION III. NO PLANTING OF RUNNING BAMBOO.

- A. The planting of Running Bamboo is prohibited in the Borough of Lake Como.
- B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

- A. In the event any species commonly known as "Running Bamboo" is located upon any property within the Borough of Lake Como, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the Bamboo from the property and all affected properties. Failure to properly confine such Bamboo shall require removal as set forth below. The cost of said Removal shall be at the Bamboo property owner's expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the Bamboo, which is on his/her property at the time of the adoption of this chapter, originated on another property.
- B. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

SECTION V. REMOVAL OF RUNNING BAMBOO.

- A. In the event Running Bamboo is present on the effective date of this prohibition and a complaint is received by the Borough regarding an encroachment of any Bamboo plant or root, and the Code Enforcement Officer of the Borough, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter, "the affected property"), the Borough shall serve notice to the Bamboo property owner in writing that the Bamboo has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the Bamboo property owner's property. Notice shall be provided to the Bamboo property owner, as well as the owner of the affected property, by certified, return receipt request mail and regular mail. Within 45 days of receipt of such notice, the Bamboo property owner shall submit to the Code Enforcement Officer of the Borough, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the Bamboo. Within 120 days of receipt of the Code Enforcement Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Office of the Borough.

- B. If the Bamboo property owner does not accomplish the removal of the Bamboo from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the Borough of Lake Como shall cause a citation to be issued with a penalty up to \$200 for each day the violation continues, enforceable through the Municipal Court of the Borough of Lake Como. The Administrative Officer may request, and the Municipal Court may grant, a specific performance remedy. The Borough may also institute civil proceedings for injunctive or civil relief.
- C. If the Bamboo Property Owner fails to comply with the Notice, the Code Enforcement Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.
- D. When an encroachment is upon public property or public right-of-way and the Bamboo property owner and/or occupant has not complied with the written notice provided as set forth above, the Borough of Lake Como, at its discretion, may remove or contract for the removal of such Bamboo from the Borough property or public right-of-way. The cost of such removal shall be the responsibility of the Bamboo property owner and occupant and shall be paid or assessed as a lien against the property on which the Bamboo growth originated. The cost of said removal from the Borough-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future Bamboo invasion.

SECTION VI. INSPECTION.

All places and premises in the Borough of Lake Como shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Ordinance.

SECTION VIII. SEVERABILITY CLAUSE.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

ENACTED AND ORDAINED this day of , 2019.

BOROUGH OF LAKE COMO

Kevin G. Higgins, Mayor

ATTESTED:

Louise A. Mekosh, Borough Clerk

APPROVED this day of , 2019.

Kevin G. Higgins, Mayor

§ 111-1. Purpose.

This chapter is adopted to control the planting, cultivating or growing of bamboo in the Borough of Emerson; and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§ 111-2. Regulation of planting, growing or cultivating of bamboo.

Subject to certain exemptions set forth in this chapter, no persons, or other property owners or tenants, shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground in the Borough of Emerson, subject to the following exceptions:

- A. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted; or
- B. The root system is contained within a properly constructed and maintained barrier system.
- C. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

§ 111-3. Exemptions.

This chapter shall not apply to any land owner or possessor who, prior to the effective date of this chapter, has planted or caused to grow any bamboo on any property within the Borough limits unless the Code Enforcement Officer determines, on his own or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land.

§ 111-4. Complaint notice; order for removal; compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another

land owner, or tenant in possession of the property, or both, which notice shall be substantially as follows:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office, when the first-class mail was not returned.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of the received or returned mailing.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation.

§ 111-5. Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day, nor more than \$100 per day, or each day the violation existed after the date for removal as set forth in the notice which was sent to violator, and received by the violator. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.
- B. If the violation is not remedied within the time set forth in the aforesaid notice, the Borough is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

§ 90-1. Purpose.

This chapter is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Palisades Park and to require barriers to prevent the spread of existing bamboo into others areas of the Borough.

§ 90-2. Planting, growing or cultivating bamboo.

Subject to certain exemptions set forth in this chapter, no persons, residents, citizens, property owners and/or tenants of the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Palisades Park, except for:

- A. Where the root system of such bamboo plants is entirely contained within an aboveground level planter barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted;
- B. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

§ 90-3. Exemptions.

This chapter shall not apply to any landowner or possessor of said land who, prior to the effective date of this chapter, has planted or caused to grow any bamboo on any property within the Borough limits unless the code enforcement officer determines on his/her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or any possessor of said land. If such occurs, the provisions of § 90-4 shall apply.

§ 90-4. Complaint notice, order for removal and compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another landowner, or tenant in possession of the property, or both,

the Borough shall cause notice to be served and the following actions occur:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage and also by first class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First class mail shall be deemed delivered within five calendar days of its being mailed by the Borough.
- B. The notice shall specify the nature of the violation(s).
- C. The notice shall state that the violation(s) must be corrected within 20 calendar days from the date of the received or returned mailing.
- D. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

§ 90-5. Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day nor more than \$100 per day, for each day the violation exists after the date for removal as set forth in the Notice which was sent to violator and received by the violator as defined above. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.
- B. If the violation is not remedied within the time set forth in the aforesaid Notice, the Borough is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

§ 90-6. Severability; when effective.

- A. If any section, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this chapter.
- B. All ordinances or parts of ordinances inconsistent with any provisions of this chapter are hereby repealed.
- C. This chapter shall take effect immediately upon final passage and publication according to law.

§ 109-11. Purpose.

The purpose of this article is to protect and promote the public health through the control of the growth of invasive plant species.

§ 109-12. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS – Vegetation which, by its nature, grows beyond the property of its owner, and causes a neighboring property owner potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property's structures and facilities is deemed to be "invasive" for the purposes of this ordinance.

§ 109-13. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 109-14. Inspections.

All places and premises in the Borough of Raritan may be subject to inspection by the Property Maintenance Officer or his designee, however, an inspection may only be made of an alleged property if a neighboring property owner files a complaint alleging that any section of this chapter has been violated.

§ 109-15. Removal or abatement.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- B. The cost of abatement shall be borne by the property owner.
- C. If the owner fails to comply with such notice within the timer specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plants removal.

§ 109-16. Time to comply.

Any property owner who is in violation of this article will have one year from the effective date of this article to have all invasive plants removed from the property.

§ 109-17. Violations and penalties.

Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties

established under N.J.S.A. 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

§ 233-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 233-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS — All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

§ 233-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 233-4. Inspections.

All places and premises in the Township of Brick shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Brick. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 233-5. Violations and penalties. [Amended 10-7-2014 by Ord. No. 29-14]

- A. Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a violation shall be given to the owner of the property from which the invasive species has spread, in writing, to remove or abate the same within 30 days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.
- B. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$2,000 or community service as determined by the Municipal Court. The

continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.

- C. Notwithstanding any other penalty or fine which may be imposed under this section, if an owner fails to comply with the removal or abatement of an invasive plant, the Township may thereafter remove or otherwise abate the planting and thereafter recover the costs of such removal or abatement from the property owner by placing a lien against the property.

§ 233-6. Plantings of invasive plants prohibited. [Added 10-7-2014 by Ord. No. 29-14]

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

§ 206-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 206-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCING OFFICER — The Township Code Enforcement Officer or his designee.

INVASIVE PLANTS — All native and nonnative vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multiflora rose, kudzu vine and poison ivy or oak.

§ 206-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 206-4. Inspections.

All places and premises in the Township of Lacey shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Lacey. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 206-5. Violations and penalties.

- A. Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, a violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein (recommend time in years, due to difficulty of removing bamboo). Any person violating any provisions of this chapter shall be punished by a fine of not less than \$50 nor more than \$250. **[Amended 3-28-2013 by Ord. No. 2013-06]**
- B. The cost of abatement shall be borne by the property owner.

- C. If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species, and the Township may thereafter recover the cost.

§ 340-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 340-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS — All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include, but are not limited to, bamboo (spreading or running type), ragweed, multiflora rose, kudzu-vine and poison ivy or oak.

§ 340-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 340-4. Inspections.

All places and premises in the Township of Toms River shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Toms River. An inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 340-5. Removal or abatement.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- B. The cost of abatement shall be borne by the property owner.
- C. If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Township may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

§ 340-6. Violations and penalties.

Any person, partnership, limited-liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

§ 156A-1. Purpose and intent.

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Huntington.

§ 156A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO —

- A. **RUNNING BAMBOO —** Hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant including, but not limited to, the following plant genera: Arrow Bamboo, Arundinaria, Bambusa, Chimonobambusa, Common Bamboo, Golden Bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.
- B. **CLUMPING BAMBOO —** Hereinafter defined as any tropical or semi-tropical or sympodial podial (pachymorph) grasses which typically send off rhizomes near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

BAMBOO OWNER — Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

- A. Did not plant or grow or cause Bamboo to be planted or grown on his property, and
- B. Has provided satisfactory proof to the Town of Huntington that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the Bamboo, and
- C. Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

§ 156A-3. Presumption.

In the event Bamboo is found to have encroached, spread, invaded or intruded upon any other property or right of way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

§ 156A-4. Applicability.

For the purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

§ 156A-5. Prohibition.

Upon the effective date of this provision the planting of "running bamboo" shall be prohibited within the Town of Huntington. Any person who thereafter plants or causes to be planted any such "running bamboo" within the Town of Huntington shall be deemed to be in violation of this Section and shall be subject to such penalties as are set forth hereunder.

§ 156A-6. Duty to confine bamboo.

In the event any species of Bamboo is located upon any property within the Town of Huntington, the owner or occupant of said property shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right of way.

§ 156A-7. Regulation.

Any Bamboo that has been planted or otherwise permitted to grow on any property within the Town of Huntington prior to the effective date of this Section may remain on such property subject to compliance with this Section.

- A. Bamboo shall not be planted, maintained or otherwise be permitted to exist within ten (10) feet of the edge of the pavement or traveled portion of any public roadway in the Town of Huntington, and
- B. Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within ten (10) feet of the edge of the pavement or traveled portion of a public road in the Town of Huntington, and

- C. Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on the property prior to the effective date of this Section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Town of Huntington rights-of-way, and
- D. Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo, and
- E. The Town Board may from time to time prescribe such rules and regulations as may be necessary to give effect to this Section.

§ 156A-8. Removal from Town property.

- A. Notice. In the event that Bamboo growing on a Bamboo Owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Town of Huntington or its Trustees, the Director of Public Safety on behalf of the Town of Huntington or its Trustees shall notify the Bamboo Owner in writing that the Bamboo has invaded the Town of Huntington property and that the Bamboo Owner is responsible for the removal of such bamboo from the Town of Huntington property within thirty (30) days. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued. The Bamboo Owner shall be liable and responsible to the Town of Huntington for all costs incurred in removing the bamboo from the Town of Huntington property. Such costs may be assessed against the property of the Bamboo Owner.
- B. Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes, or to the owner's agent at the last known address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor

and/or Receiver of Taxes. A copy of the notice shall also be posted at the Bamboo Owner's property.

- C. Action upon noncompliance. Upon the failure, neglect or refusal of such owner, agent, or person or business entity occupying the premises to remove, remedy or abate the bamboo nuisance within the specified period of time; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Director of Public Safety may refer the matter to the Administrative Hearing Officer appointed by the Town Board for further action. The Administrative Hearing Officer shall conduct a hearing concerning the premises within fifteen (15) days of receipt of a referral from the Director of the Department of Public Safety.
- D. Administrative Hearing. Upon referral to the Administrative Hearing Officer, the Public Safety Department code enforcement officer shall present a report on the status of the property where the bamboo nuisance is alleged to exist; the owner and/or agent of the owner of the affected property shall have the opportunity to present relevant evidence to the Administrative Hearing Officer, with or without legal counsel. A record shall be kept of such hearing including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, who shall be duly sworn by the Administrative Hearing Officer prior to offering testimony. The decision of the Administrative Hearing Officer shall be issued within fifteen (15) days of the last day of the hearing conducted, thereon, and, it shall be filed with the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested, within five (5) days of the date of the decision.
- E. Action of the Administrative Hearing Officer. The Administrative Hearing Officer appointed by the Town Board, may direct the Bamboo Owner whose property has caused the bamboo nuisance to remove, remedy or abate the bamboo nuisance within thirty (30) days of receipt of a copy of the decision of the Administrative Hearing Officer, and upon the failure, neglect or refusal of such person or business entity to comply with the decision of the Administrative Hearing Officer, the Director of Public Safety may direct Town personnel, to remove, remedy or abate the nuisance, by whatever means deemed necessary or proper by the Town, at the expense of the property owner, or his agent and/or the occupier of land. A copy of the Public Safety Director's directive to Town personnel to proceed shall be mailed by certified or

registered mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment role on file in the Office of the Town Assessor and/or the Receiver of Taxes, or to the owner's agent at the last known address, and/or to the person or business entity occupying the land at the location of the property.

- F. Removal of the nuisance. Upon the failure, neglect or refusal of the owner, his agent, or person, or business entity occupying the premises to remove, remedy or abate such nuisance within the period provided by the decision of the Administrative Hearing Officer, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, Town personnel may enter the property, upon reasonable notice, and take all necessary action to remove or abate the nuisance at the expense of the property owner, his agent, or occupier of the land as set forth in this article.
- G. Any person or business entity who resists, obstructs or impedes the agents, servants, officers and/or employees of the Town of Huntington in the remediation or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.
- H. Liability for the costs of removal and/or abatement. The property owner, or his agent, and/or person or business entity who occupies the land shall be liable for the direct and indirect costs of abating the nuisance and all expenses incidental thereto, including but not limited to, an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the Town for the monies and time expended by its employees in abating the nuisance and collecting the sums due, including but not limited to, notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property.
- I. The costs incurred by the Town as set forth herein shall be certified by the Director of each Town department providing services and the Town Attorney shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment role on file in the Office of the Town Assessor, or to the owner's agent at the last known address, and/or to the occupier of the premises at the location of the property. Said notice shall further state that upon the failure of the property

owner, his agent, and/or occupier to pay such sums within ten (10) days of receipt of such written notice by cash, certified or bank check, or money order, shall be sufficient cause to add the amount due to the tax bill without further notice.

- J. Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said ten-day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town of Huntington Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 156A-9. Replanting prohibited.

Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 156A-10. Penalties for Violations. [Amended 11-6-2019 by L.L. No. 56-2019]

- (A) Any person or entity violating any provisions of §§ 156A-5 and 156A-9, prohibiting the planting and/or replanting of running bamboo shall be guilty of an offense and, upon conviction, shall be subject to a fine of not less than seven hundred fifty (\$750) dollars nor more than one thousand five hundred (\$1,500) dollars. Each month's continued violation shall constitute a separate additional offense. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provisions of §§ 156A-5 and 156A-9 shall likewise be subject to a monetary penalty within the range of fines authorized herein for any offense or continuing offense.
- (B) Any person or entity violating any provisions of §§ 156A-6, 156A-7 and 156A-8 prohibiting the maintaining, growing or failure to remove running bamboo in violation of these regulations shall be

deemed guilty of an offense and, upon conviction, shall be subject to a fine of not less than two hundred fifty (\$250) dollars and not more than five hundred (\$500) dollars. Each month's continued violation shall constitute a separate additional violation. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provisions of §§ 156A-6, 156A-7 and 156A-8 shall likewise be subject to a monetary penalty within the range of fines authorized herein for any offense or continuing offense.

§ 79-1. Purpose.

The provisions of this chapter are enacted to control the planting, growing or cultivating of bamboo in the Township of Concord so as to control the introduction of bamboo in Concord Township as well as prevent the trespass of existing bamboo onto neighboring properties by requiring effective barriers.

§ 79-2. Regulations governing planting, growing or cultivation of bamboo.

- A. Subject to the exemptions set forth in this chapter, no person, property owner, or tenant shall plant, cause to grow or cultivate any bamboo on any lot or parcel of ground located in Concord Township, subject to the following exceptions:
- (1) The root system of the bamboo plants are entirely contained within an aboveground planter, barrel or other container of such design, material and location as to prevent the spread of the bamboo's root system beyond the confines of the container in which it is contained; or
 - (2) The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance with the following specifications. Compliance with these specifications is subject to inspection by the Code Enforcement Officer.
 - (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of at least 40 mils;
 - (b) The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (c) The barrier shall be installed at least 30 inches deep;
 - (d) At least three inches of the barrier must protrude above ground level around the entire perimeter of the bamboo;
 - (e) The barrier shall slant outward from bottom to top.
- B. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant is closer than 10 feet to any property line.

§ 79-3. Exemptions.

This chapter shall not apply to any land owner or possessor who, prior to the effective date of this chapter, had planted or caused to grow any bamboo on any property within the Township boundaries unless, upon determination of the Code Enforcement Officer, any portion of such bamboo has been allowed to grow upon or its roots, branches and/or stalks have extended onto or over any public way or another's private property.

§ 79-4. Complaint; notice; order for removal; compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township on its own observations and inspections determines that there is an encroachment of bamboo plants or roots onto the property of another, public street or sidewalk, the Township shall give notice to the landowner or tenant in possession of the property to remove the offending bamboo plant or root system.

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage. Notice by certified mail shall be deemed complete on the date of personal delivery. If the certified mail is marked "refused," "unclaimed" or otherwise undeliverable by the United States Postal Service, notice will be sent by regular mail and by posting the notice on the property.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of mailing or posting the property, whichever is later.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation and come into compliance with this chapter.
- E. The notice shall state that failure to comply within 30 days will result in the removal of the offending bamboo or root system by the Township and that the responsible party will be billed for all costs incurred by the Township. The Township may, in its discretion, elect to issue a citation daily until such time as the offending bamboo or root system is removed, and the notice should so advise the responsible party.

§ 79-5. Violations and penalties.

Any property owner or possessor of a property determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of \$100 per day for each day that the violation persists, as well as court costs, legal fees and any other fees incurred by the Township to enforce this chapter against the responsible party. Each day of a continuing violation shall constitute a separate offense, for which a separate fine shall be levied.

§ 138-29. Purpose and intent.

The purpose of this article is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo, and maintain the general welfare of the residents of Haverford Township.

§ 138-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BAMBOO — Any monopodial (running) tropical or semi-tropical grasses from the genera Bambusa including, but not limited to Bambusa, Phyllostachys, and Pseudosasa as well as Common Bamboo, Golden Bamboo and Arrow Bamboo.

BAMBOO OWNER — Any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on the property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner or resident at which bamboo is found on the property will be considered a bamboo owner, except any property owner or resident who:

- A. Did not plant or grow or cause bamboo to be planted or grown on his property, and
- B. Has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, he advised the owner of such property of his objection to the encroachment of the bamboo, and
- C. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

TOWNSHIP — The Township of Haverford, County of Delaware, Commonwealth of Pennsylvania.

§ 138-31. Applicability.

For purposes of this section, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the bamboo owner.

§ 138-32. Prohibition.

Upon the effective date of this provision, the planting or growing of bamboo shall be prohibited within the Township. Any person who thereafter plants or grows, or causes to be planted or grown, bamboo within the Township shall be deemed to be in violation of this section, and shall be subject to such penalties as are set forth hereunder.

§ 138-33. Regulation.

Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this section may remain on such property subject to compliance with this section.

- A. Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in the Township, and
- B. Any bamboo owner whose property contains bamboo shall remove and abate the growth of the bamboo within 40 feet of edge of the pavement or traveled portion of a public road in the Township;
- C. Each bamboo owner shall be responsible to ensure that the bamboo planted or growing on the property prior to the effective date of this section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Township right-of-ways; and
- D. Each bamboo owner shall be required to take such measures as are reasonably expected to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing comprised of metal or other material impenetrable by bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.

§ 138-34. Removal.

- A. In the event that bamboo growing on a bamboo owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the bamboo owner in writing that the bamboo has invaded the Township property and that the bamboo owner is responsible

for the removal of such running bamboo from the Township property. This notice shall be sent by certified mail, return receipt requested and by regular mail to the latest address of the bamboo owner on file with the Township and a copy of the notice shall also be posted at the bamboo owner's property.

- B. In the event that the bamboo owner does not remove or contract for the removal of the bamboo from the Township property, or does not make an arrangement with the Township for removal of such bamboo within 30 days from the date the Township first provided notice pursuant to the above, the Township, at its discretion, may remove or arrange for the removal of such bamboo from the Township property. The, bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property. Such costs may be assessed against the property of the bamboo owner.

§ 138-35. Replanting prohibited.

Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this article may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 138-36. Violations and penalties. [Amended 3-12-2012 by Ord. No. 2660]

Any person, firm or corporation violating any of the provisions of this article shall, in addition to the other charges hereinbefore provided for each offense, upon summary conviction before any Magisterial District Justice, pay a fine not exceeding \$600 and costs of prosecution; and in default of one payment of the fine and costs, the violator may be sentenced to the county jail for a term of not more than 30 days. Each and every day in which any person, firm or corporation shall be in violation of this article shall constitute a separate offense.

Municipal Stormwater Control Ordinance

Ordinance 2021- Stormwater Control

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, 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

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Lake Como.

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 and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any 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, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

Ordinance #2021— Stormwater Control *(continued)*

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or

Ordinance #2021— Stormwater Control *(continued)*

2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-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 under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, 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.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“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.

Ordinance #2021-- Stormwater Control *(continued)*

"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, habitats 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 Neighborhoods" means neighborhoods 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.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"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 seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means any "development" that provides for ultimately disturbing one (1) or more acres of land or increasing impervious surface by one-quarter (1/4) acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetations since February 2, 2004.

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this

definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

(continued on the next page)

Ordinance #2021— Stormwater Control

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

(continued on the next page)

Ordinance #2021-- Stormwater Control

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“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, or conveyed by snow removal equipment.

(continued on the next page)

Ordinance #2021— Stormwater Control

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any 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.

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

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“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” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section III. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
 - 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.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R 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 stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, 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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page D-15)

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. 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. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the {*insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality*}. A form of deed notice shall be submitted to the

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the *{insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies}* and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. 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.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. 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 Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. 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 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

(continued on the next page)

Ordinance #2021-- Stormwater Control *(continued)***Table 4 - Water Quality Design Storm Distribution**

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

(continued on the next page)

Ordinance #2021-- Stormwater Control *(continued)*

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 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. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. 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:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986,

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

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 above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. 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 have 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. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section VI. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:**

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:**

The Division of Water Quality, New Jersey Department of Environmental Protection,
Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Section VII. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section VIII. 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 BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- 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 Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

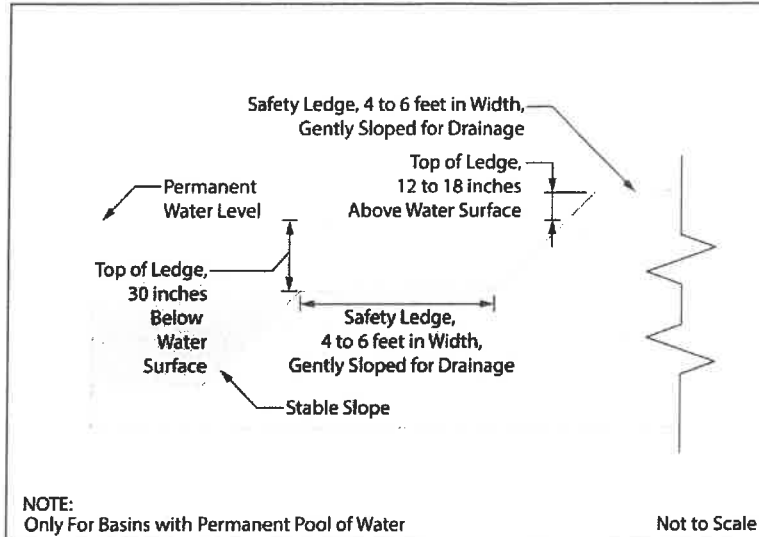
a threat to public safety.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

E. Safety Ledge Illustration

Elevation View —Basin Safety Ledge Configuration



Section IX. 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 Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends 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 as appropriate may 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 One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, 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 soils 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 X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.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.

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Section X. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. 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). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

(continued on the next page)

Ordinance #2021— Stormwater Control *(continued)*

Section XI. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

{Municipality to specify}

Section XII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section XIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ALL OF WHICH IS ADOPTED THIS _____ day of _____, 20____, by the
_____.



**LAKE COMO BOROUGH
1740 MAIN STREET
LAKE COMO, NJ 07719
(732) 681-3232
AGENDA**

**DATE: JANUARY 19, 2021 – VIRTUAL MEETING
REGULAR MEETING**

MEETING CALLED TO ORDER

SALUTE TO FLAG AND MOMENT OF SILENT REFLECTION

SUNSHINE LAW

Introduction as required under the Sunshine Law: Adequate notice of this meeting has been provided by the adoption of a Resolution by the Mayor and Council on the fifth day of January 2021 in which Resolution the time and place of Agenda and Regular Meetings commencing with January 5, 2021 were set forth. Notice of same was delivered to the Asbury Park Press the Coast Star and TAPinto and a copy of the notice was posted on the borough website at www.lakecomonj.org and on the bulletin board in Borough Hall. All meetings are open to the public.

ROLL CALL

Douglas Witte
Virginia Kropac
Hawley Scull
Christopher D'Antuono
Nick DeMauro

APPROVAL OF MINUTES

Minutes from the Reorganization Meeting - January 5, 2021

COMMUNICATIONS

Lake Como Democratic Party

REPORTS OF COMMITTEES

UNFINISHED BUSINESS

PUBLIC COMMENTS ON NEW BUSINESS

CONSENT AGENDA

All items listed under this section are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

NEW BUSINESS

Resolution 2020-58
Payment of Bills NJNG
Offered by Councilwoman Kropac

Resolution 2020-59
Payment of Bills
Offered by Councilman D'Antuono

Ordinance 2020-955
Entering into Lease of Parking Spot with L.E.A.D.
Second Reading and Public Hearing
Offered by Councilwoman Scull

PUBLIC COMMENTS

NEXT MEETING

The next regular meeting of the Mayor and Council will be held on Tuesday, February 2, 2021, immediately following the 7:30 PM Workshop meeting in the Lake Como Meeting Room. All meetings are open to the public.

MOTION TO ADJOURN

Resolution 2021 – 58

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following account:

CURRENT ACCOUNT:

4862	NJ Natural Gas, Co.	PB&G OE	\$646.00
------	---------------------	---------	----------

Dated: January 19, 2021

Kevin G. Higgins, Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

Resolution 2021 – 59

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following accounts:

CURRENT ACCOUNT:

	Per Attached Bill List		\$ 897,897.10
Wire	Amboy Bank	Interest on Notes	6,422.74
Wire	Amboy Bank	GL-Principal	428,500.00
	JCP&L	Ord 2019-942	24,891.07
4866	Lake Como Water Account	I/F Gen Capital	21,521.32
	Wilentz, Goldman&Spitzer	Legal Services/Fees	1,400.00
		Ord 2020-953	400.00
			<u>\$1,381,032.23</u>

WATER/SEWER ACCOUNT:

	Per Attached Bill List		\$ 288,138.79
2335	Lake Como Current Account	I/F Capital	144.54
2336	Lake Como Current Account	I/F Operating	103.46
			<u>288,386.79</u>

PAYROLL ACCOUNT:

4861	Employee Payroll Dated 12/23/20		\$ 32,845.42
2334	Employee Payroll Dated 12/23/20		2,389.49
4869	Employee Payroll Dated 1/6/21		30,341.83
2337	Employee Payroll Dated 1/6/21		5,756.76
1441	Employee Payroll Dated 1/6/21		134.56
2370	Lake Como Current Account	I/F Payroll to Current	53,000.00
Wire	State of NJ – PERS		14,970.00
			<u>\$139,438.06</u>

TOURISM ACCOUNT:

1441	Lake Como Payroll Account	\$ 134.56
1437	McCann's Tavern	100.00
1438	With Intentions	75.00
1439	Alternative Plate	25.00
1440	Coaster Life	25.00
		<u>\$ 359.56</u>

DOG LICENSE ACCOUNT:

1118 Lake Como Current Account

\$ 1,110.88

Dated: January 19, 2021

Kevin G. Higgins, Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

CURRENT ACCOUNT:

Wire	Amboy Bank	Interest on Notes	6,422.74
Wire	Amboy Bank	Principal	428,500.00
	Amco Pest Control	PB&G OE	110.00
	Atlantic Security	PB&G OE	3,394.20
	Borough Belmar	PB&G OE	352.82
		Streets & Roads OE	493.60
	Borough Belmar	Streets & Roads OE	273.39
4868	Cable/Optimum	Telephone Current	845.21
	Cintas Corporation	PB&G OE	417.30
4860	Cintas Corporation	PB&G OE	748.24
4860	Cintas Corporation	PB&G OE	580.24
4860	Cintas Corporation	PB&G OE	580.24
	CME Associates	Engineering OE	672.00
	CME Associates	Engineering OE	450.50
	Coast Star	Tax Sale OE	115.20
		A&E Print/Advertising	63.00
	Coast Star	A&E Print/Advertising	280.75
	Delisa Waste Services	Recycle OE	3,916.67
		Solid Waste OE	6,716.67
	Delisa Waste Services	Landfill/Solid Waste OE	2,627.12
	Delisa Waste Services	Landfill/Solid Waste OE	2,608.23
	Delta Dental NJ	Insurance-Other	1,012.12
4873	Dental Services Org.	Insurance-Other	103.83
	Dynamic Testing Service	PB&G OE	80.00
	Eastern Generator	PB&G OE	1,446.12
	Eastern Generator	PB&G OE	209.74
4872	Edmunds Gov Tech	Collection of Taxes	2,895.00
		Financial OE	4,030.00
	Edward Tire Co., Inc.	Streets& Roads OE	29.95
	Freehold Welding, Inc	Streets & Roads OE	3,000.00
	HiWay Oil Service	PB&G OE	9.53
	JCP&L	PB&G OE	473.50
		PG&G OE	271.31
		Public Health & Services	58.88
	JCP&L	Street Lighting	2,134.93
	Jeannette Jimenez	PB&G OE	420.00
	LC Board of Education	School Tax	265,195.10
4861	LC Payroll Account	S&W	32,845.42
4869	LC Payroll Account	S&W	27,846.72
		Social Security	2,022.18
		Medicare	472.93
4875	LC Water/Sewer	Due to W/S	6,235.04
	Marmero Law, LLC	Legal Service-Fees	150.00
4870	L. Mekosh, Petty Cash	Petty Cash	75.00
	L. Mekosh, Petty Cash	PB&G OE	44.76

Monarch Electric	PB&G OE	24.26
Monarch Electric	PB&G OE	107.53
Mon. Cty. Public Works	Streets & Roads OE	77.25
Mon. Cty, SPCA	Public Health & Services	200.00
Mon Cty. JIF	Gen Liability	5,964.49
	Gen Liability	5,051.06
	Worker Comp.	23,666.54
	Surety Bond	1,820.21
Monmouth Truck Equipment	Streets & Roads OE	181.57
NJ Dept Child/Family	Marriage/Civil Union	25.00
NJ Conference Mayors	Mayor & Council OE	295.00
4862 NJ Pensions&Benefits	Employee Group Ins.	15,822.88
Wire	Due from Payroll	1,975.32
Quadient Leasing	Financal OE	107.42
Quill Corp.	PB&G OE	176.99
	Financal OE	311.98
	Mayor & Council OE	8.99
Quill Corp.	PB&G OE	104.65
4859 Santander Bank, NA	Leaf Machine-Principal	16,964.96
	Leaf Machine-Interest	1,259.71
Maria Scarpati	Street Opening Refund	600.00
ReadyRefresh	PB&G OE	196.83
Seabreeze Ford	Streets & Roads OE	127.86
Shain Schaffer PC	Legal Services-Fees	1,309.00
	Legal Services-Fees	2,873.00
	Legal Services-Fees	391.00
	Legal Services-Fees	51.00
Spring Lake Borough	Landfill/Solid Waste OE	6,587.50
Taylor Hardware	PB&G OE	144.26
Verizon	Public Health & Services	77.94
Verizon	Public Health & Services	77.24
4863 Verizon Wireless	Const Code OE	85.48
		<u>897,897.10</u>

WATER/SEWER ACCOUNT:

Borough Belmar	OE	175.72
Garden State Lab., Inc.	OE	207.00
Hose Shop	OE	21.65
2339 B. Maas	OE	23.39
Marco Tech. LLC	OE	398.56
NJ American Water	Purchase of Water	7,486.89
2340 New Jersey-PWT	OE	118.31
NJ Water Supply Auth.	Purchase of Water	9,223.11
One Call Concepts	OE	20.02
Quadient Leasing	OE	107.41
SMRSA	SMRSA	225,452.53
SMRSA	SMRSA	5,938.20
USDA	Principal	16,135.28
	Interest	22,830.72
		<u>288,138.79</u>

BOROUGH OF LAKE COMO, MONMOUTH COUNTY, STATE OF NEW JERSEY

ORDINANCE NO. 2020-955

**ORDINANCE OF THE BOROUGH OF LAKE COMO
ENTERING INTO A LEASE FOR A PARKING SPACE WITH L.E.A.D.**

WHEREAS, Law Enforcement Against Drugs (“L.E.A.D.”) is a non-profit (501C3) organization, supported by dedicated police officers, committed to protecting youth and communities from the proliferation of drugs, drug related crimes, peer to peer/cyber bullying and violence; and

WHEREAS, L.E.A.D. attempts to achieve its goals by collaborating with educators, community leaders, families and L.E.A.D. support organizations; and

WHEREAS, the Borough of Lake Como (the “Borough”) is a municipal corporation of the State of New Jersey, having its principal place of business at 1740 Main Street, Lake Como, New Jersey 07719; and

WHEREAS, the Borough has an available parking space located at the Firehouse of Borough, which is located at 1740 Main Street, Lake Como, New Jersey 07719; and

WHEREAS, the Borough Council wishes to support the mission of L.E.A.D.; and

WHEREAS, L.E.A.D. is willing to rent the available parking space from the Borough for the amount of \$150.00 per month.; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Lake Como, in the County of Monmouth and State of New Jersey that the Borough shall enter into a lease agreement with L.E.A.D., Inc., and

SECTION 1. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED as aforesaid.

KEVIN G. HIGGINS, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Lake Como Borough Council held on _____. Said Ordinance will again be read and considered for final passage at a meeting of the Lake Como Borough Council to be held at 7:00 p.m. on _____ at 1740 Main Street, Lake Como, New Jersey 07719. At said time and place, all persons having an interest in the foregoing Ordinance

will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

LOUISE A. MEKOSH, Borough Clerk

MAYORAL APPROVAL

APPROVAL BY THE MAYOR ON THIS ____
DAY OF _____, 2020

KEVIN G. HIGGINS, Mayor