ARTICLE III
General Regulations and Provisions

§ 139-17. Applicability of regulations.

No structure shall hereafter be erected, structurally altered or moved nor shall any lands or the buildings thereon be used for any purpose except in conformity with all regulations hereinafter established for the zone in which said land or structure is located. Nor shall any open space or yard area established for the purpose of complying with the regulations of this chapter be reduced or encroached upon in any manner except as shall be specifically permitted in this chapter.

§ 139-18. Permitted yard encroachments.

No building or part thereof shall be erected within or project into any required yard area except in accordance with the following provisions:

A. An open and unscreened entrance porch leading to the basement, cellar or first floor not more than 10 feet in width may project not more than six feet not including steps into a required front yard area, provided the floor of said porch is within three feet of the adjoining ground level.

B. An open and unroofed patio not more than three feet above ground level may extend into a required side or rear yard to within 10 feet of a side or rear property line. This restriction shall not apply to such patios if constructed at ground level.

C. Ordinary projections of cornices, eaves, gutters, sills, chimneys, and ornamental features may project not more than 24 inches into any required yard area.

§ 139-19. Permitted height exceptions.

A. Appurtenances attached to principal buildings. The height limitations of this chapter shall not apply to church spires, domes, and antennas attached to buildings, none of which are to be used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads and the necessary mechanical appurtenances usually carried above the roof level.

   Such features, however, shall not exceed in coverage 20% of the total roof area and shall not exceed a height such as is necessary to accomplish the purpose which they are intended to serve.

B. Free-standing accessories. Water towers, noncommercial radio and television antennas and flag poles which are erected as free-standing accessories and which might normally exceed the height limitations established by this chapter may be erected to a height which can be demonstrated to the satisfaction of the Land Use Board as necessary to accomplish their intended function, except that in residential zones and on properties adjacent to residential zones, no such structure may be located nearer to any property line than a distance equal to its height above ground. **[Amended 2-25-2002 by Ord. No. 2002-08]**

C. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or any other structure which extends above the height limitations established in this chapter.

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§ 139-20. One principal building only.

Except as might be hereinafter specifically provided, there shall not be more than one principal building erected on any lot.

§ 139-21. Frontage. [Amended 9-26-2005 by Ord. No. 2005-24]

No principal building shall be erected upon a lot which does not provide an entrance to such principal building oriented to and facing a public street and which does not have frontage upon a public street improved to meet the requirements of the borough or for which such improvements have been guaranteed in accordance with requirements in the land subdivision and site plan regulations of the borough.

§ 139-22. Front yards.

Any yard facing upon a public street shall be considered a front yard and shall conform to the minimum front yard requirements established for the zone in which the yard is located.

No front yard shall be used for the storage of equipment or vehicles other than automobiles, recreational vehicles, camping trailers, and boats, which are in operating condition and which are parked on an improved driveway.

§ 139-23. Obstructions to vision. [Amended 9-13-1992 by Ord. No. 1993-16]

A. On any corner lot, nothing shall be erected, placed, printed or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above the center line grades of the intersecting streets, within the triangular area formed by the two intersecting street lines bounding the lot, and by a line connecting points on each street line located 25 feet from the intersection of the street lines.

B. Removal of trees and shrubs; notice. In case any tree or shrub, or any part thereof, along the public highway or sidewalk shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub shall be located shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the Borough Council, or from the County of Monmouth in the case of a county right-of-way or highway. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.

C. Removal by borough or county. If the owner fails to remove the tree or shrub or portion thereof within two weeks after service of written notice to do so, the work shall be performed by the borough under the supervision of the Superintendent of Roads, in the case of a county road, or under the supervision of the County Road Supervisor, who shall certify the cost thereof to the Borough Council.

D. County named as officer of Neptune City. In accordance with Title 40:48-2.26 the County of Monmouth is hereby named an officer of the Borough of Neptune City empowered to carry out this section on all county roads and at all intersections with county roads.

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§ 139-24. Accessory structures. [Amended 9-26-2005 by Ord. No. 2005-12]

No accessory structure, excluding fences and temporary buildings necessary for construction purposes, shall be erected prior to the completion of the principal building. Such temporary construction buildings may be erected only after the issuance of a building permit for the principal building and shall be removed within 30 days of the issuance of a certificate of occupancy, for the principal building; or in the case of a major subdivision, within 30 days of the issuance of a certificate of occupancy for the final home in the subdivision provided same does not violate the requirements of this chapter as to lots for which a certificate of occupancy has already been issued.

No accessory structure shall be permitted in front yards in any zones.

§ 139-25. (Reserved) [Repealed 4-14-2014 by Ord. No. 2014-5]

§ 139-26. Existing natural features.

Existing natural features such as streams, lakes, ponds, trees and the natural configuration of the ground shall be retained wherever possible. If it can be demonstrated to the satisfaction of the reviewing board that such features will substantially interfere with any reasonable proposed use of a property, such features may be altered only to the extent necessary to permit such use.

§ 139-27. Prohibited uses. [Added 11-25-2002 by Ord. No. 2002-21A]

The following uses or activities are hereby prohibited in any zone unless specifically permitted by this or any other ordinance of the Borough of Neptune City:

A. Junk yards.

B. Manufacture of acetylene or ammonia.

C. Manufacture or bulk storage of pyroxylin, plastic, explosives, fireworks or matches.

D. Manufacture of acids.

E. Manufacture of heavy chemicals.

F. Refining of petroleum or the storage of petroleum products having a flash point of under 150° Fahrenheit, in excess of 300,000 gallons.

G. The manufacture, batching or mixing of asphalt, asphalt products or bituminous concrete.

H. Refining or manufacture of animal black, bone black or lamp black.

I. Refining, manufacture or mixing of fertilizer or potash.

J. Incinerators, garbage or refuse disposal dumps or landfills.

K. Manufacture of disinfectants, insecticides or other poisons or toxic gases.

L. Manufacture of dye.

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M. Rendering or refining of grease, fat or tallow.

N. Manufacture of glue, size or gelatins, where the process includes the refining and recovery of products from fish, animal refuse or offal.

O. Stock yards or the slaughtering or processing of animals, fish or poultry or parts thereof.

P. Storage, cleaning, curing or tanning of rawhides or skins or the pulling of wool.

Q. Coke ovens or manufacture of derivatives of coke.

R. Manufacture or production of metals or alloys in ingot form.

S. Crematoriums.

T. Manufacture of rubber or rubber products.

U. Manufacture of plastic or cork or their constituents.

V. Manufacture of paints, oils and varnishes.

W. Manufacture of soaps or detergents.

X. Manufacture or repair of boilers, tank or pipe.

Y. Firearm target ranges, skeet or trap ranges or any places where firearms are discharged for practice or competitive purposes.

Z. Rooming or boarding houses.

AA. Harboring, maintaining, keeping, controlling or having in possession a wild, dangerous or undomesticated animal and/or certain domesticated animals as defined in Article III of Chapter 43 of the Code of the Borough of Neptune City. **[Amended 4-27-1998 by Ord. No. 1998-6]**

BB. Regional schools of which Neptune City is not a member and schools of other municipalities.

CC. Any use of land or building or any activity which will adversely affect or impair the lawful use of and peaceful enjoyment of any other lands or buildings.

DD. Landing of aircraft or landing areas for aircraft in any zone.

EE. Without limitation, the building, rental, sale or use of any and all buildings and/or accessory buildings including any residential, commercial or industrial structure and uses relating directly or indirectly to the sale and use in any manner whatsoever of paraphernalia associated with the use of controlled dangerous substances and/or drug related cultures or activity including without limitation the prohibition of shops commonly known as "head shops", etc.

FF. **[Repealed 6-22-1998 by Ord. No. 1998-17]**

GG. Body art establishments, except in the (I) Industrial Zone as defined in Article IV of the Code of the Borough of Neptune City.

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HH. Cannabis. **[Added 5-10-2021 by Ord. No. 2021-04 ; amended 7-25-2022 by Ord. No. 2022-10]**

(1) Class 1 - Licensed Cannabis Cultivator.

(2) Class 2 - Licensed Cannabis Manufacturer.

(3) Class 3 - Licensed Cannabis Wholesaler.

(4) Class 4 - Licensed Cannabis Distributor.

(5) Class 6 - Licensed Cannabis Delivery Service.

(6) Cannabis Consumption Areas associated with Class 5 Cannabis Retailer licenses.

§ 139-28. Removal of topsoil, subsoil, sand and gravel.

No topsoil shall be removed from any premises in any zone.

No subsoil, sand or gravel shall be removed from any premises in any zone except that:

A. The Construction Official[1] may issue a permit for the removal of subsoil from excavations for building foundations or other structures, provided that the total amount to be removed from the lot does not exceed 500 cubic yards or the Borough Engineer has approved the removal for appropriate engineering reasons and so notifies the Construction Official in writing.

§ 139-29. Wireless telecommunications towers, antennas and transmission facilities. [Added 9-23-2002 by Ord. No. 2002-16]

A. Purpose. The purpose of these regulations for the siting of wireless telecommunications towers and antennas is to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in appropriate locations;

(3) Minimize the total number of towers throughout the community;

(4) Strongly encourage the joint use of tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting landscape screening and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such

1. **Editor's Note: The title of Building Inspector has been changed to Construction Official to comply with the Uniform Building Code.**

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services to the community quickly, effectively and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the Borough of Neptune City shall give due consideration to the borough master plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Antennas and towers permitted on borough property. Wireless communications towers and antennas which are located on borough property and which are approved by Borough Council, shall be deemed to be permitted as a municipal facility in any zone district. The borough shall consider the criteria set forth in Section 139-29D prior to approving the location of a tower on borough property.

C. Antennas and towers which are not municipal facilities. Wireless telecommunications antennas and towers may be allowed as a conditional use on property which is not borough property in accordance with the standards, regulations and requirements set forth in Section 139-29D, wireless telecommunications towers, antennas and transmission facilities on nonmunicipal property, in those zones where public utilities are permitted as a principal use or as a conditional use.

D. Wireless telecommunications towers, antennas and transmission facilities on nonmunicipal property.

Wireless telecommunications antennas and towers may be allowed as a conditional use on property which is not owned, leased or otherwise controlled by the Borough of Neptune City, in accordance with the minimum standards of the zone district and the standards, regulations and requirements set forth in this section, in those zones where public utilities are permitted as a principal or conditional use. Site plan approval shall be required prior to the installation of wireless telecommunication towers, antennas and transmission facilities on non-borough owned property.

(1) General. Wireless telecommunication towers, antennas and transmission facilities shall only be permitted on non-borough property where the municipal approving authority has determined the following:

(a) There is substantial evidence that there is a significant gap in the telecommunications grid within the borough which the proposed facility will correct;

(b) There is no borough property available or no wireless telecommunications towers, antennas or transmission facilities available where the proposed facility could locate or co-locate that would correct the telecommunications gap;

(c) There are no existing structures, facilities or wireless telecommunications towers, antennas or transmission facilities available on which the proposed facility is located and that the different use of an existing structure on the same lot does not

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preclude the installation of an antenna or tower;

(d) There is no residential use, school use or healthcare use on the lot on which the facility is located and that the different use of an existing structure on the same lot does not preclude the installation of an antenna tower;

(e) The application for the proposed facility is the joint application of two or more wireless communications carriers licensed to provide service within the area and the application provides for the co-location of two or more carriers at the site. In the alternative, if the application is an individual application, it must include a binding statement that approval will be subject to the application making all open space on the tower available to all other potential users at a price equal to the fair market value of the space used.

(f) The dimensions of the entire lot on which the facility is located are used for the purpose of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot;

(g) A plan is submitted for the periodic testing of the facility to ensure ongoing compliance with applicable federal and/or state standards. The plan is subject to the review and approval of the municipal approving authority; and

(h) The applicant must provide within 60 days, or such longer time if permitted by FCC regulations, of the commencement of operation of a tower or antenna, a certification of compliance of FCC standards of radio frequency emission exposure to the public in an uncontrolled environment.

(2) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the borough as part of the application, an inventory of all existing towers, antennas and sites approved for towers or antennas that are within the jurisdiction of the borough and within an area outside the jurisdiction of the borough where the applicant could locate its equipment to provide continuity of coverage. Specific information shall be provided about the location, height and design of each tower, antenna and site. The borough may share such information with other applicants applying for approvals under this section or other organizations seeking to locate antennas within the jurisdiction of the borough, provided, however, that the borough is not, by sharing information, in any way representing or warranting that such sites are available or suitable.

(3) Aesthetics. Towers and antennas shall meet the following requirements:

(a) Towers shall maintain a finish or be painted a color approved by the municipal agency, so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA;

(b) At a tower site, the design of a building and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings;

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(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Lighting. Towers shall be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

(5) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(6) Building codes: safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it has been maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, the American National Standards Institute as well as the New Jersey BOCA Code, as amended from time to time. If, upon inspection, the borough concludes that a tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days to bring such tower into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense. All tower components including, but not limited to, transmitters and receivers shall comply with FCC and New Jersey Department of Environmental Protection standards for frequency and power and they shall be continually compliant as those standards are amended from time to time.

(7) Measurement. For purpose of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the borough irrespective of municipal and county jurisdictional boundaries.

(8) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the borough has been obtained from all applicable federal or state agencies and shall file a copy of all required franchises with the borough.

(9) Signs. No signs shall be allowed on an antenna or tower.

(10) Maximum height. The tower shall meet the following maximum height and usage criteria:

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(a) For three users, up to 100 feet.

(b) For four or more users, over 100 feet.

(c) Tower height shall be based on technical requirements for reception.

A licensed New Jersey professional engineer must certify that the tower can structurally accommodate the number of shared users proposed by the applicant.

(11) Information required. In addition to any information required for applications for site plan review pursuant to this chapter, applicants for approval for a tower shall submit the following information:

(a) A location plan drawn to scale and clearly indicating the location, type and height of the proposed tower, on-site land use and zoning, adjacent land uses and zoning (including when adjacent to other municipalities).

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.

(d) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials.

(f) Method of fencing and finished color, and if applicable, the method of camouflage and illumination.

(g) A statement of compliance with all applicable federal, state, or local laws.

(h) A statement by the applicant as to the number of users construction of the tower will accommodate for co-location.

(i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular or personal communication service sites owned or operated by the applicant in the municipality.

(j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(k) A description of the feasible location(s) of future towers or antennas within the borough based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(12) Factors considered in granting approval of towers. In addition to any standards for consideration of site plans pursuant to this chapter, the municipal agency shall consider the following factors in determining whether to issue an approval:

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(a) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures;

(b) Height of the proposed tower;

(c) Proximity of the tower to residential structures and residential district boundaries;

(d) Nature of uses on adjacent and nearby properties;

(e) Surrounding topography;

(f) Surrounding tree coverage and foliage;

(g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(h) Proposed ingress and egress;

(i) Number of users committed to use of the tower.

(13) Availability of suitable existing towers, other structures or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the municipal agency that no existing tower, structure or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the municipal agency related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna or that no emerging technology exists that would overcome the gap in the applicant's telecommunications system may consist of the following:

(a) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs not exceeding new tower development are presumed to be reasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

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(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(14) Minimum required setback. The following minimum setback requirements shall apply to all towers for which site plan approval is required:

(a) In nonresidential zones, towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line, but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.

(b) In residential zones, towers must be set back a distance equal to at least 200% of the height of the tower from any adjoining lot line but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.

(c) Guys and accessory buildings and structures must satisfy the minimum zoning district setback and buffer requirements.

(15) Minimum separation requirements between uses. The following separation requirements shall apply to all towers and antennas for which approval is required under this section:

(a) Separation from off-site uses/designated area.

i Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in paragraph (b) below, except as otherwise provided.

ii Towers shall maintain a separation distance of 200 feet or 200% of the tower height, whichever is greater, from a residential property line.

(b) Separation distances between towers. No tower shall be permitted any closer to an existing tower than five times the height of the proposed tower.

(16) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device, provided however, that the municipal agency may waive or modify such requirements, as it deems appropriate.

(17) Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required, provided however, that the municipal agency may waive such requirements if the goals of this section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(b) In locations where the visual impact of the tower would be minimal, the

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landscaping requirement may be reduced.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Trees and natural growth may serve as buffer.

(18) Conditions and alternative tower structure. In approving the tower, the municipal agency may impose conditions including the use of an alternative tower structure, to the extent the municipal agency concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties or the neighborhood in which it is located.

(19) Buildings and other equipment storage.

(a) Antennas mounted on structures or rooftops. Antennas mounted on buildings or existing elevated structures shall not extend more than 30 feet above the highest point of the building's roof or above the highest point of the structure. The equipment cabinet or structure used in association with antennas shall comply with the following:

i The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 200 square feet of gross floor area or 10 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

ii If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.

iii Equipment storage buildings or cabinets shall comply with all applicable building codes.

(20) Antennas located on towers, utility poles or light poles. Antennas shall not be located on towers, utility poles or light poles within a borough street or right-of-way unless such facilities are approved by the Borough Council. Antennas proposed on towers, utility poles or light poles within a street or right-of-way not owned by the borough, shall require approval as a conditional use. The related unmanned cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height and shall be located in accordance with the minimum yard and buffer requirements of the zoning district in which located shall be screened from view of all residential properties.

(21) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice for the Borough of Neptune City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna by the borough at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using

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the tower.

§ 139-30. Stormwater management. [Amended in entirety 11-23-2020 by Ord. No. 2020-11 . Prior history includes Ord. No. 06-02 ; Ord. No. 08-10 .]

§ 139-30.1. Scope and purpose. [Added 11-23-2020 by Ord. No. 2020-11]

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 Section 139-30 is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 139-30.2.

C. Applicability.

(1) Section 139-30 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) Section 139-30 shall also be applicable to all major developments undertaken by the Borough of Neptune City.

D. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to Section 139-30 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 Section 139-30 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 139-30 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 Section 139-30 imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 139-30.2. Definitions. [Added 11-23-2020 by Ord. No. 2020-11]

For the purpose of Section 139-30, 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

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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 — 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 — 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 — 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 — The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA — The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A. A county planning agency; or

B. 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 — The Department of Environmental Protection.

DESIGN ENGINEER — 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.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the

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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 — 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 — 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.

EMPOWERMENT NEIGHBORHOODS — 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.

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

ENVIRONMENTALLY CRITICAL AREA — 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.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE — A stormwater management measure that manages stormwater close to its source by:

A. Treating stormwater runoff through infiltration into subsoil;

B. Treating stormwater runoff through filtration by vegetation or soil; or

C. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 — An area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

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LEAD PLANNING AGENCY — 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 — An individual "development," as well as multiple developments that individually or collectively result in:

A. The disturbance of one or more acres of land since February 2, 2004;

B. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;

C. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or

D. A combination of paragraphs B and C above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs A, B, C or D above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

MOTOR VEHICLE — 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.

MOTOR VEHICLE SURFACE — 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 — Any city, borough, town, township, or village.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL — 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 139-30.4F 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

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performance standards established by this chapter.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

POLLUTANT — 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 — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE — Any of the following, alone or in combination:

A. A net increase of impervious surface;

B. 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);

C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

D. 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 — Any of the following, alone or in combination:

A. The total area of motor vehicle surface that is currently receiving water;

B. 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 — 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 — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State

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Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — 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 — 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.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — 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 MANAGEMENT PLANNING AGENCY — A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA — 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.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area in which the flood elevation resulting from the two-, ten-, 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 — A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES — 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 — Previously developed portions of areas:

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

B. Designated as CAFRA Centers, Cores or Nodes;

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C. Designated as Urban Enterprise Zones; and

D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE — A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, 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 — 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 — 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.

§ 139-30.3. Design and performance standards for stormwater management measures. [Added 11-23-2020 by Ord. No. 2020-11]

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 Section 139-30 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.

§ 139-30.4. Stormwater management requirements for major development. [Added 11-23-2020 by Ord. No. 2020-11]

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 139-30.10.

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 muhlnebergi (bog

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turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 139-30.4P, 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 139-30.4O, 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 139-30.4O, P, Q and R to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of Section 139-30.4O, 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 Section 139-30.4D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 139-30.4O, 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 Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 139-30.4O, 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 amendment of the New Jersey Stormwater Best Management Practices Manual 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

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Register 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 Section 139-30 the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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 to 80	No	No	—

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(Notes corresponding to annotations [a] through [g] follow Table 3)

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] follow Table 3)

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 to 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

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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)
Wet pond	50 to 90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) Subject to the applicable contributory drainage area limitation specified at Section 139-30.4O(2);

(b) Designed to infiltrate into the subsoil;

(c) Designed with underdrains;

(d) Designed to maintain at least a ten-foot-wide area of native vegetation along at least 50% 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 2%;

(f) Designed with a slope of equal to or greater than 2%;

(g) Manufactured treatment devices that meet the definition of green infrastructure at Section 139-30.2;

(h) Manufactured treatment devices that do not meet the definition of green infrastructure at Section 139-30.2.

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 139-30.6B. Alternative stormwater management measures may be used to satisfy the requirements at Section 139-30.4O only if the measures meet the definition of green infrastructure at Section 139-30.2. Alternative stormwater management measures that

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function in a similar manner to a BMP listed at Section 139-30.4O(2) are subject to the contributory drainage area limitation specified at Section 139-30.4O(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 139-30.4O(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 139-30.4D is granted from Section 139-30.4O.

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 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 139-30.8C;

(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 139-30.8; and

(5) The size of the orifice at the intake to the outlet from the stormwater management BMP

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shall be a minimum of 2 1/2 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 139-30.2 may be used only under the circumstances described at Section 139-30.4O(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 139-30.4O, 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 139-30.4P, 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 Office of the County Clerk. 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 139-30.4O, 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 139-30.10B(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 139-30.4 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

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shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with paragraph 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 paragraph 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 139-30.4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at 139-30.4F and/or an alternative stormwater management measure approved in accordance with Section 139-30.4G The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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 3 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 139-30.4R, 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 139-30.4G.

(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 139-30.4D 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 139-30.4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 139-30.4P, 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

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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 139-30.4P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 139-30.4D.

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 139-30.5, either:

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

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

(3) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to paragraph (4) below.

(4) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) 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.

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(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:

(a) 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.

(b) 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 paragraph (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.

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

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Table 4 - Water Quality Design Storm Distribution					
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
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

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Table 4 - Water Quality Design Storm Distribution					
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
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

(5) If more than one BMP in series is necessary to achieve the required 80% 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.
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 139-30.4P, 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.

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(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% of the anticipated load from the developed site, expressed as an annual average.

(10) The 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 139-30.5, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) 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 two-, ten- 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;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80% 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

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with paragraphs (2)(a), (2)(b) and (2)(c) 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.

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(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.

§ 139-30.5. Calculation of stormwater runoff and groundwater recharge. [Added 11-23-2020 by Ord. No. 2020-11]

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

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

(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in 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, 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

(b) 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 139-30.5A(1)(a) and the Rational and Modified Rational Methods at Section 139-30.5A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption

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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 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 and Water Survey website at:

https://www.nj.gov/dep/njgs/pricelst/gsreport/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.

§ 139-30.6. Sources for technical guidance. [Added 11-23-2020 by Ord. No. 2020-11]

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

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Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

§ 139-30.7. Solids and floatable materials control standards. [Added 11-23-2020 by Ord. No. 2020-11]

A. Site design features identified under Section 139-30.4F above, or alternative designs in accordance with Section 139-30.4G 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 139-30.7A(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:

(a) 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

(b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch 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.

(c) 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 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

(2) The standard in paragraph A(1) above does not apply:

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than 9.0 square inches;

(b) 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;

(c) 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 prevent delivery of all solid and floatable materials that could not pass through one of the

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following:

[1] A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inch.

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).

(d) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

(e) 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.

§ 139-30.8. Safety standards for stormwater management basins. [Added 11-23-2020 by Ord. No. 2020-11]

A. Section 139-30 sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. Section 139-30 applies to any new stormwater management basin.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Section 139-30.8C(1), C(2) and 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 basins to ensure proper functioning of the basins outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) 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

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(d) 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:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) 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 basins shall include escape provisions as follows:

(a) If a stormwater management basin 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 basins. With the prior approval of the municipality pursuant to Section 139-30.8C, a free-standing outlet structure may be exempted from this requirement;

(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 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 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Section 139-30.8E for an illustration of safety ledges in a stormwater management basin; and

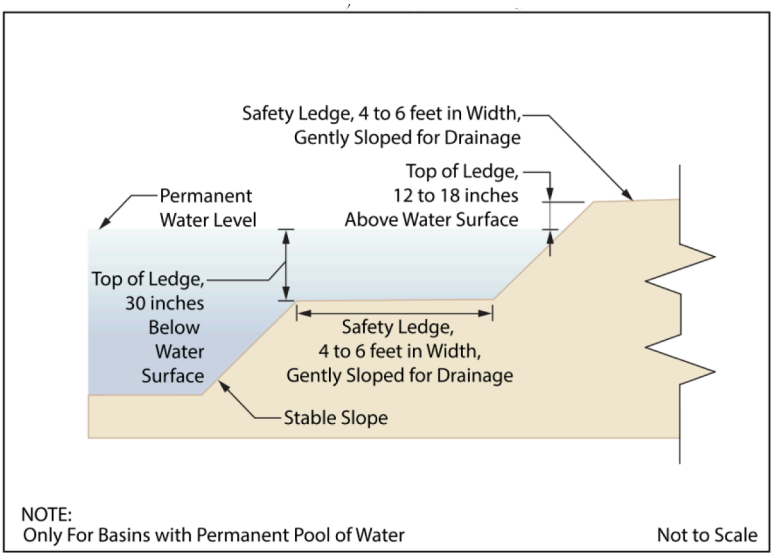
(c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

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

E. Safety ledge illustration.

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Elevation View - Basin Safety Ledge Configuration



§ 139-30.9. Requirements for a site development stormwater plan. [Added 11-23-2020 by Ord. No. 2020-11]

A. Submission of site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to Section 139-30, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 139-30.9C 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 Section 139-30.

(3) The applicant shall submit eight copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 139-30.9C.

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 Section 139-30.

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 one inch equals 200 feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing

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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 139-30.3 through 139-30.5 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.

(5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(a) 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.

(b) 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.

(a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 139-30.4.

(b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high

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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 139-30.10.

(8) Waiver from submission requirements. The municipal official or board reviewing an application under Section 139-30 may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 139-30.9C(1) through 139-30.9C(6) 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.

§ 139-30.10. Maintenance and repair. [Added 11-23-2020 by Ord. No. 2020-11]

A. Applicability. Projects subject to review as in Section 139-30.1C shall comply with the requirements of Section 139-30.10B and 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 New Jersey Stormwater Best Management Practices 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 139-30.10B(3) above is not a public agency, the maintenance plan and any future revisions based on Section

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139-30.10B(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 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:

(a) 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;

(b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

(c) 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 139-30.10B(6) and B(7) above.

(8) The requirements of Section 139-30.10B(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.

(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 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.

§ 139-30.11. Penalties. [Added 11-23-2020 by Ord. No. 2020-11]

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of Section 139-30 shall be subject to the penalties as specified in Article III of Chapter 1, General Provisions of the Code of the Borough of Neptune City entitled

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"Violations and Penalties."

§ 139-30.12. Severability. [Added 11-23-2020 by Ord. No. 2020-11]

Each section, subsection, sentence, clause and phrase of Section 139-30 is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of Section 139-30 to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of Section 139-30.

§ 139-30.13. Effective date. [Added 11-23-2020 by Ord. No. 2020-11]

Section 139-30 shall be in full force and effect from and after its adoption and any publication as required by law.

§ 139-31. through § 139-32. (Reserved)

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