

ORDINANCE NO. 09-39

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 528 ENTITLED "STORMWATER MANAGEMENT" TO INCORPORATE MODIFICATIONS RECOMMENDED BY THE MONMOUTH COUNTY PLANNING BOARD

WHEREAS, the Township Committee of the Township of Neptune adopted Ordinance No. 04-23 on June 14, 2004 which added a comprehensive Stormwater Management section and an Environmental Impact Statement section to the Land Development Ordinance; and,

WHEREAS, the Neptune Township Planning Board subsequently adopted a Stormwater Management Element of the Township's Master Plan; and,

WHEREAS, said ordinance was reviewed by the Monmouth County Planning Board Stormwater Technical Advisory Committee who recommended that certain clarifications and minor modifications be made to said ordinance,

BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, as follows:

SECTION 1 – The Neptune Township Land Development Ordinance, Article V, Section 528, Stormwater Management, is amended as follows (**bolded** items represent amendments):

528.1: Purpose

E. Definitions for this Section are found in **528.10** "Definitions."

F. This Neptune Township ordinance was based on the **NJDEP Model Ordinance called "Model Stormwater Control Ordinance for Municipalities" proposed by the NJ DEP in "NJDEP-NJ Stormwater Best Management Practices Manual-Feb 2004-Appendix D" at <http://www.state.nj.us/dep/watershedmgt/bmpmanualfeb2004.htm> .**

528.3: Stormwater Management Requirements for Major Development

E. Nonstructural Stormwater Management Strategies

3. Site design features identified above 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 c below.

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

(1) 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 (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces included surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawn, fields, open channels, and stormwater basin floors.

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard does not apply:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in Section 4.G.1 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 following:

a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) space between the bars, to the elevation of the water quality design storm as specified in Section; or

(4) 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©, 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.

528.6: Sources for Technical Guidance

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

3. The Freehold Soil Conservation District located at 4000 Kozloski Road, P.O. Box 5033, Freehold, New Jersey 07728; (732)683-8500;

528.9: Maintenance and Repair

B. General Maintenance

6. The person responsible for maintenance identified under Section 528.9.B.2 above shall 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. **The maintenance plan and all logs shall be sent to both Neptune Township Public Works Superintendent and Neptune Township Department of Engineering.**

9. The requirements of Sections 528.9. B. 3 and 528.9. B. 4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. **All records to be sent annually to the Neptune Township Public Works Superintendent and Department of Engineering.**

D. Penalties

Any person who violates any portion or section of this ordinance shall be subject to the penalties, as **outlined in the Neptune Township General Code Section 1-5 General Penalties.**

SECTION 2 - Effective Date

This ordinance shall take effect after final passage, adoption, and publication by the Township Committee of the Township of Neptune, in the manner prescribed by law.

SECTION 3 - Severability

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

APPROVED ON FIRST READING: September 14, 2009

APPROVED, PASSED, AND ADOPTED: September 28, 2009

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor