

ORDINANCE NO. 16, 2013

AN ORDINANCE AMENDING CHAPTER 238 STORMWATER MANAGEMENT, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-2, Scope and Purpose, is hereby amended to read as follows:

238-2 Policy, purpose, and applicability.

A. Policy statement.

- (1) Reduce flood damage, including damage to life and property;
- (2) Minimize, to the extent practical, any increase in stormwater runoff from any new development;
- (3) Reduce soil erosion from any development or construction project;
- (4) Assure the adequacy of existing and proposed culverts and bridges, and other in stream structures;
- (5) Maintain groundwater recharge;
- (6) Prevent, to the greatest extent feasible, an increase in nonpoint pollution;
- (7) Maintain the integrity of stream channels for their biological functions, as well as for drainage;
- (8) Minimize pollutants in stormwater runoff from new and existing development in order to restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the State, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
- (9) Protect public safety through the proper design and operation of stormwater management basins.

SECTION 2: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-2, Policy, purpose, and applicability, B. Purpose, (2) and (3) are hereby amended to read as follows:

(2) It is the purpose of this chapter to establish minimum stormwater management requirements and controls for "major development," in N.J.A.C. 5:21 New Jersey Residential Site Improvement Standards and N.J.A.C. 7:8 Stormwater Management Rules.

(3) In addition, this chapter seeks to expand those same minimum stormwater management requirements for certain developments not defined as "major development."

SECTION 3: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-2, Policy, purpose, and applicability, C. Applicability, (1), (2), and (3) are hereby amended to read as follows:

(1) For “major development” N.J.A.C. 5:21 New Jersey Residential Site Improvement Standards; N.J.A.C. 7:8 Stormwater Management Rules; and the requirements of this Chapter shall apply.

(2) For the following non-“major development”, the rules of this chapter (excluding 238-5) shall apply:

(a) Applications to the planning and zoning boards

(b) New construction of one or more residential dwelling units

(3) All other non-major development shall comply with this chapter (excluding 238-5), except that a stormwater management plan shall not be required. The lack of stormwater management plan in these instances shall not relieve any property owner, developer, building, contractor, etc. from the requirements of this chapter.

SECTION 4: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-2, Policy, purpose, and applicability, D. Procedure, (1), (2), (3), and (6) are hereby amended to read as follows:

(1) Burden of proof. Whenever an applicant seeks a City approval of a development to which this chapter is applicable from any board or official of the City, that applicant shall be required to demonstrate that the project meets the standards set forth in this chapter, including a stormwater management plan.

(2) Submission materials due. The applicant shall submit materials, as required by this chapter hereof, to the City Board or Official from which the applicant seeks City approval prior to or at the same time of submission of an application for City approval.

(3) Review. The applicant's project shall be reviewed by the City Board or official from which the applicant seeks City approval. That City Board or official shall consult with the City Engineer to determine if the project meets the standards set forth in this chapter. A \$500 escrow fee will be assessed for the City's review of the stormwater management plan.

(4) No change

(5) No change

(6) Variance. For good reason, the City may grant a waiver of the standards given in this chapter.

SECTION 5: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-3, Definitions, are hereby amended to include and read as follows:

MAJOR DEVELOPMENT

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

NEW CONSTRUCTION

A development project that results in the issuance of a new certificate of occupancy before the area can be occupied.

SITE

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

SECTION 6: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-4, General Standards, A. design and performance standards for stormwater management measures, (1), (2) is hereby amended to read as follows:

(1) Stormwater management measures shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards stated in this section as well as those standards for stormwater management stated in § [238-5](#). To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

(2) The standards stated in § [238-5](#) apply 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 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.

SECTION 7: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-5, Stormwater management requirements for major development, A. is hereby amended to read as follows:

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a development in accordance with § [238-14](#).

SECTION 8: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-8, Standards for structural stormwater management measures, A. General design and construction standards Section (2) is hereby amended to read as follows:

(2) The following structural stormwater management measures may be utilized as part of a stormwater management system at a land development, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this chapter. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this chapter.

SECTION 9: Chapter 238 Stormwater Management, Article 1, General Regulations, 238-14, Maintenance and repair, B. General Maintenance (1)(a) is hereby amended to read as follows:

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

SECTION 10: Chapter 238 Stormwater Management, Article 1V, Private Storm Drain Inlet Retrofitting, 238-35, Enforcement, is hereby amended to read as follows:

This article shall be enforced by the City Construction Official, City Engineer, Zoning Officer, and/or City Code Enforcement Officer in conjunction with the City of Linwood Police Department.

SECTION 11: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 12: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 13: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

FIRST READING: September 11, 2013

PUBLICATION: September 16, 2013

PASSAGE: September 25, 2013

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 11, 2013 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 25, 2013.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR