TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

ORDINANCE NO. 06-2024

ORDINANCE AMENDING CHAPTER 327 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED "STORMWATER QUALITY" TO INCLUDE NEW ARTICLES II-VIII AND NEW §§327-5 TO 327-30 PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP OF LEBANON'S 2024 NJDEP MS4 PERMIT

WHEREAS, the Township of Lebanon is required by the State of New Jersey Department of Environmental Protection (NJDEP) to administer certain stormwater management requirements within the Township; and

WHEREAS, the State of New Jersey pursuant to N.J.A.C. 7:14A. on November 1, 2023 issued a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit to the Township of Lebanon as an operator of a Municipal Separate Storm Sewer System (MS4) within the State; and

WHEREAS, said NJPDES Permit is a renewal of the Township's previous NJPDES permit with said new permit having an effective date of November 1, 2023; and

WHEREAS, the Township of Lebanon under said new permit is required to adopt certain ordinances to protect water resources within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that Chapter 327 within the Code of the Township of Lebanon entitled "Stormwater Quality" is hereby amended to include new Articles II-VIII and new §§327-5 to 327-30 for purposes of regulating Pet Waste, Wildlife Feeding, Litter Control, Improper Disposal of Waste, Yard Waste Collection, Private Storm Drain Inlet Retrofitting and Privately Owned Salt Storage, in accordance with mandates from the New Jersey Department of Environmental Protection, as follows:

SECTION 1. Chapter 327 Stormwater Quality

Article II **Pet Waste**

§327-5 **Purpose**.
To establish requirements for the proper disposal of pet solid waste in the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§327-6 **Definitions**.
For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include

the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

IMMEDIATE

Means that the pet solid waste is removed at once, without delay.

OWNER/KEEPER

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§327-7 **Requirement for Disposal.**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§327-8 **Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

Article III **Wildlife Feeding**

§327-9 **Purpose.**

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§327-10 **Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a

different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

§327-11 **Prohibited Conduct.**

No person shall feed, in any public park or on any other property owned or operated by the Township of Lebanon, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

Article IV **Litter Control**. Refer to Chapter 252 "Littering" of the Township Code.

Article V **Improper Disposal of Waste**

§327-12 **Purpose.**

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§327-13 **Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times

and to collect and transport stormwater from streets and other sources.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

§327-14 **Prohibited Conduct**.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Lebanon is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§327-15 **Exceptions to Prohibition**.

A. Water line flushing and discharges from potable water sources

B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)

C. Air conditioning condensate (excluding contact and non-contact cooling water)

D. Irrigation water (including landscape and lawn watering runoff)

E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

F. Residential car washing water, and residential swimming pool discharges

G. Sidewalk, driveway and street wash water

H. Flows from firefighting activities

I. Flows from rinsing of the following equipment with clean water:

(1) Beach maintenance equipment immediately following their use for their intended purposes; and

(2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment as noted in this situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

ARTICLE VI **Yard Waste Collection Program.**

§327-16 **Purpose.**
To establish a yard waste collection and disposal program in the Township of Lebanon, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§327-17 **Definitions.**
For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CONTAINERIZED
Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON
Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET
Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE
Means leaves and grass clippings.

§327-18 **Yard Waste Collection.**
Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

Article VII **Private Storm Drain Inlet Retrofitting.**

§327-19 **Purpose.**
To require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent

the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Lebanon so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§327-20 **Definitions**.
For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lebanon or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§327-21 **Prohibited Conduct**.
No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. Already meets the design standard below to control passage of solid and floatable materials; or
B. Is retrofitted or replaced to meet the standard in §327-22 below prior to the completion of the project.

§327-22 **Design Standard**.
Storm drain inlets identified in §327-21 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 §327-22.C. below.

A. Design engineers shall use either 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:

(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 include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, 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 municipal engineer agrees 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 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") spacing between the bars; 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(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.

Article VIII **Privately Owned Salt Storage**.

§327-23 **Purpose.**
To prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Lebanon to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§327-24 **Definitions.**
For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent 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.

DE-ICING MATERIALS

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

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

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

PERMANENT STRUCTURE

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

§327-25 **Deicing Material Storage Requirements**.

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

(1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

(2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

(3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

(4) Loose materials shall be covered as follows:

(a) The cover shall be waterproof, impermeable, and flexible;

(b) The cover shall extend to the base of the pile(s);

(c) The cover shall be free from holes or tears;

(d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

(e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.

(5) Containers must be sealed when not in use; and

(6) The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15-April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§327-26 **Exemptions**.

A. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly

inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

B. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 327-29 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 327-27 **Violations and penalties and enforcement.**
Any person who violates the terms of this Chapter 327 shall pay a fine of not less than $1,500.00 but no more than $7,500.00 plus court costs. This article shall be enforced by the Township 's Zoning Officer, the Township 's Sewer Administrator, or other Township personnel as may be assigned by resolution of the Township of Lebanon Committee.

SECTION 2. Repealer.
All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. Severability.
If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. Effective Date.
This Ordinance shall take effect after passage and publication in the manner provided by law.

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Introduced:	April 3, 2024
Public Hearing:	April 17, 2024
Adopted:	April 17, 2024

ATTEST

Carolynn Budd, RMC
Township Clerk

Beverly Koehler
Mayor

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Lebanon Township Committee at a meeting held April 3, 2024 and adopted by the Township Committee on April 17, 2024.

Carolynn Budd

Carolynn Budd, RMC
Township Clerk