

Introduction: March 19, 2024
Public Hearing: April 16, 2024

**TOWNSHIP OF CHESTER
ORDINANCE NO. 2024-03**

**AN ORDINANCE TO AMEND CHAPTER 113, LAND USE, PART 8, STORMWATER CONTROL,
ARTICLE 57, DESIGN AND PERFORMANCE STANDARDS**

WHEREAS, amendments to the Stormwater Management Rules at N.J.A.C. 7:8, which were part of the Inland Flood Protection Rule and proposed by the New Jersey Department of Environmental Protection (NJDEP) in the December 5, 2022 New Jersey Register at 50 N.J.R. 2375(a) were adopted on July 17, 2023; and

WHEREAS, in accordance with Chester Township's New Jersey Pollutant Discharge Elimination System (NJPDES) Municipal Separate Storm Sewer System (MS4) Permit, the NJDEP provided all MS4 permittees with written notification that the Township's Stormwater Control Ordinance (SCO) needs to be revised and effective by July 18, 2024 to conform with the amended rules; and

WHEREAS, the NJDEP has created a model SCO which cites the applicable subchapter and sections of the Stormwater Management Rules; and

WHEREAS, the adoption of the referenced model SCO will make it less likely for the Township to need to revise the Township SCO upon adoption of further rule amendments by the State; and

WHEREAS, the Township Engineer has reviewed the Township's current SCO and has determined certain sections must be revised to comply with the referenced model SCO.

NOW THEREFORE, BE IT ORDAINED by the Township Council of Chester Township, County of Morris, and State of New Jersey that Part 8, Article 57 of the Land Use Code for Chester Township is hereby amended as follows:

SECTION ONE. Article 57, Section 113-387 of the Land Use Code is hereby amended to incorporate language required by the New Jersey Department of Environmental Protection.

§113-387 Scope and purpose.

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs 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 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

green infrastructure, water quality, quantity, and groundwater recharge.

B. [No Change]

C. Applicability.

(1) This Ordinance shall be applicable to the following major developments:

(a) Non-residential major developments and redevelopment projects; and

(b) Aspects of residential major developments and redevelopment projects that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

(2) This Part shall also be applicable to all major developments undertaken by the Township of Chester.

(3) Applicability of this Part to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. [No Change]

SECTION TWO. Article 57, Section 113-388 of the Land Use Code is hereby amended to make reference to the Stormwater Management Rules at N.J.A.C. 7:8.

§113-388 Definitions.

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

SECTION THREE. Article 57, Section 113-389 of the Land Use Code is hereby amended to make reference to the Stormwater Management Rules at N.J.A.C. 7:8.

§113-389 Design and performance standards for stormwater management measures.

This Section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

SECTION FOUR. Article 57, Sections 113-390 through 113-392 of the Land Use Code are hereby

repealed and reserved for future use.

SECTION FIVE. Article 57, Section 113-393 of the Land Use Code is hereby amended to change references to other Sections of the Land Use Code, to make reference to the Stormwater Management Rules at N.J.A.C. 7:8, and to make reference to the Residential Site Improvement Standards at N.J.A.C. 5:21.

§113-393 Solids and floatable materials control standards.

A. Site design features identified under §113-389 above, or alternative designs in accordance with §113-389 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, suspected or settleable solids. For exemptions to this standard see §113-393A(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) [No Change]

(b) 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 not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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) [No Change]

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

(a) [No Change]

(b) [No Change]

(c) Where flows from the water quality design storm as specified in the last amended Stormwater Management Rules at N.J.A.C. 7:8 et seq. 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:

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

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

- (d) [No Change]
- (e) [No Change]

SECTION SIX. Article 57, Section 113-394 of the Land Use Code is hereby amended to repeal certain Subsections and reserve them for future use and to make reference to the Stormwater Management Rules at N.J.A.C. 7:8.

§113-394 Safety standards for stormwater management basins.

- A. This Section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This Section applies to any stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- B. [Reserved]
- C. [Reserved]
- D. [Reserved]
- E. [No Change]

SECTION SEVEN. Article 57, Section 113-395 of the Land Use Code is hereby amended to change references to other Sections of the Land Use Code.

§113-395 Requirements for a site development stormwater plan.

- A. [No Change]
- B. [No Change]
- C. Submission of a site development stormwater plan. The following information shall be required:
 - (1) [No Change]

(2) [No Change]

(3) [No Change]

(4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§113-388 and 113-389 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) [No Change]

(6) Calculations.

(a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §113-389 of this Part.

(b) [No Change]

(7) [No Change]

(8) [No Change]

SECTION EIGHT. Article 57, Section 113-396 of the Land Use Code is hereby amended to repeal certain Subsections and reserve them for future use and to make reference to the Stormwater Management Rules at N.J.A.C. 7:8.

§113-396 Maintenance and repair.

A. [No Change]

B. General maintenance.

(1) Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

(2) [Reserved]

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) [Reserved]

(7) [Reserved]

(8) The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable stormwater general permit conditions, as issued by the Department:

(a) 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.

(b) 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.

(9) [No Change]

C. [No Change]

SECTION NINE. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION TEN. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION ELEVEN. This ordinance shall take effect upon its passage and publication according to law.

ATTEST:

TOWNSHIP COUNCIL OF THE
TOWNSHIP OF CHESTER

Robin Collins

Robin Collins
Municipal Clerk/Administrator

Timothy Drag

Timothy Drag
Mayor