

**TOWN OF WESTFIELD**  
**GENERAL ORDINANCE NO. 2023-33**  
**AN ORDINANCE REGARDING STORMWATER REGULATION**  
**AND FLOOD PREVENTION**

**WHEREAS**, on March 2, 2020, the New Jersey Department of Environmental Protection published amendments to the Stormwater Management Rules, N.J.A.C. 7:8, for purposes of replacing the existing requirements, which Rules are to be implemented by municipalities on or before March 1, 2021; and

**WHEREAS**, the amended Stormwater Management Rules include significant changes to incorporate nonstructural management strategies, protect communities from increases in stormwater volume and peak flows as a result of new development, maintain groundwater recharge, and protect waterways from pollution carried in stormwater runoff; and

**WHEREAS**, the need for the Town of Westfield to take decisive and quick action is supported by the facts underlying the climactic changes in our immediate environment, including that:

- According to the U.S. Environmental Protection Agency, average annual precipitation in New Jersey has increased 5 to 10 percent in the last century, and precipitation from extremely heavy storms has increased 70 percent in the Northeast since 1958.
- According to New Jersey's Scientific Report on Climate Change, the north and central portions of the state are experiencing on average 49 inches of rainfall, an increase of almost 5" from the first seven decades of the 20th century;
- New Jersey expects a 4.9% to 7.5% increase in annual precipitation by 2100;
- Westfield has experienced several local precipitation peaks over the last decade, and 2023 is projected to have one of the highest annual precipitations on record since 1895.

**WHEREAS**, following the local impact of Tropical Storm Ida, Mayor Michelle W. Brindle established the Westfield Infrastructure Resiliency Committee (WIRC), which was tasked with assessing the Town-wide stormwater infrastructure and its capacity to handle severe weather events, as well as ensuring that climate resiliency is a major consideration in all infrastructure decisions going forward; and

**WHEREAS**, the WIRC's main objective includes making short and long-term recommendations for how best to fortify the Town's stormwater infrastructure, taking into consideration engineering, current zoning/construction practices, future development, with input from public works and finance; and

**WHEREAS**, the WIRC has recommended making certain changes to existing local law to prevent flooding in our community, and especially in residential areas; and

**WHEREAS**, the New Jersey Department of Environmental Protection recognizes the right and ability of municipalities to adopt stronger, more stringent stormwater management regulations and additional measures to address the concerns of their communities; and

**WHEREAS**, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry, and the Town of Westfield and its residents are desirous of taking all reasonable steps to protect human health and property, improve the water quality of its waterways, and prevent flooding;

**NOW, THEREFORE, BE IT THEREFORE ORDAINED** by the Town Council of the Town of Westfield, in the County of Union, as follows:

**Section I.** Chapter 22, “Soil Removal and Replacement,” Section 22-2, “Permit – Required,” shall be amended as follows:

**§ 22-2 Permit — Required.**

No person shall remove, permit or cause soil to be removed from or to be filled, placed or replaced on any places within the Town, for all grading or earthwork in excess of 200 square feet on all developed or undeveloped properties, unless a permit therefor has been issued by the Town Engineer. It shall not be necessary that a separate permit be obtained for each load or unit of soil so removed, filled, placed or replaced; provided, that the work is being done as part of a single removal or filling program for which a permit has been issued; but in the event that the performance of such work shall extend beyond one calendar year, a new permit shall be applied for and obtained annually.

**Section II.** Chapter 35, “Exterior Property Maintenance Code,” Section 35-8.5, “Roofs and Drainage,” shall be amended as follows:

**§ 35-7.5 Grading, drainage and sump pump discharge.**

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon. If the slope of land is toward neighboring properties, drainage shall be released so that it will flow away from downslope structures to the maximum practical extent. Stagnant water shall be determined as any accumulation that has not dispersed within three days of the last recorded local rainfall. Pools and hot tubs in regular use are exempt from the requirement of this section. Sump pump discharge shall be routed to the roadway, storm sewer or on the ground; provided, however, in connection with new construction projects, and such other construction projects that, in the reasonable opinion of the Town Engineer is necessary and appropriate to prevent excess stormwater discharge and runoff, sump pump discharge piping shall be connected to the storm sewer, if feasible; otherwise, discharge shall be routed to the roadway. No sump pump discharged to the surface of land shall occur within 10 feet from any property line, sidewalk, street, or curb. No sump pump shall be connected to the sanitary sewer.

**§ 35-8.5 Roofs and drainage.**

All roofs shall be structurally sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration of, or entering, the structure. Except when required to be discharged at the street or curb as herein required in this subsection, roof water shall not be discharged within 10 feet from any property line, sidewalk, street, or curb or in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance. If the slope of land is toward neighboring properties, roof drainage shall be released so that it will flow away from downslope structures to the maximum practical extent. Discharge of roof drains shall be to the roadway storm sewer system or on the ground; provided, however, in connection with new construction projects and such other construction projects that, in the reasonable opinion of the Town Engineer is necessary and appropriate to prevent excess stormwater discharge and runoff, roof drain discharge shall be connected to the storm sewer, if feasible; otherwise, discharge shall be routed to the roadway. No roof drainage shall be connected to the sanitary sewer.

**Section III.** 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 IV.** 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 V.** This Ordinance shall take effect after passage and publication in the manner provided by law.

**NOTICE**

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Town Council of the Town of Westfield at a Regular Meeting held on November 8, 2023.

Maureen Lawshe, RMC  
Town Clerk