

ORDINANCE 2007-2917

AN ORDINANCE OF THE TOWNSHIP OF MIDDLETOWN COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MIDDLETOWN, ORDINANCE 2006- 2872, STORMWATER MANAGEMENT AND CONTROL, BY AMENDING REGULATIONS FOR THE STORMWATER MANAGEMENT AND CONTROL IN THE TOWNSHIP OF MIDDLETOWN, COUNTY OF MONMOUTH

BE IT ORDAINED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey that Ordinance 2006-2872, Stormwater Management and Control in the Land Use and Development Regulations of the Code of the Township of Middletown is hereby amended and supplemented as follows:

SECTION 1.

Section 1,X-1.2 Scope and Purpose, is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

a. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

SECTION 2.

Section 2, X-2.1 Definitions, is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

For the purpose of this section, the following terms, phrases words and their derivations shall have the meaning given herein. When not inconsistent with the ~~context~~ context, words used in the present tense include future, ~~works~~ words in the plural number include the singular and words in the singular number include the plural number. The ~~work~~ word "shall" is always mandatory and not merely directory.

SECTION 3.

Section 2, X-2.1 Definitions is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

CAFRA Planning Map, means the geographic-depiction of the boundaries for ~~eastal~~ Coastal Planning Areas, CAFRA Centers, CAFRA Cores ad CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3

SECTION 4.

Section 2, X-2.1 Definitions is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

Major development means any ~~development~~ "development" that provides for ultimately disturbing one or more acres of land. 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.

SECTION 5.

Section 2, X-2.1 Definitions is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

Site means the lot or lots upon which a major development is to occur or has occurred.

SECTION 6.

Section 3, X3.1.a.2 General Standards, is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

The standards in this ~~Section~~ Ordinance apply only 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 major 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

Section 4, X-4.1 General Stormwater Management Requirements for Major Development – is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

General Stormwater Management Requirements for Major Development

SECTION 8.

Section 4, X-4.1 f Erosion Control, Groundwater Recharge and Runoff Quantity Standards is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

- 1 (b) (i), The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section ~~7-1~~, X-5.1 either:

SECTION 9.

Section 10, X-10.1 b Maintenance and Repair is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the Township of Middletown shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approve of by the municipal engineer or his designee. The Township of Middletown, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Township of Middletown or the County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

SECTION 10.

Section 11, X-11 Penalties is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

- a. Any person who violates any provision of this ~~Section~~ Ordinance shall, upon conviction thereof in municipal Court, be punishable by the impositions of the penalties set forth in Chapter _____ 1-18.A.

SECTION 11.

Section 13 is hereby amended and supplemented to as follows (additions are underlined and deletions are ~~struck-out~~):

The Township Clerk is hereby directed, upon adoption of this Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Monmouth County Planning Board as required by

N.J.S.A. 40:50D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 12. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 13. Repealer.

All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency

SECTION 14

The Township Clerk is hereby directed, upon adoption of this Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 15

This ordinance shall take effect immediately upon the approval by the County review agency.

PASSED FIRST READING: May 21, 2007

PASSED AND APPROVED: June 18, 2007


GERARD P. SCHARFENBERGER, MAYOR

ATTEST:


HEIDI R. ABS, TOWNSHIP CLERK

