

BOROUGH OF RAMSEY
ORDINANCE NO.1066

AN ORDINANCE TO ESTABLISH REQUIREMENTS
FOR THE MANAGEMENT OF STORMWATER WITHIN
THE BOROUGH OF RAMSEY, IN THE COUNTY OF
BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Ramsey that:

SECTION I. STATEMENT OF PURPOSE

It is hereby determined that the lakes and waterways within the Borough of Ramsey are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the Borough, the County of Bergen and the State of New Jersey; that land development tends to increase the frequency and severity of such flooding by increasing stormwater runoff through alteration of the hydrologic response of the watershed in which such land development is occurring; that such increased flooding and increased erosion constitutes deterioration of the water resources of the Borough of Ramsey, the County of Bergen, and the State of New Jersey; and that such increased flooding and increased erosion from such land development can be controlled to some extent through the regulation of stormwater runoff and the use of effective stormwater management facilities. It is therefore determined that it is in the public interest to regulate the development of real property and to establish standards to regulate the stormwater runoff from such development as provided in this Ordinance.

SECTION 1.1. DEFINITIONS

Dam: Any artificial dike, levee, embankment, fill, or other barrier, together with appurtenant works, which is constructed for the purpose of impounding water on a permanent or temporary basis, that raises the water level five feet or more above the usual, mean low water height when measured from the downstream top-of-dam to the emergency spillway crest, or in the absence of an emergency spillway, the top-of-dam.

Detention Basin: A stormwater management facility which temporarily impounds stormwater runoff inflow and discharges its outflow at a point through a hydraulic outlet structure to a downstream surface or subsurface conveyance system. While a certain amount of outflow may occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention basin facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Infiltration Basin: A stormwater management facility which temporarily impounds stormwater runoff inflow and discharges its outflow via infiltration through the surrounding soil. Since an infiltration facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Retention Basin: A stormwater management facility which, similar to a detention basin, temporarily impounds stormwater runoff inflow and discharges its outflow at a point through a hydraulic structure to a downstream surface or subsurface conveyance system. Unlike a detention basin, however, a retention basin also includes

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SECTION II. DEFINITIONS (Continued...)

a permanent impoundment and, therefore, is normally wet, even during nonrainfall periods. Storm runoff inflows are temporarily stored above this permanent impoundment.

Stormwater Management Facility: A structure or device, including a detention, infiltration, or retention basin, constructed or installed to control or otherwise manage the rate, volume, and/or quality of stormwater runoff.

SECTION III. APPLICABILITY

The provisions of this Ordinance shall be applicable to all types of land development within the Borough with the following exceptions:

1. Residential Site Plans, except those containing a stream or floodway.
2. Minor Subdivisions, except those containing a stream or floodway.

The Borough may, upon prior request by the applicant, waive all or some of the requirements of this Ordinance where, upon the recommendation of the Borough Engineer, it is satisfied that increased runoff from the proposed development will not result in increased flooding or erosion which will adversely affect downstream waterways, lakes, drainage systems, or properties.

The Borough may, upon prior request by the applicant, waive all or some of the requirements of this Ordinance where it is satisfied that (1) strict compliance with the requirements will result in an unnecessary hardship, which for the purposes of this Ordinance shall not mean mere inconvenience, or (2) the use of alternative requirements will provide better protection to the public health, safety, and welfare and will better achieve the goals and objective of the Ordinance.

In certain instances, as detailed hereinafter, waiver of all or some of the requirements of this Ordinance may require an in-lieu contribution to the Borough by the applicant to be used to finance the construction of alternative stormwater management facilities within the watershed in which the proposed development is located.

SECTION IV. PROCEDURE

A. Burden of Proof

Whenever an applicant seeks Borough approval of a development to which this Ordinance is applicable from any board or official of the Borough, that applicant shall be required to demonstrate that his project meets the standards set forth in this Ordinance.

B. Submission of Materials

The applicant shall submit all necessary plans, drawings, computations, and other relevant materials to the Borough board or official from which he seeks Borough approval prior to or at the same time he submits his application for Borough approval.

C. Review

The applicant's project shall be reviewed by the Borough board or official from which he seeks his approval. That Borough board or official shall consult with the Borough Engineer to determine if the project meets the standards set forth in this ordinance.

At the discretion of the applicable Borough board or official and upon the recommendation of the Borough Engineer, the services of a consulting engineer with expertise in stormwater management may be retained to assist in the review of a proposed project of particular complexity and to check for compliance with the requirements of this Ordinance. The cost of such services shall be borne by the applicant.

D. Time for Decision

The Borough board or official shall promptly determine if the project meets the standards set forth in this Ordinance. The time for that determination should be the time permitted to review and act on the applicant's application for Borough approval.

E. Failure to Comply

Failure of the applicant to demonstrate that the project meets the standards set forth in this Ordinance is reason to deny the applicant's application for Borough approval.

F. Variance

The Borough may, upon the recommendation of the Borough Engineer and upon prior request by the applicant, permit a variance from the standards presented in Section V hereof. Such a variance may either increase or decrease the level of the standard to address specific onsite or offsite conditions affected by the proposed development.

In certain instances, as detailed in Section VI, a variance from the standards presented in Section V may require an in-lieu contribution to the Borough by the applicant to be used to finance the construction of alternative stormwater management facilities within the watershed in which the proposed development is located.

SECTION V. STANDARDS

Each proposed project not exempted from the requirements of this Ordinance shall meet the following stormwater management standards:

A. General Standards

The project plans submitted shall demonstrate careful consideration of the general and specific concerns, values, and standards of the Borough's Master Plan and applicable county,

regional, and state storm drainage control programs, any County Mosquito Commission control standards and shall be based on environmentally sound site planning, engineering, and architectural techniques.

It is not necessary that the requirements of this Ordinance be satisfied by means of detention, infiltration, or retention basins located at the ground surface. Alternative facilities such as tanks, infiltration pits, dry wells, or gravel layers underneath paving may be used for this purpose with appropriate consideration for safety, length of service life, and practicality of continued maintenance.

B. Specific Standards

The following standards are specified for general use as minimums to be applied at proposed land developments not exempted from the requirements of this Ordinance. Plans which provide a greater degree of control of stormwater runoff than that specified herein will be acceptable as long as the goals and objectives of this Ordinance are met. In addition, to assist in the attainment of these goals and objectives, the Borough Engineer may develop and enforce additional, more detailed standards for specific stormwater management facilities and practices. Applicants are encouraged to consult with the Borough Engineer and Borough Shade Tree Commission prior to the development of proposed stormwater management facilities and/or practices regarding such detailed standards.

(a) A stormwater management facility must accommodate site runoff from the proposed land development generated from a 2 year, 10 year, 25 year and 100 year storm event considered individually. Inflow greater than that occurring from the 100 year storm will be passed over an emergency spillway. Runoff control will be provided such that, after development, the peak

rate of flow from the site will not exceed the corresponding peak flow which would have been created by similar storms prior to development. For purposes of computing runoff, all lands at the proposed site shall be assumed, prior to development, to be in good condition (if the lands are pastures, lawns or parks), with good cover (if the lands are woods), or with conservation treatment (if the land is cultivated), regardless of conditions existing at the time of computation.

(b) Where warranted by existing flooding, erosion, or other offsite conditions, characteristics, or developments, and upon recommendation by the Borough Engineer, the allowable outflow requirements described above may be modified to allow peak outflows from a specific project site for the designated storm events to be either less than or greater than the existing peak rates and volumes of flow. Any modification in the allowable outflow requirements described above which will result in peak outflows from the project site which are greater than the existing rates of outflow must be at the request of the applicant.

(c) Design of stormwater management facilities shall be designed to encourage routine maintenance. Side slopes should be less than 3 on 1 (33%) for safety and mowability or if greater shall be vegetated in a way acceptable to the Borough Shade Tree Commission. Stormwater detention facilities should be considered part of the project's landscape and should not require fencing for safety, aesthetic, or other reasons. Outfall structures, bank stabilization structures, and the like shall be designed in such a way that they do not require the use of chemicals or herbicides for the control of weeds, brush, or volunteer species.

(d) In all cases, stormwater management facility outlets shall be designed so that peak discharge rates from the development ^{design} for the designated/storms will not be increased from what would occur if the development were not constructed. Facility outflows

shall be discharged from the development at such locations and velocities as not to cause additional erosion or flooding downstream of the development.

(e) Where a project consists of both new construction and the repair or rehabilitation of structures and surfaces which does not result in either an increase in the extent of impervious areas or a decrease in the perviousness of existing surfaces, the detention requirements for the project may be computed on the basis of the new construction only.

(f) Outlets from stormwater management facilities shall be designed to function without manual, electric, or mechanical controls unless otherwise approved by the Borough Engineer.

(g) All stormwater management facilities must be designed, constructed, operated, and maintained in accordance with all applicable sections of N.J.A.C. 7:20 Dam Safety Standards promulgated by the N.J. Department of Environmental Protection. All State permits required under N.J.A.C. 7:20 must be obtained by the applicant prior to final Borough approval.

(h) All stormwater management facilities located within the 100-year floodplain of a nondelineated stream or within the Flood Hazard Area of a delineated stream as defined in N.J.A.C. 7:13 Flood Hazard Area Regulations must meet all applicable requirements of N.J.A.C. 7:13 and obtain all State Permits required in N.J.A.C. 7:13 prior to final Borough approval.

SECTION VI. IN-LIEU CONTRIBUTIONS

At certain land development sites, it is recognized that

- (1) the construction of a stormwater management facility or facilities as defined in Section, II within the limits of the development site may create undesirable and adverse environmental, aesthetic, health, safety, or maintenance conditions for the Borough;
- (2) the proposed development may have a minimal impact on existing downstream runoff rates and volumes when evaluated at the time of its

proposed construction and without regard for any other future developments in the watershed and the cumulative adverse effect such continued development may have on downstream runoff rates and volumes; or (3) control of stormwater runoff may be provided offsite through facilities constructed as part of a Borough approved regional stormwater management plan.

In light of these possibilities, the Borough may wish to defer immediate construction of the required stormwater management facility (ies) until (1) a more suitable location is secured outside the limits of the development site, including other land development sites; (2) such time as the cumulative effects of land development within the watershed warrants facility construction; and/or (3) the Borough approved regional stormwater management plan is implemented.

Should the Borough choose to defer construction of the required stormwater management facility as described above, a contribution to the cost of such a deferred facility will be required by the applicant in lieu of constructing an onsite facility. Unless otherwise specified under a Borough approved regional stormwater management plan, the amount of the applicant's in-lieu contribution shall be equal to construction cost of the onsite facility required under the provisions of this Ordinance. This construction cost shall be based upon design plans, computations, and estimates of the required onsite facility prepared by the applicant and reviewed and approved by the Borough Engineer and shall include consideration for the relative value of the land that the onsite facility would occupy.

SECTION VII. MAINTENANCE AND REPAIR

A. Responsible Person or Entity

Responsibility for operation and maintenance of stormwater management facilities, including grass mowing and periodic removal and disposal of accumulated particulate material or debris, shall remain with the owner or owners of the property with permanent

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arrangements that it shall pass to any successive owner, unless assumed in part or in full by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the maintenance responsibility to successors in title. These arrangements shall designate for each facility the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance, hereinafter in this section referred to as the responsible person or entity.

B. Maintenance Agreement

Prior to granting approval to any project subject to review under this Ordinance, the applicant shall enter into an agreement with the Borough to ensure the continued operation and maintenance of the stormwater management facility. This agreement shall be in a form satisfactory to the Borough Planning Board Attorney, and may include, but may not necessarily be limited to, personal guarantees, deed restrictions, covenants, and bonds. In cases where property is subdivided and sold separately, a homeowner's association or similar permanent entity should be established as the responsible entity, absent an agreement by a governmental agency to assume full maintenance responsibility.

C. Facility Inspection

At those stormwater management facilities where a responsible person or entity other than the Borough retains part or full responsibility for the maintenance of the facility, the agreement cited in Paragraph B above shall contain a provision granting authorized personnel of the Borough the right to enter the property upon which the facility is located for the purpose of inspecting the facility. Such inspections shall be made in such a manner and at such times as not to interfere with the owner's use of the property. The agreement cited in Paragraph B above shall also contain a provision granting the Borough a permanent easement which completely encompasses the facility and connects to a public road right-of-way.

D. Maintenance Default

In the event that the responsible person or entity fails to properly maintain the stormwater management facility and/or the facility becomes a danger to public health or safety, the Borough may serve written notice upon the responsible person or entity by certified mail return receipt requested stating: (1) The condition (s), defect(s), or problem(s) which require(s) elimination or correction and (2) a reasonable time period in which to perform the necessary maintenance and repairs. In the event that the responsible person or entity fails to correct or eliminate the specified condition, defect, or problem within the designated time, the Borough may enter the property upon which the facility is located and cause the necessary maintenance and repairs to be done at the expense of the responsible person or entity.

E. Emergency Repairs

In the event that an emergency situation arises which makes it impractical to serve written notice and provide a reasonable period for completion of necessary maintenance and repairs, then, and in that event, the Borough may enter the property upon which the facility is located immediately and perform or cause to be performed such maintenance and repairs that it, in its sole judgment, deems necessary, and such maintenance and repairs shall be done at the expense of the responsible person or entity.

SECTION VIII. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such a declaration shall not affect the remaining sections or provisions of this Ordinance which are hereby declared to be severable.

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SECTION IX. EFFECTIVE DATE

This Ordinance shall take effect when passed and published
as required by law.

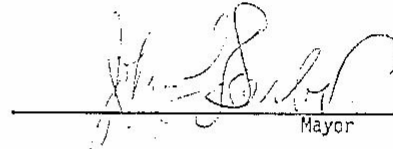
Passed: 1989

Filed: 1989

Approved: May 24, 1989



Clerk



Mayor

