21-03

ORDINANCE
THE TOWNSHIP OF SPARTA
AMENDING CHAPTER 18 "COMPREHENSIVE LAND MANAGEMENT CODE", SECTION 18-5.3f "STORMWATER CONTROL", OF THE CODE OF THE TOWNSHIP OF SPARTA

WHEREAS, the Township of Sparta Council adopted Ordinance 21-02 on March 9, 2021, amending Ordinance Section 18-5.3f "Stormwater Control", in order to comply with the New Jersey Department of Environmental Protection's recent changes to the Stormwater Management Rules, N.J.A.C. 78-1.1, et seq.; and

WHEREAS, Ordinance 21-02 as adopted inadvertently excluded Section 18-5.3f.4(q)(5) through Section 18-5.3.f.11., and the Township Council desires to adopt this Ordinance in order to complete the required amendments to Section 18-5.3f.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Township of Sparta are hereby amended to add the following:

18-5.3f.4(q)

(5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B - (A \times B)/100$, Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

(6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 18-5.3.f.4.(p), (q) and (r).

(7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

(9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post- construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

(10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and

that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

(r) Stormwater Runoff Quantity Standards

(1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 18-5.3.f.5., complete one of the following:

(i) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100- year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(ii) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(iii) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(iv) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

(3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

(s) Major developments that are granted a variance or exemption from the stormwater management design and performance standards must comply with the Mitigation Plan identified in the Sparta Township Municipal Stormwater Management Plan.

Inserted as follows:

"**Mitigation Plans**

This mitigation plan is provided for a proposed development that is granted a variance or exemption from the stormwater management design and performance standards.

Mitigation Project Criteria

The mitigation project shall be implemented preferably in the same drainage area as the proposed development. The project must provide additional

groundwater recharge benefits, or protection from stormwater runoff quality and quantity from previously developed property that does not currently meet the design and performance standards outlined in the Municipal Stormwater Management Plan. The developer must ensure the long- term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP Stormwater BMP Manual.

The mitigation project may also provide mitigation that is not equivalent to the impacts for which the variance or exemption is sought, but that addresses the same issue. For example, if a variance is given because the 80% TSS requirement is not met, the selected project may address water quality impacts due to a fecal impairment.

The developer may provide funding or partial funding to the municipality for an environmental enhancement project that has been identified in the Municipal Stormwater Management Plan. The funding must be equal to or greater than the cost to implement the mitigation outlined above, including costs associated with purchasing the property or easement for mitigation and the cost associated with the long-term maintenance requirements of the mitigation measure.

The applicant can select one of the following projects listed to compensate for the deficit from the performance standards resulting from the proposed project. More detailed information on the projects can be obtained from the Township Engineer. Listed below are specific projects that can be used to address the mitigation requirement.

(1) Sparta Glen Park/Sparta Glen Brook

The purpose of this project is to restore the stream and the stream environs to significantly reduce non-point source pollution. The limit of the project is approximately 5,700 feet length of the Sparta Glen Brook through the Sparta Glen Park — Block 7, Lot 57.

The major components of the project consist of re- channelization of the stream, re-establishment of in stream habitat environs, re-stabilization of stream bank and re-vegetation of the riparian buffer zone and upland forest transition area.

(2) Station Park/Wallkill River

The major components of the project consist of re- channelization of the stream, re-establishment of in stream habitat environs, re-stabilization of stream bank and re-vegetation of the riparian buffer zone.

(3) Wallkill River from confluence with Sparta Glen Brook downstream to Station Road County Bridge Q-08: The major components of the project consist of re-channelization of the stream, re-establishment of in stream habitat environs, re-stabilization of stream bank and re-vegetation of the riparian buffer zone.

(4) Drainage improvements, including solids removal at Balsam Parkway, Birch Parkway, Cherry Tree Lane, and Hopkins Corner Road retention basin overflow.

(5) Price's Lane landfill closure soil stabilization installation and maintenance.

(6) Existing stormwater discharges within close proximity (<100 feet) of surface waters shall be equipped with structural stormwater management measures as defined in Chapter 9, NJ Stormwater Best Management Practices Manual. Such techniques are applicable in existing developed areas, where low impact development techniques are not easily implemented.

(i) Rivers/Streams

Priority shall be given to C-1 designated streams and those with a defined TMDL. (Reference NJDEP Geode for latest information on C-1 designated streams.

(ii) Lakes/Ponds

Lakes and ponds are divided into two categories as follows:

Moderate to Heavily Developed at Present
Seneca Lake
Lake Grinnell
Sparta Lake
Fox Hollow Lake
Lake Saginaw
Sunset Lake
Lake Mohawk
Beiser Pond
Upper Lake Mohawk
Fox Trail Lake
Arapaho Lake
Madonna Lake
Low Developed at Present
Rock Island Lake
Glen Lake
Ryker Lake
White Lake
Blue Heron Lake
Morris Lake
Mud Pond
Green Ridge Lake
Hawthorne Lake

Priority shall be given to more heavily developed areas where stormwater controls would result in the greatest benefit.

An applicant may propose a specific mitigation project. All projects shall be prioritized and approved by the Township Engineer, Director of Planning, and the Sparta Township Planning Board and shall be at the sole discretion of Sparta Township.

5. Calculation of Stormwater Runoff and Groundwater Recharge:

(a) Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using one of the following methods:

(i) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

(ii) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the

State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf.

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 18-5.3.f.5.(a)(1)(i)and the Rational and Modified Rational Methods at Section 18-5.3.f.5.(a)(1)(ii). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

(b) Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

6. Sources for Technical Guidance:

(a) Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

(b) Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

7. Solids and Floatable Materials Control Standards:

(a) Site design features identified under Section 18-5.3.f.4.(f) above, or alternative designs in accordance with Section 18-5.3.f.4.(g) 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, suspended, or settleable solids. For exemptions to this standard see Section 18-5.3.f.7.(a)(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:

(i) 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; or

(ii) 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 system floors used to collect stormwater from the surface into a storm drain or surface water body.

(iii) For curb-opening inlets, including curb-opening inlets in combination inlets, 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.

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

(i) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
(ii) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
(iii) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 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 (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
[b] 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).

(iv) Where flows are conveyed through a trash rack that has parallel bars with one- inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

(v) 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.

8. 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 BMPs. This section applies to any new stormwater management BMP.

(b) The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 18-5.3.f.8.(c)(1), 18-5.3.f.8.(c)(2) and 18-5.3.f.8.(c)(3)for trash racks, overflow grates, and escape provisions at outlet structures.

(c) Requirements for Trash Racks, Overflow Grates and Escape Provisions

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

(i) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
(ii) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
(iii) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(iv) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(i) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
(ii) The overflow grate spacing shall be no less than two inches across the smallest dimension
(iii) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management BMPs shall include escape provisions as follows:

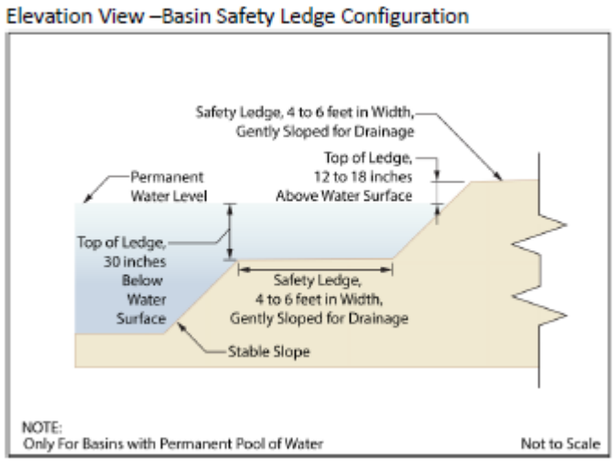
(i) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Section 18-5.3.f.8.(c), a free-standing outlet structure may be exempted from this requirement;
(ii) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one- half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 18-5.3f.8(e) for an illustration of safety ledges in a stormwater management BMP; and
(iii) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

(d) Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

(e) Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



9. Requirements for a Site Development Stormwater Plan:

(a) Submission of Site Development Stormwater Plan

(1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 18-5.3.f.9.(c) below as part of the submission of the application for approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(3) The applicant shall submit the required number of copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 18-5.3.f.9.(c) of this ordinance.

(b) Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

(c) Submission of Site Development Stormwater Plan

The following information shall be required:

(1) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(2) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 18-5.3.f.3. through 18-5.3.f.5. 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) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(i) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
(ii) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations

(i) Comprehensive hydrologic and hydraulic design calculations for the pre- development and post-development conditions for the design storms specified in Section 18-5.3.f.4. of this ordinance.
ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 18-5.3.f.10.

(8) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 18-5.3.f.9.(c)(1) through Section 18-5.3.f.9.(c)(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

10. Maintenance and Repair:

(a) Applicability

Projects subject to review as in Section 18-5.3.f.1.(c) of this ordinance shall comply with the requirements of Section 18-5.3.f.10.(b) and 18-5.3.f.10.(3)(c).

(b) General Maintenance

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) 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.

(4) 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.

(5) If the party responsible for maintenance identified under Section 18-5.3.f.10.(b)(3) above is not a public agency, the maintenance plan and any future revisions based on Section 18-5.3.f.10.(b) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under Section 18-5.3.f.10.(b)(3) above shall perform all of the following requirements:

(i) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
(ii) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
(iii) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 18-5.3.f.10.(b)(6) and 18-5.3.f.10.(b)(7) above.
(iv) The maintenance and repair information listed herein shall be made accessible for review by Sparta Township representatives when requested.

(8) The requirements of Section 18-5.3.f.10.(b)(3) and 18-5.3.f.10.(b)(4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject

to all applicable municipal stormwater general permit conditions, as issued by the Department.

(9) 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 municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, 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 municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

(c) Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

(1) A maintenance guarantee, with a two-year term for specifically stormwater management facilities shall be posted with Sparta Township, and shall be applicable to initial defective workmanship and materials, and not routine operating and maintenance tasks. This security shall be required from the developer for all stormwater facilities, including facilities to be dedicated to Sparta Township or another public entity; or to those remaining under private ownership and operation.

(2) A twenty-five-year term, sinking fund escrow account shall be posted with Sparta Township to cover operating and maintenance costs of stormwater management facilities, which are dedicated to Sparta Township. The maintenance costs, as referenced in Subsection 18-5.3.f.9.(b)(2) shall be approved by the Township Engineer. This fund shall be established in a Developer's Agreement with the Township Council.

(3) A "Sparta Township Stormwater Management Facility Operating & Maintenance" permit shall be secured by the property owner from Sparta Township. The permit fee is as established under § 18-8, Fees of the Township of Sparta Comprehensive Land Management Code.

11. Penalties

(a) Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Subsection 18-5.3. f. shall be subject to the penalties defined in Township of Sparta's Comprehensive Land Code, § 18-7, Administration and Enforcement (18-7.2 Penalties).

Section 2. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court 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 thereof.

Section 3. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 4. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on April 13, 2021, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on April 27, 2021 at 7:30 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

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KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

NOTICE

PLEASE TAKE FURTHER NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Sparta Township Council held at the Municipal Building at 65 Main Street, Sparta, New Jersey, on April 13, 2021. The same came up for final adoption at a meeting of the Township Council of the Township of Sparta held on April 27, 2021 and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

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KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK