

elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(4)

Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 160-97.5 through 160-97.8 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:

(a)

Total area to be 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.

(b)

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.

(a)

Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 160-97.6 of this article.

(b)

When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site 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 § 160-97.12.

(8)

Waiver from submission requirements. The municipal official or board reviewing an application under this article may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 160-97.11C(1) through C(6) of this article 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.

§ 160-97.13 Maintenance and repair.

A.

Applicability. Projects subject to review as in § 160-97.3C of this article shall comply with the requirements of § 160-97.12B and 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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. 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 person responsible for maintenance identified under Subsection **B(2)** above is not a public agency, the maintenance plan and any future revisions based on Subsection **B(7)** 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 function of the stormwater management measure, including 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 person responsible for maintenance identified under Subsection **B(2)** above shall perform all of the following requirements:

- (a)** 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;
- (b)** evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and 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 Subsections B(6) and B(7) above.
- (c)** Post a two (2) year maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

(8)

The person responsible for maintenance identified under Subsection **B(2)** above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(9)

The person responsible for maintenance identified under Subsection **B(2)** above shall 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 Subsections **B(6)** and **B(7)** above.

(10)

The requirements of § 160-97.12B(3) and (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.

(11)

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 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 Borough may immediately proceed to do so and shall bill the cost thereof to the responsible person.

C.

Nothing in this article 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.

§ 160-97.14 Violations and penalties.

A.

Any person who violates any provision of this article shall, upon conviction thereof in municipal court, be punishable by imposition of the penalties set forth in Article **XVII**, Administration and Enforcement, § **160-140**.

B.

Each instance of engaging in a separate regulated activity, in violation of this article shall be deemed a separate offense.

C.

In addition, the Borough may institute civil action for injunctive or other relief to enforce the provision of this article.

§ 160-97.15 Effective Date.

This chapter shall take effect immediately upon the approval by the county review agency, or 60 days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

§ 160-97.16 Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this chapter.

AFFIDAVIT OF PUBLICATION

The following is a true copy of an Ordinance or Resolution of the Borough of Carteret that has appeared in the Home News Tribune, a newspaper which is printed in Freehold, New Jersey and published in Neptune, in said County and State and of general circulation in said county. One (1) time(s), once in each issue as follows:

February 12, 2021


Carmela Pogorzelski
Municipal Clerk


Notary Public of New Jersey

DANA C. ARCHEVAL
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 1/12/2022

Sworn and subscribed before
me this 12th day of February 2021

BORO OF CARTERET
ORDINANCE #21-1

AN ORDINANCE AMENDING
AND SUPPLEMENTING ARTICLE
XIV A ENTITLED
"STORMWATER MANAGEMENT
AND CONTROL" OF THE CODE
OF THE BOROUGH OF CARTERET

This Ordinance amends Article
XIV A of the Code of the Bor-
ough of Carteret with regard to
Stormwater Management and
Control.

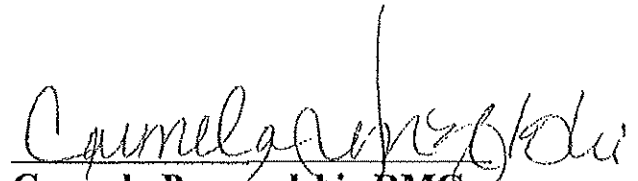
The foregoing Ordinance was
introduced at a meeting of the
Council of the Borough of Car-
teret held January 21, 2021
when it was adopted on First
Reading. The said Ordinance
will be further considered on
Second Reading for Final Adop-
tion at a meeting of said Council
of the Borough of Carteret on
February 18, 2021 at approxi-
mately 6:00 p.m. remotely at
which time all persons interest-
ed will be given an opportunity
to be heard. Information for
the call in process is posted on
the Borough's website, www.carteret.net.

Carmela Pogorzelski
Municipal Clerk
(\$16.34)

AFFIDAVIT OF PUBLICATION

The following is a true copy of an Ordinance or Resolution of the Borough of Carteret that has appeared in the Home News Tribune, a newspaper which is printed in Freehold, New Jersey and published in Neptune, in said County and State and of general circulation in said county. One (1) time(s), once in each issue as follows:

March 1, 2021


Carmela Pogorzelski, RMC
Municipal Clerk


Notary Public of New Jersey

DANA C. ARCHEVAL
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 1/12/2022

Sworn and subscribed before
me this 1st day of March 2021

BOROUGH OF CARTERET
ORDINANCE #21-1
AMENDING AND SUPPLEMENTING ARTICLE XIV A, "ENTITLED
STORMWATER MANAGEMENT AND CONTROL" OF THE CODE OF
THE BOROUGH OF CARTERET TO CONSOLIDATE THE DUTIES OF THE
ENVIRONMENTAL COMMITTEE

APPROVED AND ADOPTED:	FEBRUARY 18, 2021
INTRODUCED:	JANUARY 21, 2021
Advertised as Adopted on First Reading	
with notice of Public Hearing:	FEBRUARY 12, 2021
Hearing Held:	FEBRUARY 18, 2021
Approved By:	MAYOR DANIEL J. REIMAN
Advertised as Finally Adopted:	MARCH 1, 2021

(§17.20)

Carmela Pogorzelski, RMC
Municipal Clerk

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