

ORDINANCE NO. 2010 - 06

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED "LAND USE AND DEVELOPMENT," SO AS TO CREATE A NEW SECTION 15-7.15, ENTITLED "PRIVATE STORM DRAIN INLET RETROFITTING"

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 15, entitled "Land Use and Development," so as to create a new § 15-7.15, entitled "Private storm drain inlet retrofitting," which shall read in its entirety, as follows:

§ 15-7.15. Private storm drain inlet retrofitting.

A. **Purpose.** An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Little Egg Harbor so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. **Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, manmade channels, or storm drains) that is owned or operated by the Township of Little Egg Harbor or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

- (2) **PERSON** – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- (3) **STORM DRAIN INLET** – An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

- (4) **WATERS OF THE STATE** – The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C.

Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- (1) Already meets the design standard below to control passage of solid and floatable materials; or
- (2) Is retrofitted or replaced to meet the standard in Section D below prior to the completion of the project.

D.

Design Standard. Storm drain inlets identified in Section C above 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 D(3) below.

- (1) Design engineers shall use either 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:

- (a) 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 (April 1996); or

- (b) 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 basin floors.

- (2) Whenever design engineers use a curb-opening inlet, 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.

- (3) This standard does not apply:

- (a) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- (b) Where flows 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:

- [1] A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

- [2] A bar screen having a bar spacing of 0.5 inches.

- (c) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

- (d) 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.

E. Enforcement. This ordinance shall be enforced by the Police Department and the Code Enforcement Official of the Township of Little Egg Harbor.

F. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty allowable under N.J.S.A. 40:49-5, as well as any other penalties allowed for said statute.

SECTION 2. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Ocean County Planning Board.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a 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 hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 11th day of February, **2010**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 25th day of March, **2010**, at 8:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

MSD:nmc
#3700

Introduction

yes Kobryn yes Kehm yes Stites
yes Deputy Mayor Midgley yes Mayor Gormley

Second Reading & Adoption

yes Kobryn yes Kehm absent Stites
yes Deputy Mayor Midgley yes Mayor Gormley

ORDINANCE NO. 2019 - 04

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED "LAND USE AND DEVELOPMENT"

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-7.15 of Chapter 15 entitled "Private storm drain inlet retrofitting," so as amend subsection E. so that it shall read in its entirety as follows:

E. Enforcement. This ordinance shall be enforced by the Code Enforcement Official of the Township of Little Egg Harbor.

SECTION 2. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-12.7 of Chapter 15 entitled "Trees," so as delete subsection P. entitled, "Violation penalties," in its entirety.

SECTION 3. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-12.11 of Chapter 15 entitled "Stormwater Control Ordinance for areas that are not within the Pinelands Area," so as amend subsection N. entitled "Penalties," to read in its entirety as follows:

N. Penalties. In addition to the penalties set forth at §15-19.1, the violation of any provision of this section may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 4. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-13.5 of Chapter 15 entitled "Stormwater

Control Ordinance for areas within Pinelands Area.” so as amend subsection L. entitled “Penalties.” to read in its entirety as follows:

L. Penalties. In addition to the penalties set forth at **§15-19.1**, the violation of any provision of this section may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 5. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-19.1 of Chapter 15 entitled “Violations and Penalties,” so as amend subsection A. to read in its entirety as follows:

A. Any person violating or failing to comply with any provision of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000, by imprisonment not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 6. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to delete §15-24.11 of Chapter 15 entitled “Penalties,” in its entirety.

SECTION 7. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend §15-7.7. of Chapter 15 entitled “Land Use and Development,” so as to read in its entirety as follows:

§ 15-7.7. Storage of boats, travel trailers and commercial vehicles.

Storage of mobile homes or manufactured homes is specifically prohibited. The outdoor storage of an unoccupied recreational vehicle, motor homes, travel trailer, camper or boat shall be permitted on single-family properties, provided that:

A. Such storage shall not be located closer than three feet from any side or rear lot line or ten feet from any street line.

- B. Travel trailer, camper or boat shall not exceed 35 feet in length and eight (8) feet in width.
 - C. Only one such trailer, camper, boat shall be permitted to be stored outdoors in any required yard area on any single-family residential lot.
 - D. No travel trailer, camper or boat stored in conformance with this subsection shall remain in such storage for longer than 12 consecutive months.
 - E. Any such vehicles stored in accordance with this subsection shall not be occupied and shall not be provided with utility connections other than required for vehicle maintenance and shall not be used for the storage of any non-recreational material.
 - F. Automobiles, station wagons, pickups or panel trucks, jeep vehicles, travelalls and similar types of vehicles used for commercial purposes are permitted in all zones with less than a total registered gross weight of 12,000 lbs. Trucks and other commercial vehicles, not mentioned above, shall not be parked overnight or stored overnight in any residential zone except for vehicles engaged in construction parked or stored on an active construction site.
 - G. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency for the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This subsection shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises or the recreational use of same in campgrounds in conformance with all applicable ordinances and codes.
- The use of one (1) recreational vehicle/travel trailer/motor home/camper may be permitted, for the purpose of security, upon those seasonal businesses, such as marinas, from March 1 to December 31 of each year. The aforementioned vehicle, as used for security purposes, must be removed and absent from the property between January 1 and February 28 of each year.

SECTION 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a 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 hereof.

SECTION 10. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 14th day of February, **2018**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 14th day of March, **2019**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Diana K. McCracken, RMC
DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

Introduction

Motion: *Stevens*
Second: *Gornley*

Motion to Introduce:
Stevens yes
Scibetta yes
Gornley yes
Kehm yes
Crea yes

Second Reading & Adoption

Motion: *Gornley*
Second: *Stevens*

Motion to Adopt:
Stevens yes
Scibetta yes
Gornley yes
Kehm yes
Crea yes