§ 26-1. STORMWATER MANAGEMENT.

§ 26-1.1. Scope, Purpose and General Intent. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

a. Policy Statement. The general intent of this section is to manage the increase rate and velocity of surface water runoff created by alterations in the ground cover and natural runoff patterns. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

b. Purpose. It is the purpose of this section to establish minimum stormwater management requirements and controls for "major development," as defined in Subsection 26-1.2 and to reduce the amount of nonpoint entering source pollution entering surface and ground waters. Unmitigated stormwaters from areas altered by development may pose public health and safety threats. This section establishes the administrative mechanisms necessary for the City of Summit to ensure proper stormwater management. This section is written to work in conjunction with current state and federal regulations. This section guides development in a manner that is proactive and minimizes harmful impacts to natural resources. To protect the public health, safety and welfare of the citizens of the City of Summit and surrounding communities, this section is deemed necessary and essential in order to:

    1. Prevent artificially induced flood damage to public health, life, and property;

    2. Minimize increased stormwater runoff rates and volumes;

    3. Minimize the deterioration of existing structures that would result from increased rates of stormwater runoff;

    4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;

    5. Prevent an increase in nonpoint source pollution and enhance the quality of nonpoint runoff by water retention measures;

    6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;

    7. Control and minimize soil erosion and the transport of sediment;

8. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;

9. Maintain adequate base flow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;

10. Protect all surface water resources from degradation; and

11. Protect groundwater resources from degradation and diminution.

12. Prevent degradation of river and stream biota caused by excessive flushing and sedimentation.

13. Reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks.

14. Prevent the degradation of property by enhancing the environmental character of the rivers and streams of the City.

c. Applicability.

1. This section shall be applicable to the following major developments:

(a) Nonresidential major developments; and

(b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21. The provisions of both this section and the RSIS are to be applied and reviewed concurrently for any residential development.

2. This section shall also be applicable to all major developments undertaken by the City of Summit.

d. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this section are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and New Jersey Stormwater BMP Manual application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

e. Prohibition of Activities Resulting in Stormwater Runoff Damage. No person shall obstruct or otherwise interfere with any drainageway, stormwater, stormwater runoff, or watercourse in such a manner as to cause or result in stormwater runoff damage.

§ 26-1.2. Definitions. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section the most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

AGRICULTURAL DEVELOPMENT — Land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

BEST MANAGEMENT PRACTICE (BMP) — Structural device, measure, facility or activity that helps to achieve stormwater management control objectives at a designated site.

CAFRA CENTERS, CORES OR NODES — Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP — The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

CATEGORY 1 (C1) WATERS — Waters of the state, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle within the same HUC 14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the anti-degradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

COMMUNITY BASIN — An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this section.

COMPACTION — The increase in soil bulk density by subjecting soil to greater-than-normal loading.

CONTRIBUTORY DRAINAGE AREA — The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public

transportation.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a:

a. County planning agency; or

b. County water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection ("NJDEP").

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development shall mean: any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE — The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock by any activity including the clearing, excavating, storing, grading, filling or transportation of soil or any other activity that causes soil to be exposed to the danger of erosion or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA — The following areas where the physical alteration of the land is in some way restricted, either through regulation,

easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA — An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESCAPE PROVISIONS — The permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins.

GREEN INFRASTRUCTURE — A stormwater management measure that manages stormwater close to its source by:

a. Treating stormwater runoff through infiltration into subsoil;

b. Treating stormwater runoff through filtration by vegetation or soil; or

c. Storing stormwater runoff for reuse.

GROUNDWATER — A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

HUC 14 (HYDROLOGIC UNIT CODE 14) — An area within which water drains to a particular receiving surface waterbody, also known as a subwatershed, which is identified by a fourteen-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

INFILTRATION — The process by which water seeps into the soil from precipitation to a level below the normal root soil of plant species.

LEAD PLANNING AGENCY — One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

MAJOR DEVELOPMENT —

a. An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;

2. The creation of 1/4 acre or more of "regulated impervious surface" since February 2, 2004;

3. The creation of 1/4 acre or more of "regulated motor vehicle surface" since March 2, 2021; or

4. A combination of Subsection a2 and 3 above that totals an area of 1/4 acre or more. The same surface shall not be counted twice when determining if the combination area equals 1/4 acre or more.

b. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection a1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered major development.

MITIGATION — An action by an applicant providing compensation or offset actions for on-site stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8 in an adopted regional stormwater management plan or in this local ordinance, and has received a waiver from strict compliance from the City of Summit. Mitigation for the purposes of this section includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan.

MOTOR VEHICLE — Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low-speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE — Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY — Any city, borough, town, township, or village.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL — The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedure approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative

stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Subsection 26-1.5f of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this section.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NONSTRUCTURAL STORMWATER MANAGEMENT TECHNIQUES — Techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and piped conveyances), such as minimizing site disturbance, preserving important site features including, but not limited to, natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, increasing time of concentration and maintaining and enhancing natural drainage features and characteristics.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms or vegetation.

PERMEABLE — A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

PERSON — Any individual, corporation, company, partnership, firm, association, City of Summit, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

PLAN — A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at the site.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. Pollutant includes both hazardous and nonhazardous pollutants.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water to the extent that the pollutant concentration or level violates either the Ground Water Quality Standards (N.J.A.C. 7:9-6) or the Surface Water Quality Standards (N.J.A.C. 7:9B) of New Jersey.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE — Any of the following, alone or in combination:

a. A net increase of impervious surface;

b. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

c. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

d. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE — Any of the following, alone or in combination:

a. The total area of motor vehicle surface that is currently receiving water;

b. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

REVIEW AGENCY (MUNICIPAL) — The municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

SOLID AND FLOATABLE MATERIALS — Sediment, debris, trash and other floating, suspended or settleable solids.

SOURCE MATERIAL — Any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to, raw materials, intermediate products, final products, water materials, by-products, industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT BMP — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY — A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA — The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

STORMWATER RUNOFF — Water flow on or across the surface of the ground in drainage facilities or in storm sewers, resulting from precipitation.

STREAM BUFFER — A strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained with a floodplain or floodway or may extend beyond a wetland, floodplain or floodway boundary.

STRUCTURAL STORMWATER TECHNIQUES — A stormwater management measure that involves control of concentrated stormwater runoff or infiltration such as stormwater basins, piped conveyance systems and manufactured stormwater devices, and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

THREATENED AND ENDANGERED SPECIES — Endangered species whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to prevent future extinction in New Jersey.

Threatened species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

TIDAL FLOOD HAZARD AREA — A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

TIME OF CONCENTRATION — The time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

TRANSITION AREA — An area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also known as "buffer area."

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONE — A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas, including but not limited to the following:

a. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

b. Designated as CAFRA Centers, Cores or Nodes;

c. Designated as Urban Enterprise Zones; and

d. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE — A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 26-1.3. General Standards. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1;

amended 3-16-2021 by Ord. No. 21-3229]

a. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(a) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

(b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

2. The standards in this section 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.

§ 26-1.4. Stormwater Management Requirements for Minor Development. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

Stormwater management requirements for minor development shall be in accordance with Subsection 35-15.2 of Article XV, Stormwater Management Requirements, of Part 3, Environmental Requirements, of Chapter 35, Development Regulations of the City of Summit Code.

§ 26-1.5. Stormwater Management Requirements for Major Development. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

a. Maintenance Plan. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Subsection 26-1.11.

b. Threatened and Endangered Species. Stormwater management measures shall be implemented in order to avoid adverse impacts of concentrated flow on habitat(s) for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly Helonias Bullata (swamp pink) and/or Clemmys Muhlenbergii (bog turtle).

c. Exemptions. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections 26-1.5o, p, q and r:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is constructed of permeable material such as, but not limited to, wood chips, unpacked gravel and porous pavement.

d. Waiver from Strict Compliance.

1. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsections 26-1.5o, p, q and r may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Subsections 26-1.5o, p, q and r to the maximum extent practicable;

(c) The applicant demonstrates that, in order to meet the requirements Subsections 26-1.5o, p, q and r, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection 26-1.5d1(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections 26-1.5o, p, q and r that were not achievable on site.

2. A waiver from strict compliance from such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the City of Summit's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, the applicant should provide mitigation within the same watershed within which the subject project is proposed. If mitigation within the same watershed is not possible and/or practical the applicant shall contribute funding toward a regional stormwater control project or provide for equivalent treatment at an alternate location, or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on

their specific site. Said mitigation must be reviewed and agreed upon by the City of Summit and City Engineer prior to commencement of mitigation work.

e. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsections 26-1.5o, p, q and r. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at https://njstormwater.org/bmp_manual2.htm.

f. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry well[a]	0	No	Yes	2
Grass swale	50 or less	No	No	2[e] 1[f]
Green roof	0	Yes	No	—
Manufactured treatment device[a] [g]	50 or 80	No	No	Dependent upon the device

Table 1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Pervious paving system[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]
Small-scale bioretention basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-scale infiltration basin[a]	80	Yes	Yes	2
Small-scale sand filter	80	Yes	Yes	2
Vegetative filter strip	60 to 80	No	No	—

[Notes corresponding to annotations (a) through (g) are found following Table 3 below.]

Table 2

Green Infrastructure BMPs for Stormwater Runoff Quantity

(or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention system	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Infiltration basin	80	Yes	Yes	2

Table 2

Green Infrastructure BMPs for Stormwater Runoff Quantity

(or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Sand filter[b]	80	Yes	Yes	2
Standard constructed wetland	90	Yes	No	N/A
Wet pond[d]	50 to 90	Yes	No	N/A

[Notes corresponding to annotations (a) through (g) are found following Table 3 below.]

Table 3

BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue roof	0	Yes	No	N/A
Extended detention basin	40 to 60	Yes	No	1
Manufactured treatment device[h]	50 or 80	No	No	Dependent upon the device
Sand filter[c]	80	Yes	No	1
Subsurface gravel wetland	90	No	No	1
Wet pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) Subject to the applicable contributory drainage area limitation specified at Subsection 26-1.5o2;

(b) Designed to infiltrate into the subsoil;

(c) Designed with underdrains;

(d) Designed to maintain at least a ten-foot-wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) Designed with a slope of less than 2%;

(f) Designed with a slope of equal to or greater than 2%;

(g) Manufactured treatment devices that meet the definition of green infrastructure at Subsection 26-1.2;

(h) Manufactured treatment devices that do not meet the definition of green infrastructure at Subsection 26-1.2.

g. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Subsection 26-1.7c. Alternative stormwater management measures may be used to satisfy the requirements at Subsection 26-1.5o only if the measures meet the definition of green infrastructure at Subsection 26-1.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at subsection 26-1.5o2 are subject to the contributory drainage area limitation specified at Subsection 26-1.5o2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection 26-1.5o2. shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection 26-1.5d is granted from Subsection 26-1.5o.

h. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited

to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

i. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type; permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Subsection 26-1.9c.

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement. The measures are to be sequenced in the site development process so that erosion control standards are met and so the measure is not compromised or impaired by construction runoff.

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Subsection 26-1.9; and

5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 1/2 inches in diameter.

6. Where tail water will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the design of said measure.

j. Manufactured treatment devices may be used to meet the requirements of this section, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Subsection 26-1.2 may be used only under the circumstances described at Subsection 26-1.5o4.

k. Any application for a new agricultural development that meets the definition of major development at Subsection 26-1.5 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections 26-1.5o, p, q and r and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

l. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections 26-1.5p, q and r shall be met in each drainage area, unless the runoff from the drainage areas converge on site and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

m. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Union County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections 26-1.5o, p, q and r and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Subsection 26-1.11b5. Prior to the commencement of construction, proof that the above-required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

n. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Subsection 26-1.5 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the County Registrar and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance

with Subsection m above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with Subsection m above.

o. Green Infrastructure Standards.

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Subsections 26-1.5p and q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection 26-1.5f and/or an alternative stormwater management measure approved in accordance with Subsection 26-1.5g. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry well	1 acre
Manufactured treatment device	2.5 acres
Pervious pavement systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale bioretention systems	2.5 acres
Small-scale infiltration basin	2.5 acres
Small-scale sand filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Subsection 26-1.5r, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection 26-1.5g.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection 26-1.5d is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Subsection 26-1.5g may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection 26-1.5p, q and r.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government

agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Subsections 26-1.5p, q and r, unless the project is granted a waiver from strict compliance in accordance with Subsection 26-1.5d.

p. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

1. This subsection contains the minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development projects as follows:

(a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(b) The minimum design and performance standards for groundwater recharge are as follows:

(1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Subsection 26-1.6, either:

(i) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

(ii) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection p1(b)(3) below.

(3) The following types of stormwater shall not be recharged:

(i) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be

inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(ii) Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(4) The design engineer shall assess and certify the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, raising the groundwater table so as to cause surface ponding, flooding of basements and other subsurface facilities, and interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

q. Stormwater Runoff Quality Standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of 1/4 acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

(a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

(b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with Subsection Q2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900

Table 4 - Water Quality Design Storm Distribution					
Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80% 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.

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 Subsections 26-1.5p, q and r. This standard may be superseded by a more stringent numeric effluent limitation imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Daily limits for nutrient loading (TMDL) may apply to the site development based on conditions of regulatory approvals.

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 postconstruction load of total suspended solids by 95% of the anticipated load from the developed site, expressed as an annual average.

10. These 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 Subsection 26-1.6, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for

stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) 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 two-, ten- 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;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80%, 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

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection R2(a), (b) and (c) 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.

§ 26-1.6. Calculation of Stormwater Runoff and Groundwater Recharge. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

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

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

(a) 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

(b) 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 Subsection 26-1.6a1(b) and the Rational and Modified Rational Methods at Subsection 26-1.6a1(b). 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 calculating pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, and/or culverts, that may reduce pre-construction stormwater runoff rates and/or volumes.

4. In calculating 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 within the drainage area. 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.

§ 26-1.7. Sources for Technical Guidance. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

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. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540 or the Somerset-Union County Soil Conservation District; Somerset County 4-H Center; 308 Milltown Road; Bridgewater, NJ 08807; (908)526-2701.

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The United States Environmental Protection Agency, including the National Management Measures to Control Nonpoint Source Pollution from Urban Areas, available at the website: http://www.epa.gov/owow/nps/urbanmm/index.html.

4. Field guides of the United States Department of Agriculture, Natural Resources Conservation Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey 08625; (609) 777-1038.

5. Other similarly authoritative governmental or trade association sources acceptable to the City of Summit.

c. 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.

§ 26-1.8. Solids and Floatable Materials Control Standards. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

a. Site design features identified under Subsection 26-1.5f above, or alternative designs in accordance with Subsection 26-1.5g 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 subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection 26-1.8a2 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:

(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; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches or is no greater than 0.5 inch 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.

(c) 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 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

2. The standard in Subsection a1 above does not apply:

(a) Where each individual clear space in the curb opening in existing curb-

opening inlet does not have an area of more than 9.0 square inches;

(b) 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;

(c) 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:

(1) A rectangular space 4 5/8 (4.625) inches long and 1 1/2 (1.5) inches wide (this option does not apply for outfall netting facilities); or

(2) A bar screen having a bar spacing of 0.5 inch.

*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).

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

(e) 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.

§ 26-1.9. Safety Standards for Stormwater Management Basins. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

a. General Scope. This subsection 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 subsection 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 Subsection 26-1.9c1, 2, and 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:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) 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

(d) 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 a device intended to protect the opening in the top of a stormwater management measure outlet structure. It is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) 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:

(a) 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 reviewing agency and/ or City Engineer pursuant to Subsection 26-1.9c, a freestanding outlet structure may be exempted from this requirement;

(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 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 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See

Subsection 26-1.9e for an illustration of safety ledges in a stormwater management BMP; and

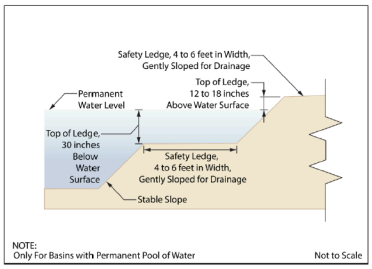
(c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

(d) An emergency drawdown method for detention basins is required where the permanent pool will be more than 2 1/2 (2.5) feet deep. This drawdown method must consider downstream or off-site stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

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 reviewing authority that the variance or exemption will not constitute a threat to public safety.

e. Safety Ledge Illustration.

Elevation View – Basin Safety Ledge Configuration



§ 26-1.10. Requirements for a Site Development Stormwater Plan. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; Ord. No. 2015-3092; amended 3-16-2021 by Ord. No. 21-3229]

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 Subsection 26-1.10c below as part of the submission of the application for approval.

2. The applicant shall demonstrate through submission requirements that the project meets the standards set forth in this section.

3. The applicant shall submit a minimum of three copies to the Engineering Division of the materials listed in the checklist for site development stormwater plans in accordance with Subsection 26-1.10c.

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 whom municipal approval is sought. That municipal board or official

shall consult the engineer retained by the Planning and/or Zoning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

c. Checklist Requirements. The following information shall be required:

1. Existing Site Conditions Base Map, Including Topography and the Following Information:

(a) 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 one inch equals 200 feet or greater, showing two-foot contour intervals.

(b) The map as appropriate may indicate the following (when applicable): 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 floodplains 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 man-made 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 Subsections 26-1.3 through 1.6 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. The applicant should refer to the City of Summit Stormwater Management Plan and the City of Summit Stormwater Pollution Prevention Plan for additional requirements.

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 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.

   (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 Subsection 26-1.5 of this section.

   (b) When the proposed stormwater management control measures (e.g., infiltration basins) 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 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. The City of Summit shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the development, post-construction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standard, to ensure that they were properly constructed.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Subsection 26-1.11.

8. Waiver from Submission Requirements. The City of Summit official or board reviewing an application under this section may, in consultation with the City Engineer, waive submission of any of the requirements in Subsection 26-1.10c1 through 6 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.

§ 26-1.11. Maintenance and Repair. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; Ord. No. 2015-3092; amended 3-16-2021 by Ord. No. 21-3229]

a. Applicability. Projects subject to review as in Subsection 26-1.1c of this section shall comply with the requirements of Subsection 26-1.11b 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. This plan shall be separate from all other documents and designed for ongoing use by the site owner(s) or operator(s) in performing and documenting maintenance and repair, and by the City of Summit in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the City of Summit post-construction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.

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(s) or tenant(s) of an individual property in a residential development or project, unless such owner(s) or tenant(s) 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 Subsection 26-1.11b3 above is not a public agency, the maintenance plan and any future revisions based on Subsection 26-1.11b7 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 Subsection 26-1.11b3 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

   (c) Retain, submit annually to the City Engineer 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 26-1.11b6 and 7 above.

8. The requirements of Subsections 26-1.11b3 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 City or another governmental agency of competent jurisdiction.

9. Authorized representatives of the City of Summit, including, but not limited to, the City Engineer, Public Works Manager and Construction Official may enter the site as needed in order to conduct on-site inspections as discussed in Subsection 26-1.11d. The inspections shall be required to review and confirm that the information filed in the required reports as stated in Subsection 26-1.11b5 are correct. Additional inspections and reviews may be made as deemed appropriate by the City of Summit.

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 City Engineer shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have seven calendar days from the receipt of the notice to temporarily correct the violations and 14 calendar days from receipt of notice to permanently maintain or repair the facility in a manner that is approved by the City Engineer or their designee. The City Engineer, in their 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 City of Summit may immediately proceed to do so and shall bill the cost thereof to the responsible person, enforce penalties and/or liens as determined by the City of Summit and as described below. Nonpayment of such bill may result in a lien on the property.

c. Performance Guarantee. 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 or the City of Summit Ordinances.

d. Maintenance Access. The maintenance plan shall specifically provide a specific municipal right of access, which may include stormwater easements or covenants. The maintenance access shall be provided by the property owner(s) for access regarding facility inspections and maintenance, as required. Easements and covenants shall be recorded with the City of Summit prior to issuance of a permit.

e. Alteration of Maintenance Plan. Any alteration in maintenance responsibility or alterations to maintenance plans and agreements must be reviewed and approved by the City of Summit official or board that reviewed the application under this section in consultation with the City Engineer, Public Works Manager and Construction Official.

f. Recording of Information. All maintenance information and alterations to maintenance agreements shall be recorded with the office of the City Engineer, Department of Community Services, as described in Subsection 26-1.11b9. Copies of all maintenance agreements and alterations to maintenance agreements shall be included in the applicant's stormwater management plans and documents. Recording of the maintenance agreements in accordance with this section shall be the responsibility of the owner.

§ 26-1.12. Implementation of Regulations. [Ord. No. 06-2701 § 10; Ord. No. 06-2718 § 1; 3-16-2021 by Ord. No. 21-3229]

a. Limit of Disturbance. Critical impact areas and other areas to be left undisturbed shall be physically marked with survey stakes or protected with temporary snow fence prior to any land disturbance.

b. Timing. The approving authority shall require the construction and/or installation of surface water management improvements in accordance with the schedule of sequence of installation as approved.

c. Bonding. The approving authority shall provide for the posting of performance guaranties and maintenance bonds when necessary.

d. Inspection.

1. The applicant shall bear full and final responsibility for the installation and construction of all required surface water runoff control measures according to the provisions of his/her approved plan and this section. The City Engineer shall inspect the site during its preparation and development and certify that all surface water management measures have been constructed in accordance with the provisions of the applicant's approved plan under this section.

2. During the 12 months subsequent to the date of completion, the City Engineer or Consultant shall periodically inspect the site to ascertain that the provisions

of the applicant's approved plan are complied with, including limit of contract for areas to be left undisturbed. The City Engineer or Consultant shall give the applicant, upon request, a certificate indicating the date on which the required measures were completed and/or accepted.

3. No inspection shall be undertaken unless the Chief Financial Officer shall have first certified the availability of funds in an amount not less than $300.

e. Review and Inspection Fees. For the review and inspection required by this section, the fees that must be paid to the Clerk of the approving authority are as follows:

1. Review fee for a single lot is $200.

2. Inspection fee for a single lot is $500.

f. Maintenance.

1. At the time of approval of the plan, responsibility for continued maintenance of surface water runoff control structures and measures shall be stipulated and properly recorded.

2. The City shall retain the right to enter and make repairs and improvements where necessary to ensure that all control measures as well as areas dedicated to surface water retention or groundwater recharge are adequately maintained and preserved. The City may charge the property owner for the costs of these services if such maintenance is his/her responsibility.

g. Issuance of Certificate of Occupancy. No certificate of occupancy shall issue unless and until the surface water management plan has been reviewed, the improvements made in accordance with the plan, and the inspection has been certified by the City Engineer.

§ 26-1.13. Penalties. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties:

a. Responsibility for Administration. The Public Works Manager, City Engineer and Building Department Official shall administer, implement and enforce the provisions of this section. Any powers granted or duties imposed upon the Public Works Manager, City Engineer or Building Department Official may be delegated in writing to the person(s) or entities acting in the best interest of or in the employment of the City of Summit.

b. Enforcement of Penalties and Liens.

1. Should the applicant/owner fail to take the corrective actions, the City of Summit shall then have the right to take the available appropriate remedies it deems necessary to correct the violations including fining the owner up to

$1,000 per day for each day the applicant/owner is in violation. The City will assert a lien on the subject property in an amount equal to the costs of remedial actions if necessary. The lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded with the City of Summit and the applicant/owner shall incur all legal costs for the recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this section, including assessment of a lien on the property.

2. Whenever a structural BMP is not implemented, operated, and/or maintained in accordance with the Stormwater Management Plan which has been approved in accordance with this section, any penalty invoked shall be in accordance with Subsection 26-1.13b1.

§ 26-1.14. Severability. [Added 3-16-2021 by Ord. No. 21-3229]

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

§ 26-2. WELLHEAD PROTECTION.

§ 26-2.1. Statement of Findings. [Ord. No. 05-2656 § 1]

The Common Council finds that:

a. The groundwater underlying the City is a major source of existing and future water supplies, including drinking water. The groundwater underlying the City lies within the Buried Valley Aquifer Systems of the Central Passaic River Basin, designated as a "sole source" aquifer under Section 142(e) of the Federal Safe Drinking Water Act of 1974.

b. The groundwater aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams, which also constitute a major source of water for drinking, commercial and industrial needs.

c. Accidental spills and discharges of toxic and hazardous materials may threaten the quality of these groundwater supplies and related water sources.

d. Contaminated water from any source is a detriment to the health, welfare and comfort of the residents of the City, and other users of these water resources.

e. Spills or discharges of hazardous substances or hazardous wastes may contaminate or pollute water. As a preventive measure, the proximity of such materials to sources of water supplies, such as public community wells, should be restricted so that there will be sufficient time to find and clean up such spills or discharges before water supplies become contaminated.

§ 26-2.2. Purpose. [Ord. No. 05-2656 § 1]

The purpose of this section is to protect the public health, safety and welfare through the protection of the groundwater resources underlying the City to ensure a supply of safe and healthful drinking water for present and future generations of local residents, employees and the general public in the City, as well as users of these water supplies outside the City. Areas of land surrounding each public community well, known as Well Head Protection Areas (WHPAs), from which contaminants may move through the ground to be withdrawn in water taken from the well, have been delineated. Through regulation of land use, physical facilities and other activities within these areas, the potential for groundwater contamination can be reduced. The purpose of the regulations contained in this section is to prevent the migration of potential pollutants from areas within the WHPA into groundwater that is withdrawn from a public community well.

§ 26-2.3. Definitions. [Ord. No. 05-3656 § 1]

ADMINISTRATIVE AUTHORITY — Shall mean the Planning Board or Board of Adjustment and the Board of Health, acting jointly and in consultation, with all of the powers delegated, assigned, or assumed by them according to statute and ordinance.

APPLICANT — Shall mean a person applying to the Board of Health, Planning Board, Board of Adjustment or Construction Office proposing to engage in an activity that is regulated by the provisions of this section, and that would be located with a regulated WHPA.

AQUIFER — Shall mean a formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

BEST MANAGEMENT PRACTICES (BMP) — Shall mean performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes.

CONTAMINATION — Shall mean the presence of any harmful or deleterious substances in the water supply.

DEVELOPMENT — Shall mean the carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

DISCHARGE — Shall mean any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State permit, resulting in the releasing, spilling, pumping, pouring, omitting, emptying or dumping of a hazardous substance into the waters or lands of the State or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

GROUND WATER — Shall mean water contained in interconnected pores of a saturated zone in the ground, also known as well water. A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water at a pressure greater than atmosphere.

HAZARDOUS SUBSTANCE — Shall mean any substance designated under 42 U.S.C. § 9601 et seq. (CERCLA) or 40 C.F.R. 116 et seq., or the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

HAZARDOUS WASTE — Shall mean any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

MAXIMUM CONTAMINANT LEVEL — Shall mean maximum permissible level of contaminant in water which is delivered to any user of a public community water system.

NJDEP — Shall mean New Jersey Department of Environmental Protection.

PERSON — Shall mean any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this State, and any state, Federal or interstate agency or an agent or employee thereof.

POLLUTED WATER. — In the content of drinking water, water is polluted when a pollutant is present in excess of a maximum contaminant level or bacteriological limit established by law or regulation.

POTENTIAL POLLUTANT SOURCE (PPS) — Shall mean activity or land use which may be a source of a pollutant that has the potential to move into ground water withdrawn from a well. For the purposes of this chapter Potential Pollutant Sources are defined in subsection 26-2.6.

PPS — Potential Pollutant Source.

PUBLIC COMMUNITY WELL — Shall mean a public water supply well which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

SIC — Shall mean Standard Industrial Classification.

SOLE SOURCE AQUIFER — Shall mean any drinking water aquifer upon which more than fifty (50%) percent of a population group depends and for which there is no practicable or affordable alternate water supply, as certified by the United State Environmental Protection Agency.

TIME OF TRAVEL (TOT) — Shall mean the average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

TIER 1 WELLHEAD PROTECTION AREA — Shall mean that area of land within a WHPA from which ground water may enter the well within two (2) years. (See maps referenced under subsection 26-2.4).

TIER 2 WELLHEAD PROTECTION AREA — Shall mean that area of land within a WHPA from which ground water may enter the well within five (5) years. (See maps referenced under subsection 26-2.4).

TIER 3 WELLHEAD PROTECTION AREA — Shall mean that area of land within a WHPA from which ground water may enter the well within twelve (12) years. (See maps referenced under subsection 26-2.4).

WELLHEAD — Shall mean the well borehole and appurtenant equipment.

WELLHEAD PROTECTION AREA (WHPA) — Shall mean an area described in plan view around a well, from which ground water flows to the well and ground water pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

WHPA — Wellhead Protection Area.

§ 26-2.4. Establishment of Wellhead Protection Areas and Maps. [Ord. No. 05-2656 § 1]

a. Wellhead Protection Area Maps.

1. The delineations of Well Head Protection Areas for public community wells, which were published by the New Jersey Geological Survey of the New Jersey Department of Environmental Protection, are incorporated herein and made part of this section. They are designated as follows: New Jersey Well Head Protection Areas, Edition 2, Geospatial Date Presentation, New Jersey Digital Data Series, DGS02-2, dated 18 June, 2002. A description of these data and the terms and conditions of the use of these data may be found at http://www.state.nj.us/dep/njgs/whpaguide.pdf and http://www.state.nj.us/dep/njgs/geodata/dgs97-1.htm. A map of the Wellhead Protection Areas located within the City is included as part of this subsection. Maps of the municipality on which these delineations have been overlaid shall be on file and maintained by the offices of the City Clerk and of the Board of Health of the City.

2. Wellhead Protection Areas, as shown on the maps described in subsection 26-2.4, shall be considered to be superimposed over any other established zoning district located within the City. Land in a Wellhead Protection Area may be used for any purpose permitted in the underlying district, subject to additional restriction set forth in this section.

b. Assignment of Restriction within Wellhead Protection Area: Properties located wholly or partially within a Wellhead Protection Area shall be governed by the restrictions applicable to the Wellhead Protection Area.

§ 26-2.5. Regulation of Wellhead Protection Areas for Public Community Wells. [Ord. No. 05-2656 § 1]

a. The Administrative Authority for administering the provisions of this section shall be the Planning Board, Zoning Board of Adjustment or the Board of Health of the City of Summit.

b. Any applicant for a permit requesting a change in land use or activity, which is subject to review under the provisions of the Municipal Land Use Law and other pertinent regulations of the City, and which is located within the delineated WHPA, as defined in subsection 26-2.4, that involves a Potential Pollutant Source (PPS), as defined in subsection 26-2.6, shall comply with the requirements of this subsection.

c. Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this Section, shall file an Operations and Contingency Plan, as required by subsection 26-2.8, with the Administrative Authority. No permit that allows a change in land use or activity, which is subject to the requirements of this subsection, shall be granted unless an Operations and Contingency Plan for the proposed change has been approved by the Administrative Authority. Any plan approved by the Administrative Authority shall be kept on file in the office of the City Clerk, and shall be available to the public for inspection.

d. Any change in land use or activity that introduces a major or minor Potential Pollutant Source (PPS), as defined in subsection 26-2.6 shall be prohibited within a Tier 1 WHPA.

e. Any change in land use or activity that introduces a major PPS, as defined in subsection 26-2.6, shall be prohibited within a Tier 2 WHPA.

f. Any change in land use or activity that involves any PPS, as defined in subsection 26-2.6, within any WHPA, that is not prohibited pursuant to subsection 26-2.6, within any WHPA, that is not prohibited pursuant to subsection 26-2.5d or 26-2.5e, shall comply with the Best Management Practice Standards, as defined in subsection 26-2.7.

g. This subsection is supplementary to other laws and ordinances in the City. Where this subsection or any portion thereof imposed a greater restriction that is imposed by other regulations, the provisions of this subsection shall supersede. These rules and regulations shall in no way affect the limitations or requirements applicable in the underlying zoning districts of the City of Summit.

§ 26-2.6. Potential Pollutant Sources Listed. [Ord. No. 05-2656 § 1]

The following are major and minor Potential Pollutant Sources (PPS) subject to the requirements of this section. This listing is consistent with the New Jersey Safe Drinking Water Act, N.J.A.C. 7:10-11.7 through 12.12.

a. Major PPSs include:

1. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.

2. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials.

3. Any use or activity requiring the underground storage of a hazardous substance or waste in excess of an aggregate total of fifty (50) gallons.

4. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).

5. Aboveground storage facility for a hazardous substance or waste with a

cumulative capacity greater than two thousand (2,000) gallons.

6. Any industrial treatment facility lagoon.

7. Any facility with a SIC Code number included under the New Jersey Safe Drinking Water Act Regulations at N.J.A.C. 7:10A-1.14, Table 11 (N), with a toxicity number of II or greater.

8. Automotive service center (repair and maintenance).

9. Landfill.

10. Dry cleaning facility.

11. Road salt storage facility.

12. Cemetery.

13. Highway maintenance yard.

14. Truck, bus, locomotive maintenance yard.

15. Site for storage and maintenance of heavy construction equipment and materials.

16. Site for storage and maintenance of equipment and materials for landscaping.

17. Livestock operation.

18. Quarrying and/or mining facility.

19. Asphalt and/or concrete manufacturing facility.

20. Junkyard/auto recycling and scrap metal facility.

21. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under one thousand (1,000) gallons).

b. Minor PPSs include:

1. Underground storage of hazardous substance or waste of less than fifty (50) gallons.

2. Underground heating oil storage tank with a capacity of less than two thousand (2,000) gallons.

3. Sewage treatment facility.

4. Sanitary sewer system, including sewer line, manhole, or pump station. (See conditions in subsection 26-2.6c.)

5. Industrial waste line. (See conditions in subsection 26-2.6c.)

6. Septic leaching field.

7. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C. 7:14A et seq.

8. Stormwater retention-recharge basin.

9. Dry well. (See conditions in subsection 26-2.6c.)

10. Stormwater line. (See conditions in Section 26-2.6c.)

11. Waste oil collection, storage and recycling facility.

12. Agricultural chemical bulk storage and mixing or loading facility, including crop dusting facilities.

13. Aboveground storage of hazardous substance or waste in quantities of less than two thousand (2,000) gallons.

c. Conditions.

1. Sanitary sewer lines, industrial waste lines and stormwater lines may be located no closer than one hundred (100) feet to a regulated well, and only if they are constructed of watertight construction (that is steel, reinforced concrete, cast iron, PVC or other suitable material).

2. Manhole and/or connections to a sanitary sewer system are prohibited within one hundred (100) feet of a regulated well.

3. Dry wells dedicated to roof runoff and serving residential properties or commercial or industrial properties with SIC codes not listed in N.J.A.C. 7:10A-1.14, Table II (N), may be located no closer than one hundred (100) feet to a regulated well.

§ 26-2.7. Best Management Practice Performance Standard. [Ord. No. 05-2656 § 1]

Any applicant proposing any change in land use or activity that involves any PPS, as defined in subsection 26-2.6, that would be located either wholly or partially within any WHPA shall comply with and operate in a manner consistent with the following Best Management Practices:

a. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the ground water or surface waters.

b. Outdoor storage, dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.

c. Whenever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary contaminant and/or

diversionary structures which may include but not be limited to:

1. Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances, for the duration of a spill event.

2. Curbing.

3. Gutter, culverts and other drainage systems.

4. Weirs, booms and other barriers.

5. Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collecting systems.

6. Drip pans.

d. Secondary contaminant and/or diversionary systems, structure or equipment must meet the following standards:

1. The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the ground water or surface waters.

2. The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the contaminant area, plus additional capacity to compensate for any anticipated normal accumulation of rainwater.

3. In order to prevent the discharge of hazardous substances into the ground water, all components of the system shall be made of or lined with impermeable material sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.

4. No manufacturing area, processing area, transfer area, dike storage area, or other storage area, or secondary contaminant/diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP approved industrial wastewater treatment or pretreatment facility, or other NJDEP approved facility.

5. Catchment basins, lagoons and other contaminant areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.

e. Stormwater shall be managed so as to prevent contamination of groundwater, and so as to be in accordance with applicable laws and regulations of the State of New Jersey, and of the City of Summit.

§ 26-2.8. Operations and Contingency Plan. [Ord. No. 05-2656 § 1]

a. Any applicant proposing any change in land use or activity that involves PPS, as defined in subsection 26-2.6, that would be located either wholly or partially within any WHPA shall submit an Operations and Contingency Plan to the Administrative Authority. This Operations and Contingency Plan shall inform the Administrative Authority about the following aspects of the proposal:

   1. Types of PPS proposed for site;

   2. Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;

   3. Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into groundwater;

   4. Means to be used to contain or remediate accidental spillage of such materials;

   5. Means to notify Administrative Authority about any accidental spillage of such materials;

   6. Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, best management practices, as set forth in subsection 26-2.7, to protect groundwater in the WHPA and minimize the risk of potential ground water contamination.

b. The Administrative Authority shall review, and shall approve or reject any Operations and Contingency Plan prior to approving or denying the application for a land use change or activity.

c. Any Operations and Contingency Plan submitted shall be available for public review and comment.

§ 26-2.9. Enforcement. [Ord. No. 05-2656 § 1]

A prompt investigation shall be made by the appropriate personnel of the City of Summit of any person or entity believed to be in violation of this chapter. If, upon inspection, a condition which is in violation of this chapter is discovered, a civil action may be commenced in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this chapter shall be construed to preclude the City's right, pursuant to any applicable statute, to initiate legal proceedings under this chapter in Municipal Court. The violation of any section or subsection of this chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order pursuant to this chapter. Each day a violation continues shall be considered a separate offense.

§ 26-2.10. Violations and Penalty. [Ord. No. 05-2656 § 1]

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine as set forth in Chapter 1, Section 1-5, General Penalty, of the Code.

§ 26-3. PET WASTE.

§ 26-3.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to establish requirements for the proper disposal of pet solid waste in City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 26-3.2. Definitions. [Ord. No. 05-2666 § 1]

For the purpose of this section, 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.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER — Shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET — Shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Shall mean waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Shall mean placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 26-3.3. Requirement for Disposal. [Ord. No. 05-2666 § 1]

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 26-3.4. Exemptions. [Ord. No. 05-2666 § 1]

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§ 26-4. LITTER CONTROL. [Ord. No. 05-2666 § 1]

(See Chapter 3, POLICE REGULATIONS, Section 3-7, LITTER PREVENTION

REGULATIONS.)

§ 26-5. IMPROPER DISPOSAL OF WASTE.

§ 26-5.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-5.2. Definitions. [Ord. No. 05-2666 § 1]

For the purpose of this section, 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying stormwater.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER — Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 26-5.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the City of Summit is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 26-5.4. Exceptions to Prohibitions. [Ord. No. 05-2666 § 1]

a. Water line flushing and discharges from potable water sources

b. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters)

c. Air conditioning condensate (excluding contact and non-contact cooling water)

d. Irrigation water (including landscape and lawn watering runoff)

e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

f. Residential car washing water, and residential swimming pool or hot tub discharges

g. Sidewalk, driveway and street wash water

h. Flows from firefighting activities

i. Flows from rinsing of the following equipment with clean water: Beach maintenance equipment immediately following their use for their intended purposes; and - equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

   Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 26-6. WILDLIFE FEEDING.

§ 26-6.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 26-6.2. Definitions. [Ord. No. 05-2666 § 1]

For the purpose of this section, 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.

FEED — Shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE — Shall mean all animals that are neither human nor domesticated.

§ 26-6.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

No person shall feed, in any public park or on any other property owned or operated

by the City of Summit, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 26-6.4. Enforcement. [Ord. No. 05-2666 § 1]

With respect to this section, any person found to be in violation of this section shall be ordered to cease the feeding immediately.

§ 26-7. CONTAINERIZED YARD WASTE.

§ 26-7.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to establish requirements for the proper handling of yard waste in the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-7.2. Definitions. [Ord. No. 05-2666 § 1]

For the purpose of this section, 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.

CONTAINERIZED — Shall mean the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET — Shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE — Shall mean leaves and grass clippings.

§ 26-7.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

a. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street.

b. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this section.

§ 26-8. YARD WASTE COLLECTION PROGRAM. [Ord. No. 05-2666 § 1]

(See Chapter 23, SOLID WASTE MANAGEMENT)

§ 26-9. ILLICIT CONNECTIONS.

§ 26-9.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-9.2. Definitions. [Ord. No. 05-2666 § 1]

For the purpose of this section, 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE — Shall mean waste and wastewater from humans or household operations.

ILLICIT CONNECTION — Shall mean any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the City of Summit, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Shall mean nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. § 1317(a), (b), or (c)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT — Shall mean a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER — Shall mean water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling

water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER — Shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER — Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 26-9.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the City of Summit any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 26-10. FERTILIZER APPLICATIONS REGULATIONS.

§ 26-10.1. Purpose. [Ord. No. 09-2863 § 1]

The purpose of this section is to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality.

§ 26-10.2. Basis for Background. [Ord. No. 09-2863 § 1]

Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have

a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Placement of fertilizer shall be performed with a properly calibrated spreader to place the proper amount of nutrients in the soil. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management 'of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

§ 26-10.3. Definitions. [Ord. No. 09-2863 § 1]

For the purpose of this section, 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.

a. Buffer shall mean the land area, ten (10') feet in width, adjacent to any waterbody. (The buffer to ten (10') feet in width, with the additional requirement that a drop spreader be used for fertilizer application.

b. Fertilizer shall mean a fertilizer material, mixed fertilizer or any other substance containing one (1) or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

c. Impervious surface shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

d. Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

e. Phosphorus fertilizer shall mean any fertilizer that contains phosphorus, expressed as P2OS, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

f. Soils Test shall mean a technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research Extension.

g. Waterbody shall mean a surface water feature, such as a lake, river, stream, creek,

pond, lagoon, bay or estuary.

§ 26-10.4. Prohibited Conduct. [Ord. No. 09-2863 § 1]

No person may do any of the following:

a. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.

b. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.

c. Apply fertilizer within the buffer of any waterbody. All fertilizer applied within twenty-five (25') feet of a waterbody shall be spread with a drop spreader only.

d. Apply fertilizer more than fifteen (15) days prior to the start of or at any time after the end of the recognized growing season (Summit is in Zone 6b) March 1 to November 15.

e. Apply fertilizer without a properly calibrated spreader. The spreader shall be calibrated to the manufacturer's specifications.

§ 26-10.5. Phosphorus Fertilizer Application. [Ord. No. 09-2863 § 1]

No person may do the following:

a. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.

b. Exceptions.

1. Application of phosphorus fertilizer needed for:

(a) Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,

(b) Re-established or repairing a turf area.

2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.

3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

4. Application of phosphorus fertilizer to Reeves-Reed Arboretum container plantings, flowerbeds, or vegetable gardens.

5. Application of phosphorus fertilizer to City of Summit properties.

§ 26-10.6. Severability. [Ord. No. 09-2863 § 1]

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 26-11. RIPARIAN ZONES REGULATIONS.

§ 26-11.1. Definitions. [Ord. No. 10-2902 § 1]

The definitions of the words and/or terms utilized in this section shall be as defined in N.J.A.C. 7:15-1.5, Definitions, as they exist at the time of passage of this section and as they may change from time to time.

§ 26-11.2. Intent. [Ord. No. 10-2902 § 1]

It is the intent of this section to provide compliance with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance regulating new disturbances for projects or activities in riparian zones as part of a Wastewater Management Plan.

a. Compliance with the riparian zone requirements of this section does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

§ 26-11.3. Riparian Zone Protection. [Ord. No. 10-2902 § 1]

Riparian zones adjacent to all waters as described below in this paragraph shall be protected from avoidable disturbance:

a. A riparian zone fifty (50') feet wide shall be maintained along both sides of all waters in the City of Summit.

§ 26-11.4. Exceptions. [Ord. No. 10-2902 § 1]

a. The following disturbances are excepted:

    1. Redevelopment within the limits of existing impervious surfaces; and

    2. The Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), Subchapter 7, Permits by Rule, establishes permits-by-rule for certain regulated activities. This section hereby adopts by reference said Subchapter as it exists at the time of passage of this section and as it may be modified from time to time, as a means of allowing regulated activities in the riparian zone without any other permits or approvals, except as may be required by any other provisions of this Code (e.g., lot grading, tree removal, zoning, site plan). In addition, any permit-by-rule provision that requires notification to The New Jersey Department of Environmental Protection shall also be copied to the Township

Engineer.

3. New disturbance in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

§ 26-11.5. Adjustments. [Ord. No. 10-2902 § 1]

Adjustments to the riparian zones established by this section are allowed to the extent they comply with the Stormwater Management Rules (N.J.A.C. 7:8), and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).

§ 26-11.6. Repealer. [Ord. No. 10-2902 § 1]

All ordinances or parts of ordinances inconsistent with this section are hereby repealed to the extent of such inconsistencies.

§ 26-11.7. Severability. [Ord. No. 10-2902 § 1]

If any subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said subsection, paragraph, phrase or sentence shall be deemed severable.

§ 26-12. REFUSE CONTAINERS/DUMPSTERS.

§ 26-12.1. Scope and Purpose. [Ord. No. 10-2908 § 1]

The purpose of this section requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the City storm sewer system(s) operated by the City of Summit and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-12.2. Definitions. [Ord. No. 10-2908 § 1]

For the purpose of this section, 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm

drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying storm water.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER — Shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER — Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE — Shall mean 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.

§ 26-12.3. Prohibited Conduct. [Ord. No. 10-2908 § 1]

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City of Summit.

§ 26-12.4. Exceptions to Prohibition. [Ord. No. 10-2908 § 1]

a. Permitted temporary demolition containers.

b. Litter receptacles (other than dumpsters or other bulk containers).

c. Individual homeowner trash and recycling containers.

d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.

e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 26-12.5. Enforcement and Penalties. [Ord. No. 10-2908 § 1]

The enforcement of Section 26-12 shall be in accordance with Section 26-14. Penalties for violations of this section shall be in accordance with section 26-15.

§ 26-13. PRIVATE STORM DRAIN INLET RETROFITTING.

§ 26-13.1. Scope and Purpose. [Ord. No. 10-2909 § 1]

The purpose of this section is to require 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 City storm sewer system(s) operated by the City of Summit so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-13.2. Definitions. [Ord. No. 10-2909 § 1]

For the purpose of this section, 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying stormwater.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET — Shall mean 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.

WATERS OF THE STATE — Shall mean 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.

§ 26-13.3. Prohibited Conduct. [Ord. No. 10-2909 § 1]

No person in control of private property (except a residential lot with one (1) 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:

a. Already meets the design standard below to control passage of solid and floatable materials; or is retrofitted or replaced to meet the standard in subsection 25-13.4 below prior to the completion of the project.

§ 26-13.4. Design Standard. [Ord. No. 10-2909 § 1]

Storm drain inlets identified in subsection 26-13.3 above shall comply with the following

standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection 26-13.4c below.

a. 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:

   1. 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

   2. 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.

b. 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.

c. This standard does not apply:

   1. Where the City 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;

   2. 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:

      (a) A rectangular space four and five-eighths (4 5/8") inches long and one and one-half (1 1/2") inches wide (this option does not apply for outfall netting facilities); or

      (b) A bar screen having a bar spacing of 0.5 inches.

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

   4. 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.

§ 26-13.5. Enforcement and Penalties. [Ord. No. 10-2909 § 1]

The enforcement of Section 26-13 shall be in accordance with Section 26-14. Penalties for violations of this section shall be in accordance with Section 26-15.

§ 26-14. ENFORCEMENT. [Ord. No. 05-2666 § 3; Ord. No. 09-2863 § 2; Ord. No. 10-2902 § 2]

a. The provisions of this chapter shall be enforced by a prompt investigation made by the appropriate personnel of the City of Summit of any person or entity believed to be in violation of this chapter. Nothing in this chapter shall be construed to preclude the City's right, pursuant to any applicable statute, to initiate legal proceedings under this chapter in Municipal Court. The violation of any section or subsection of this chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order pursuant to this chapter. Each day a violation continues shall be considered a separate offense.

b. The provisions of Section 26-14 shall not apply to Section 26-11.

§ 26-15. VIOLATIONS AND PENALTY FOR SECTIONS 26-3 THROUGH 26-10. [Ord. No. 05-2666 § 4; Ord. No. 09-2863 § 3; Ord. No. 10-2902 § 2]

a. Any person(s) who is found to be in violation of the provisions of Sections 26-3 through 26-10 shall be subject to an initial fine of one hundred ($100.00) dollars per violation, which shall increase by one hundred ($100.00) dollars for each subsequent violation.

b. The provisions of Section 26-15 shall not apply to Section 26-11.