

**O:2006-11**

**AN ORDINANCE ESTABLISHING STORM WATER MANAGEMENT**

BE IT ORDAINED by the Town Council of the Town of Phillipsburg that the following Rules and Regulations be established in regards to Storm Water Management:

A. Submission of plan required. For all new construction for which a building permit is required, as well as for all soil removal for which a soil removal permit is required, within the Town of Phillipsburg, a storm water management plan must be submitted to the Town Engineer for review and approval as provided for in Subsection D. prior to any commencement of construction.

B. Contents of plan. Every storm water management plan submitted to the Town Engineer shall include the following data:

- (1) The name and address of the applicant
- (2) The lot and block numbers of the site as shown on the current Town Tax Map.
- (3) The location of the site within the watershed(s) as shown on a topographic map.
- (4) The location and description of significant natural and man-made features on and surrounding the site, including topography, steep slopes, all impervious surfaces, soil and drainage characteristics and presently existing storm water runoff control devices, mechanisms or areas.
- (5) The size of the nearest culvert or storm sewer downstream of the discharge area and the proposed storm water discharge from the site.
- (6) The location and description of any proposed changes to the site, whether of a permanent or temporary nature, with particular attention to impervious surfaces and interception of presently dispersed flow which may affect the capacity of the soil, vegetative cover and drainage ways to absorb, retard, contain or control storm water runoff.
- (7) The designation of critical or other areas to be left undisturbed, shown in sufficient detail to be accurately marked and identified on the land.
- (8) The approximate computation of the total storm water runoff before and after the disturbance of land and/or construction of impervious surfaces.
- (9) Any proposed temporary and permanent storm water management measures.

C. General guidelines. The storm water management plan shall adhere to the following general principles:

- (1) The rate and velocity from the site following completion of the planned development shall not exceed that which occurred in previous undisturbed ground cover.

(2) Maximum use shall be made of presently existing storm water runoff control devices, mechanisms or areas, such as existing berms, terraces, grass waterways, favorable hydrologic soils, swamps, swales, watercourses, woodlands and floodplains, as well as any proposed retention structures.

(3) Whenever practicable and when permitted by the zoning provisions of the Land Use Ordinance, the construction should aim to reduce the total area of impervious surface and not increase the runoff flow rate.

(4) Evaluation shall be made of the nature of the sub watershed(s) of which the site is a part, the receiving stream channel capacities and the points of concentration structure as shown on a Town map showing roads, streams, culverts, bridges, and the existing drainage Master Plans.

(5) To the greatest possible extent, the plan shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.

(6) Reestablishing vegetation cover shall be in accordance with Standards and Specifications for Soil Erosion and Sediment Control in New Jersey, current edition.

(7) The plan shall establish a time schedule for temporary and permanent storm water management measures during construction, to include seeding and establishing sod in grass waterways.

D. Review of plan. The storm water management plan shall be submitted to the Town Engineer for review and approval. If the applicant is before the Planning Board or Board of Adjustment, the Town Engineer shall report to the appropriate agency whether he approves or disapproves the storm water management plan. The agency may condition its approval of the applicant for site plan, subdivision or variance upon approval by the Town Engineer of the storm water management plan. In the event that the applicant disagrees with the decision of the Town Engineer regarding the storm water management plan, the applicant may take an appeal to the Board before which the application is being considered.

E. Design standards. The Town Engineer shall utilize the following design standards in reviewing the storm water management plan:

(1) The stormwater management design for all residential and nonresidential development shall be in conformance with the Stormwater Management Rules (N.J.A.C. 7:8) of the State of New Jersey and the New Jersey Stormwater Best Management Practices Manual published by the NJDEP dated April 2004 and amended thereafter. These rules set forth the required components of regional and municipal stormwater management plan and establish the stormwater management design and performance standards for new (proposed) development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls and Category One buffers. Details of the performance standards can be found in Subchapter 5 of the Stormwater Management Rules.

(2) All facilities are to be designed in a manner to retard velocities at the outfall and provide stream channel protection.

- (3) When a natural drainage pattern is necessarily intercepted, as by a street, this shall be provided for by proper engineering means.
- (4) All structures and land treatment practices shall conform to Standards and Specifications for Soil Erosion and Sediment Control in New Jersey, current edition.
- (5) All water-carrying structures and/or retention areas shall be completed and stabilized prior to diversion of water to them.
- (6) Prior to developing the storm water management plan, there shall be an inventory of the site showing all existing natural and man-made drainage related features. These shall be incorporated in the plan to the greatest possible extent in accordance with their functional capability.
- (7) Drainage ways and watercourses which normally carry or receive storm water runoff shall not be overloaded with increased runoff, sediment or other pollution resulting from disturbance of soil and vegetation incident to development, construction or other activity.
- (8) Due consideration shall be given to the relationship of the subject property to the natural or established drainage pattern of the sub watershed(s) of which it is a part.

F. Factors to guide plan review. The Town Engineer's review of the storm water management plan shall be guided by but not be limited to the following factors:

- (1) The suitability of the applicant's proposed storm water management measures, devices and planning techniques, whether involving on-site or off-site measures, or some combination thereof, in respect to the total storm water runoff, velocities and rates of discharges which the applicant's proposed construction or land disturbance may generate.
- (2) Existing topography, present vegetation and soil factors, subject to field verification.
- (3) Groundwater recharge and discharge areas and wet soils, as shown on the United States Department of Agriculture Soil Conservation Service Map, "Alluvial, Poorly Drained and Somewhat Poorly Drained Soils."
- (4) Groundwater quality, as determined by chemical and biological analysis, as required by the Town Engineer.
- (5) Soil characterization from the surface to the groundwater level.
- (6) The quantity of available groundwater.
- (7) Wastewater disposal and its effect on groundwater quality.
- (8) The seasonal high groundwater table.

- (9) The design storm.
- (10) The natural drainage flows and patterns in the sub watersheds affected by the plan.
- (11) Any existing land uses in both the immediate area and in the surrounding drainage region.
- (12) Any other applicable or relevant environmental and resource protection ordinances in effect.

G. Implementation and enforcement.

- (1) Building permits. No building permit shall be issued by the Building Inspector without an approval of the storm water management plan by the Town Engineer.
- (2) Inspection.
  - (a) The applicant shall bear full and final responsibility for the installation and construction of all required storm water runoff control measures according to the provision of his approved plan and this section. The Town Engineer shall inspect the site during its preparation and development to ensure that all storm water management measures have been constructed in accordance with the provisions of the applicant's approved plan under this section.
  - (b) The Town Engineer shall make periodic site visits after project completion to assure that all parts of the plan have been complied with.
- (3) Certificate of occupancy. No certificate of occupancy shall be issued by the Building Inspector unless and until receipt of a certification by the Town Engineer that the construction complies with the approved storm water management plan.

H. Special requirements for single-family dwellings. All single-family residential dwellings are exempt from the requirement in this section of submission of a storm water management plan. However, in all such dwellings, house leaders must be connected into an on-site dry well (of sufficient size to handle the discharge from the dwelling), a Town drainage facility or a Town drainage way approved by the Town Engineer. This section shall in no way be construed as limiting the power of the Board of Adjustment or the Planning Board to require submission of information and/or plans relating to storm water management.

I. Violations and penalties.

- (1) Any person violating the provisions of this section shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both.

(2) Any person convicted of a violation of any provision of this section shall be liable for the cost of correcting said violation.

#### CERTIFICATION

I, Michele D. Broubalow, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Town Council at their March 21, 2006 meeting.

---

MICHELE D. BROUBALOW, RMC