

Municipal Separate Storm Water System (MS4) Ordinances:

ORDINANCE 05-11
BOROUGH OF ALPHA
Article IV
Pet Waste

WHEREAS, the Borough Council of the Borough of Alpha has been advised by its engineer that certain ordinances are required to be adopted pursuant to changes made by the State of New Jersey in storm water regulations and related law,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Alpha that the present municipal code be amended and re-created as follows:

§ 134-44. Purpose.

An ordinance to establish requirements for the proper disposal of pet solid waste, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 134-45. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – 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.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – 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.

§ 134-46. Requirement for Disposal.

If any such person shall permit such dog to soil, defile, defecate or commit any nuisance in the aforesaid areas, he or she shall immediately remove and dispose of all feces and droppings deposited

by said dog, which removal shall be in a sanitary manner by shovel, container and disposal bag, or by other sanitary means, and shall dispose of such feces in a sanitary manner.

§ 134-47. Exemptions.

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.

§ 134-48. Enforcement.

The provisions of this Article shall be enforced by the Police Department, Warren County Health Department and the Alpha Borough Animal Control Officer.

§ 134-49. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of the maximum amount allowed by law, imprisonment for a term not to exceed 90 days or a period of community service for not more than 90 days, or any combination thereof, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 134-50. Severability.

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

NOTICE

NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 10/25/2005 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 11/29/2005 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.

CERTIFICATION

I, Laurie A. Courter, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on November 29, 2005 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie Courter, RMC, Borough Clerk

Harry Zikas Jr., Mayor

ORDINANCE 05-12
Article IV
Yard Waste Collection Program

WHEREAS, the Borough Council of the Borough of Alpha has been advised by its engineer that certain ordinances are required to be adopted pursuant to changes made by the State of New Jersey in storm water regulations and related law,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Alpha that the present municipal code be amended and re-created as follows:

§ 334-24. Purpose.

An ordinance to establish a yard waste collection and disposal program in the Borough of Alpha, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 334-25. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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. Containerized — means 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 storm water.
- b. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street — means 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.
- d. Yard Waste — means leaves and grass clippings.

§ 334-26. Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is not allowed. Placement of such yard waste at the curb or along the street at

any time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

§ 337-27. Enforcement.

The provisions of this ordinance shall be enforced by the Department of Public Works and the Zoning Officer of the Borough.

§ 334-28. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than the maximum amount allowed by law, imprisonment for a term not to exceed 90 days or a period of community service not to exceed 90 days, or any combination thereof, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 334-29. Severability.

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

NOTICE

NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 10/25/2005 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 11/29/2005 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.

CERTIFICATION

I, Laurie A. Courter, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on _____ and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie Courter, RMC
Borough Clerk

Ordained: _____, 2005

Harry Zikas Jr., Mayor

ORDINANCE 05-13
Article II
Improper Disposal of Waste

WHEREAS, the Borough Council of the Borough of Alpha has been advised by its engineer that certain ordinances are required to be adopted pursuant to changes made by the State of New Jersey in storm water regulations and related law,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Alpha that the present municipal code be amended and re-created as follows:

§ 340-17. Purpose.

An ordinance to prohibit the spilling, dumping, or disposal of materials other than storm water to the municipal separate storm sewer system (MS4) operated by the Borough of Alpha, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 340-18. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Borough of Alpha or other public body, and is designed and used for collecting and conveying storm water.
- b. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm water — 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.

§ 340-19. Prohibited Conduct.

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

§ 340-20. Exceptions to Prohibition.

- a. Water line flushing and discharges from potable water sources
 - b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- 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 discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - 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.

§ 340-21. Enforcement.

This ordinance shall be enforced by the Police Department and Zoning Officer of the Borough of Alpha.

§340-22. Penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than the maximum amount allowed by law, imprisonment for a term not to exceed 90 days or a period of community service not to exceed 90 days, or any combination thereof, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 340-23. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an

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

NOTICE

NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 10/25/2005 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 11/29/2005 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.

CERTIFICATION

I, Laurie A. Courter, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on _____ and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie Courter, RMC

Borough Clerk

Ordained: _____, 2005

Harry Zikas Jr., Mayor

ORDINANCE 05-14
Chapter 404
WILDLIFE FEEDING

WHEREAS, the Borough Council of the Borough of Alpha has been advised by its engineer that certain ordinances are required to be adopted pursuant to changes made by the State of New Jersey in storm water regulations and related law,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Alpha that the present municipal code be amended and re-created as follows:

§ 404-1. Purpose.

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Alpha, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 404-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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. Feed — 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.
- b. Person — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife — all animals that are neither human nor domesticated.

§ 404-3. Prohibited Conduct.

- a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Alpha, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 404-4. Enforcement.

- a. This ordinance shall be enforced by the Police Department and Zoning Officer of the Borough.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§ 404-5. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than the maximum amount allowed by law, imprisonment for a term not to exceed 90 days or a period of community service not to exceed 90 days, or any combination thereof, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 404-6. Severability.

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

NOTICE

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CERTIFICATION

I, Laurie A. Courter, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on _____ and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie Courter, RMC

Borough Clerk

Ordained: _____, 2005

Harry Zikas Jr., Mayor

ORDINANCE 05-15

BOROUGH OF ALPHA

Illicit Connection Ordinance

WHEREAS, the Borough Council of the Borough of Alpha has been advised by its engineer that certain ordinances are required to be adopted pursuant to changes made by the State of New Jersey in storm water regulations and related law,

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Alpha that the present municipal code be amended and re-created as follows:

SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Alpha, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection — any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than storm water) to the municipal separate storm sewer system operated by the Borough of Alpha, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Storm water General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic 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)).
- d. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying storm water.
- e. NJPDES permit – 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

- f. Non-contact cooling water - 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.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater - 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, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. Storm water — 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.

SECTION III. Prohibited Conduct:

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

SECTION IV. Enforcement:

This ordinance shall be enforced by the Pohatcong Township Police Department and/or other officials on behalf of the Borough of Alpha .

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed maximum amount allowed by law.

SECTION VI. Severability:

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

SECTION VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 10/25/2005 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 11/29/2005 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.

CERTIFICATION

I, Laurie A. Courter, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on 11/29/2005 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie Courter, RMC

Borough Clerk

Ordained: _____, 2005

Harry Zikas Jr., Mayor

ORDINANCE 06-03
AMENDING SECTION 350-19 TITLED “DRAINAGE” TO ADD TO THIS SECTION
“STORM WATER MANAGEMENT”

350–19 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 Borough of Alpha, a storm water management plan must be submitted to the Borough 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 Borough 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 Borough 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 Borough 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 Borough Engineer for review and approval. If the applicant is before the Planning Board or Board of Adjustment, the Borough 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 Borough Engineer of the storm water management plan. In the event that the applicant disagrees with the decision of the Borough 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 Borough 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 Borough 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 Borough 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 Borough 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 Borough 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 Borough 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 Borough 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 a Borough drainage facility or Borough drainage way if possible and approved by the Borough 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.

NOTICE IS HEREBY GIVEN, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 03-28-06 at the Alpha Municipal Building at 1001 East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 05-09-06 at 7:00 p.m. at the Alpha Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same

Certification

By: _____
Laurie Courter, RMC

Adopted: May 9, 2006

**ORDINANCE 2013-11
BOROUGH OF ALPHA
AN ORDINANCE ADDRESSING PRIVATE STORM DRAIN
INLET RETROFITTING ORDINANCE**

SECTION I. PURPOSE

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

SECTION II. DEFINITIONS.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter 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. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Alpha or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet – an opening in a storm drain used to collection stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means 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.

SECTION III. PROHIBITED CONDUCT.

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

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

SECTION IV. DESIGN STANDARD.

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- d. Where the New Jersey Department of Environment 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.

SECTION V. ENFORCEMENT.

This ordinance shall be enforced by the police department covering the Borough of Alpha, the Code Enforcement Official or any other designated official of the Borough of Alpha.

SECTION VI. PENALTIES.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. SEVERABILITY.

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

SECTION VIII. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

PUBLIC NOTICE is hereby given that the above-entitled Ordinance was introduced and passed at first reading at a meeting of the Borough Council of the Borough of Alpha held on June 25, 2013 at the Municipal Building, 1001 East Boulevard, Alpha, New Jersey. A public hearing regarding same will be held at a meeting beginning at 7:00 p.m. on August 13, 2013 at the Municipal Building, 1001 East Boulevard, Alpha, New Jersey at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Laurie Barton, RMC

CERTIFICATION

I, Laurie Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on August 13, 2013 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie A. Barton, Borough Clerk

Witness my hand and seal of the Borough of Alpha

This 13th day of August 2013.

**ORDINANCE 2013-12
BOROUGH OF ALPHA
AN ORDINANCE ADOPTING RULES AND REGULATIONS
FOR REFUSE CONTAINERS AND DUMPSTERS IN THE BOROUGH OF ALPHA**

WHEREAS, the State of New Jersey Department of Environmental Protection (hereafter “NJDEP”) requires a municipal stormwater general permit in order to authorize new and existing

stormwater discharges to surface water and groundwater from the small municipal separate storm sewer system (MS4) owned by the Borough; and

WHEREAS, the NJDEP Tier A Municipal Stormwater General Permit (NJ0141852) requires Tier A Municipalities to adopt and enforce an ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and which prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers, excluding permitted temporary demolition containers, refuse containers at industrial facilities authorized to discharge stormwater under a valid NJDES permit, litter receptacles, and containers that hold large bulky items (e.g., furniture, bound carpet and padding) only.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Alpha as follows:

SECTION 1. PURPOSE.

This ordinance 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 discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the Borough of Alpha 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.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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. Municipal separate storm water system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,

manmade channels, or storm drains) that is owned or operated by the Borough of Alpha or other public body, and is designed and used for collection and conveying storm water.

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means 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.
- e. Water of the State – means 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.

SECTION 3. PROHIBITED CONDUCT.

Any person who controls, whether owner, 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 room storm sewer system(s) operated by the Borough of Alpha.

SECTION 4. EXCEPTIONS TO PROHIBITION.

- a. Permitted temporary demolition container.
- b. Litter receptacles (other than dumpsters or other bulk containers).
- c. Individual homeowner trash and recycling containers.

- d. Refuse containers and facilities authorized to discharge storm water under a valid NJPDES permit.
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup).

SECTION 5. ENFORCEMENT.

This ordinance shall be enforced by the police department patrolling the Borough of Alpha and/or the Code Enforcement Officer of the Borough of Alpha.

SECTION 6. PENALTIES.

- a. Violation or no-compliance with any provision of this ordinance shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and no more than One Thousand Dollars (\$1,000.00) for a first offense, and a minimum of Two Hundred Dollars (\$200.00) and no more than Two Thousand Dollars (\$2,000.00) for each subsequent offense.
- b. Notwithstanding the penalty set forth in the above section, if a second offense occurs more than two years after the first offense, the fines shall be imposed in the amounts provided for a first offender.

SECTION 7. SEVERABILITY.

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

SECTION 8. EFFECTIVE DATE.

This ordinance will take place upon adoption at final hearing and publication according to law.\

PUBLIC NOTICE is hereby given that the above-entitled Ordinance was introduced and passed at first reading at a meeting of the Borough Council of the Borough of Alpha held on June

25, 2013 at the Municipal Building, 1001 East Boulevard, Alpha, New Jersey. A public hearing regarding same will be held at a meeting beginning at 7:00 p.m. on August 13, 2013 at the Municipal Building, 1001 East Boulevard, Alpha, New Jersey at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Laurie Barton, RMC

CERTIFICATION

I, Laurie Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council at a meeting of said Common Council on August 13, 2013 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

Laurie A. Barton, Borough Clerk

Witness my hand and seal of the Borough of Alpha

This 13th day of August 2013.