

**TOWNSHIP OF LONG HILL
ORDINANCE 528-23
AN ORDINANCE AMENDING SECTION 146 OF THE TOWNSHIP LAND USE ORDINANCE TO
INCLUDE REQUIREMENTS FOR MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT
SYSTEMS**

Statement of Purpose: To amend the requirements for Stormwater Management to include mandatory maintenance requirements and reporting of maintenance activities on stormwater management systems constructed as a part of a major stormwater development.

WHEREAS, the Township of Long Hill maintains a Tier A Municipal Stormwater General Permit, which authorizes the discharge of stormwater from small municipal separate storm sewers, generally referred to as the Tier A MS4 Stormwater Permit; and

WHEREAS, the Tier A MS4 Stormwater Permit issued to the Township requires compliance with the US Environmental Protection Agency's (EPA's) Phase II Rules; and

WHEREAS, the Tier A MS4 Stormwater Permit requires the Township to establish requirements for the routine maintenance, repair, and recording of all stormwater management systems, both privately and publicly owned within the Township, constructed in accordance with "Major Development", as defined in Section LU-146.2 of the Township Land Use Ordinance; and

WHEREAS, the Township is required, under the terms of the Tier A MS4 Stormwater Permit, to establish requirements within its Land Use Ordinance that, at minimum, meet the requirements set forth in the State of New Jersey, Department of Environmental Protection Rules and Regulations pertaining to Stormwater Management, NJAC 7:8.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township Land Use Ordinance is amended as follows:

Section 1. Section LU-146 of the Township Land Use Ordinance entitled "Stormwater Management" is amended as follows:

§ LU-146.5 Maintenance and Repair of Stormwater Management Systems.

- a. All projects meeting the definition of Major Development, as defined in §LU-146.2, shall be required to include a maintenance and reporting plan as described herein.
- b. The property owner, or design engineer, shall prepare a maintenance plan meeting the following requirements:
 1. 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 preventive 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.
 2. 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.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding 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.
 4. If the party responsible for maintenance identified under subsection LU-146.5.b.2 above is not a public agency, the maintenance plan and any future revisions based on subsection LU-146.5.b.6 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 5. Preventive 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.
 6. The party responsible for maintenance identified under subsection LU-146.5.b.2 above shall perform all of the following requirements:
 - a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed;
 - c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsection LU-146.5.b.5 and b.6 above; and
 - d. Obtain an annual stormwater maintenance permit from the township in accordance with subsection LU-146.6.
 7. The requirements of subsection LU-146.5.b.2 and b.3 do not apply to stormwater management facilities that are dedicated to and accepted by the township or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department of Environmental Protection.
 8. 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 township shall notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The township, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the township may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such a bill may result in a lien on the property.
- c. Nothing in this subsection shall preclude the township 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.

§ LU-146.6 Inspection and Permitting of Stormwater Management Systems

- a. All stormwater management facilities are to be maintained by the responsible party or homeowner association in accordance with the approved maintenance plan.

- b. All stormwater management facilities for major developments are required to obtain a Stormwater Maintenance Permit from the Long Hill Township Engineering Department.
1. The Annual fee for the Stormwater Maintenance Permit shall be \$50.
 2. The Stormwater Maintenance Permit shall be renewed each year no later than January 31st.
 3. A detailed inspection and maintenance report shall be submitted annually no later than January 31st to the Long Hill Township Engineering Department.
 4. The inspection and maintenance report shall include and not be limited to:
 - i. Stormwater inlets and manholes.
 - ii. Detention basin outflow structures.
 - iii. Trash racks and overflow grates.
 - iv. Vegetation.
 - v. Embankment erosion control.
 - vi. Sediment removal and pond maintenance.
 - vii. Mechanical Treatment Devices utilizing filters shall have a record of filter replacement as per the manufacturer's specifications.
 - viii. Green infrastructure measures.
 - ix. All other stormwater measures identified within the Operations and Maintenance Manual as system components at the time the Manual is accepted by the Township.

§ LU-146.7 Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Stormwater Management Ordinance, or otherwise violates the requirements of §LU-146, shall be liable to the penalties set forth in Chapter 1, Section 1-5 of this Code.

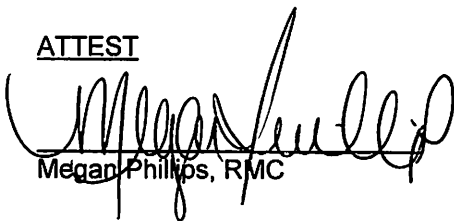
Section 2. In all other respects, Section LU-146 of the Township Code shall remain unchanged.

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof and hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section, or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section, or provision of this ordinance except insofar as the article, section, or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST


Megan Phillips, RMC


Scott Lavender, Mayor

First Reading and Introduction: October 11, 2023

1st Publication: Morris Daily Record October 16, 2023

Referral to the Planning Board: October 12, 2023

Notice to County Planning Board Prior to Adoption: October 12, 2023

Notice to Clerks of Adjoining Municipalities (if required): October 12, 2023

Second Reading and Adoption: October 25, 2023

2nd Publication: Echoes Sentinel November 2, 2023

Filing with County Planning Board: October 26, 2023