



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **ORDINANCE #2419**

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards  
Chapter 17 “Stormwater Management,” to  
Add Section 6 “Maintenance of Stormwater Facilities”

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 17 “Stormwater Management” be Amended to Add Section 6 “Maintenance of Stormwater Facilities” of the Revised General Ordinances of the Township of Bernards.

### **§ 17-6 Maintenance of Stormwater Facilities**

#### **§ 17-6.1 Purpose**

This section requires the adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by Bernards Township and not subject to the conditions of another NJPDES stormwater permit regardless of the ultimate discharge point of the facility.

#### **§ 17-6.2 Definitions**

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.

#### **COMMUNITY ASSOCIATION**

Shall mean any organization responsible for the maintenance or ownership of a common element that operates a stormwater management facility and commonly known as homeowner’s associations (HOA). Community Associations shall include Ownership Organizations as defined by Bernards Township ordinance 21-58A.3.

#### **DEVELOPMENT**

Shall mean as defined by N.J.A.C. 7.8 et. seq.

#### **MINOR DEVELOPMENT**

Shall mean any development not defined as a major development.

**MAJOR DEVELOPMENT**

Shall mean any development defined as a major development by N.J.A.C. 7.8 et. seq.

**NJDEP**

Shall mean the State of New Jersey Department of Environmental Protection.

**NJDEP Stormwater Regulations**

Shall mean regulations of the State of New Jersey N.J.A.C. 7.8 et. seq.

**OPERATOR**

Shall mean the entity responsible for the inspection and maintenance of a stormwater facility as the owner, agent, or community association.

**REDEVELOPMENT**

Shall mean as defined by N.J.S.A. 40A:12A.

**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.

**STORMWATER FACILITY**

Shall include, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, manufactured treatment devices, wet basins, rain gardens, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include stormwater management measures.

**STORMWATER FACILITY CERTIFICATION**

Shall mean the annual certification submitted to the Township from the owner or operator of a stormwater facility attesting to the facility's maintenance and proper operation.

**STORMWATER FACILITY PERMIT**

Shall mean a permit issued by the Township to a property owner, homeowner's association, business or other entity to construct, alter and operate a stormwater facility.

**STORMWATER MANAGEMENT BASIN**

Shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (a detention basin or

infiltration basin), retain water in a permanent pool (a retention basin or wet pond), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

### **STORMWATER MANAGEMENT MEASURE**

Shall mean 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 non-stormwater discharges into stormwater conveyances. Stormwater management measures include stormwater facilities.

### **SUBSURFACE INFILTRATION TRENCH/DETENTION SYSTEM**

Shall mean a vault or other storage structure, perforated pipe and/or stone bed that is located partly or entirely below the ground surface and that temporarily stores and attenuates stormwater runoff.

### **§ 17-6.3 Prohibited Conduct**

No person shall construct, alter or eliminate, or cause to be constructed, altered, or eliminated a stormwater facility without the approval of the Bernards Township Engineering Services Department. No person shall cause by neglect of maintenance the operational decline or failure of a stormwater facility. No person shall operate a stormwater facility not designed in accordance with or that fails to function in accordance with Township ordinances and NJDEP stormwater regulations.

### **§ 17-6.4 Stormwater Facility Permit Required**

As of the effective date of this section, notwithstanding any other provision of law to the contrary, no person shall construct, alter, operate or eliminate any stormwater management measure within the Township of Bernards without first obtaining a Stormwater Facility Permit from the Bernards Township Engineering Services Department except any stormwater facility constructed prior to the effective date of this section shall not necessitate a Stormwater Facility Permit unless required by the Bernards Township Engineering Services Department upon notice to the owner.

A design prepared by a New Jersey Licensed Professional Engineer is required for all Stormwater Facility Permit applications including plans, details, soil permeability test results, design calculations, and a stormwater maintenance plan as required by the Township Engineer.

Any operator of any stormwater facility that is not functioning properly shall obtain a Stormwater Facility Permit, upon notice from the Bernards Township Engineering Services Department. The Township Engineer shall require any corrective action necessary.

### **§ 17-6.5 Fees**

Each separate stormwater system shall be assessed an annual fee of \$200 due by October 1. Fees shall be due with the submittal of the annual Stormwater Facility Certification. There shall be no fee for individual residential stormwater facilities of single-family homes.

#### **§ 17-6.6 Stormwater Facility Maintenance and Certification**

- a. All operators of stormwater facilities that are part of a major development or all development and redevelopment projects that disturb less than one acre but include individual stormwater systems and are part of a larger development that ultimately disturbs one acre or more, and constructed after February 7, 1984, must annually certify no later than October 1 their stormwater facilities' maintenance and proper operation.
- b. All private stormwater facilities, including major and minor development, shall be maintained by the owner/operator in accordance with NJDEP best management practices and any approved maintenance plan. All owners subject to 17-6.6.a above shall maintain logs of inspections, inspector's name, inspection dates, regular maintenance, and any corrective action and shall produce the records upon demand from the Township. Stormwater facilities in a minor development are not required to keep maintenance records.
- c. All stormwater management facilities are subject to inspection by the Township upon notice to the owner or operator to verify compliance with this section. Failure to consent to inspection of the facility by the Township shall be considered a violation of this section.
- d. The certification shall include the type of facility inspected, location information of the facility inspected, name of inspector, date of inspection, findings, any preventative or corrective maintenance performed and certification that the facility is functioning as designed. Certification shall be submitted only on forms provided by the Township. The certification may be endorsed by the owner, agent or operator.
- e. The Stormwater Facility Certification includes but is not limited to the following annual inspections of private facilities by the entity responsible for operation of the facility as applicable:
  1. Outflow structures
  2. Trash racks and overflow grates
  3. Low flow channels
  4. Detention basin escape provisions
  5. Embankment erosion
  6. Catch basin cleaning
  7. Dry well cleaning
  8. Manufactured pretreatment device maintenance
  9. Vegetation management
  10. Debris removal

#### **§ 17-6.7 Registration**

All Community Associations/Homeowner Associations shall register on forms provided by the Township within 60 days of the adoption of this ordinance or the creation of the association as per N.J.A.C. 5:26-8.4. Registration shall include a description of the stormwater facilities the Association maintains and contact information. Contact information shall be updated annually.

**§ 17-6.8 Enforcement**

This section shall be enforced by the Engineering Services Department of the Township of Bernards.

**§ 17-6.9 Violations & Penalties**

Any person or entity found to be in violation of the provisions of this section shall be subject to a minimum penalty, which shall consist of a fine which may be fixed at any amount not to exceed \$500 per incident. Each day the violation is not abated shall be considered a separate incident.

**§ 17-6.10 Severability**

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

**§ 17-6.11 Effective Date**

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

<p><b>Explanatory Statement</b></p> <p>New NJDEP regulations require the creation of an inspection program of both public and private drainage facilities. This ordinance establishes the requirements for the annual program and the obligation of property owners and HOAs to certify the maintenance and proper functioning of their stormwater systems. Maintenance of stormwater systems reduces water pollution.</p> <p>Date: 5/28/19 <span style="float: right;">Thomas Timko, P.E., C.M.E., Township Engineer</span></p>
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**TOWNSHIP OF BERNARDS  
PUBLIC NOTICE**

Ordinance #2419 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 05/28/2019 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 06/11/2019 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board [www.bernards.org](http://www.bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk

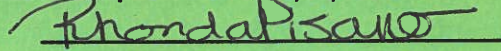
**TOWNSHIP OF BERNARDS  
PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2419 was introduced and passed on first reading at a meeting of the Township Committee on 05/28/2019, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 06/11/2019.

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk

**CERTIFICATION**

I hereby certify this is a true and exact copy of an Ordinance adopted by the Bernards Township Committee on 06/11/2019.



**Rhonda Pisano, Municipal Clerk**

