

**ORDINANCE NO. O2024x01
TOWN OF BELVIDERE
WARREN COUNTY, NEW JERSEY
AN ORDINANCE CREATING CHAPTER 437 OF THE CODE OF THE TOWN OF
BELVIDERE ENTITLED “STORMWATER QUALITY”**

**CHAPTER 437
STORMWATER QUALITY**

Section I:

In furtherance of the Town’s redesignation by the New Jersey Department of Environmental Protection (NJDEP) to a Tier A stormwater general permit, the following new Chapter 437 is hereby established to implement mandatory ordinances required by the Tier A designation.

**Article I
Illicit Connections**

§437-1. Purpose

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

§437-2. 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 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 - and physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater or other industrial waster (other than stormwater) to the municipal separate storm sewer system (MS4) operated by the Town of Belvidere, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows or overflows into the MS4.
- c. Industrial waste non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b) or © of the Federal Clean Water Act (33 U.S.C. §1317 (a), (b) or ©).
- d. 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 are owned and operated by the Town.
- e. NJPDES permit - a permit issued by the NJDEP to implement the NJPDES rules at N.J.A.C. 7:14A.
 - f. Non-contract 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 on-contact cooling water.
 - i. Stormwater - water resulting from precipitation (including rain or 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.

§437-3. Prohibited Conduct

No person shall discharge or cause to be discharged through an illicit connection to the MS4 operated by the Town any domestic sewage, non-contact cooling water, process wastewater or other industrial waster (other than stormwater).

Article II Improper Disposal of Waste

§437.4. Purpose

An ordinance to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal MS4 operated by the Town, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

§437.5. 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 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. 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 are owned and operated by the Town or other public body and is designed and used for collecting and conveying stormwater.

- b. Person - any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater - water resulting from precipitation (including rain or 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.

§437-6. Prohibited Conduct

The spilling, dumping or disposal of materials other than stormwater to the MS4 operated by the Town 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 MS4 is also prohibited.

§437-7. 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 water runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential care 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:
 - 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 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.

Article III Yard Waste Collection Program

§437-8. Purpose

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

§437-9. 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 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 stormwater.
- 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 area within the street lines.
- d. Yard Waste - means leaves and grass clippings.

§437-10. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other 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.

Article IV Pet Waste

§437-11. Purpose

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

§437-12. 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 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 process, maintain, house or harbor any pet or

- otherwise have custody of any pet, whether or not the owner of said 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 disposed into a system designed to convey sewage for proper treatment and disposal.

§437-13. Requirement for Disposal

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.

§437-14. Exemptions

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

Article V Private Storm Drain Inlet Retrofitting

§437-15. 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 MS4 operated by the Town so as to protect the public health, safety and welfare and to prescribe penalties for failure to comply.

§437-16. 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 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. 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 are owned and operated by the Town or other public body and is designed and used for collecting and conveying stormwater.
- 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 collect 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.

§437-17. 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 and 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 material; or
- b. Is retrofitted or replaced to meet the standard in Section 437-18 below prior to the completion of the project.

§437-18. Design Standards

Storm drain inlets identified in Section 437-17 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 437-18(c) 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) square inches, or is no greater than 0.5 inches across the smallest dimension.
Examples of grates subject to this standard include 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 no more than seven (7) square inches or be no greater than two (2) inches

- across the smallest dimension.
- c. This standard does not apply:
1. Where a 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;
 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 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.
 3. Where flows are conveyed through a trash rack that has parallel bars of one inch (1") spacing between the bars; or
 4. Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places rules at N.J.A.C. 7:4-7.2©, 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.

Article VI Privately-Owned Salt Storage

§437-19. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned by the municipality (privately-owned), including residences in the Town to protect the environment, public health, safety and welfare and to prescribe penalties for failure to comply.

§437-20. 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 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. De-icing - materials means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- b. Impervious surface - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- c. Storm drain inlet - the point of entry into the storm sewer system.
- d. Permanent structure - a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and

walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey boundaries or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-off and run through and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided;
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- e. Person - any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- f. Resident - a person who resides on a residential property where de-icing material is stored.

§437-21. De-icing Material Storage Requirements

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during activities, tracked materials shall be swept back into the storage pile and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - The cover shall be waterproof, impermeable and flexible;
 - The cover shall extend to the base of the pile(s);
 - The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
 - Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down the base of the pile. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
 5. Containers must be sealed when not in use.
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- b. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent and ths not restricted to October 15th - April 15th.

- c. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§437-22. Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

Article VII Wildlife Feeding

§437-23. Purpose

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

§437-24. 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 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, company, distribute or scatter and 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 or domesticated.

§437-25. Prohibited Conduct

- a. No person shall feed, in any public park or on any other property owned or operated by the Town any wildlife, excluding confined wildlife (e.g. wildlife confined in zoos, parks or rehabilitation centers or unconfined wildlife at environmental education centers or feral cats as part of an approved Trap-Neuter-Release program).

§437-26. Enforcement

The provisions of this Chapter may be enforced by the Zoning Official, Municipal Engineer, Police Department, Animal Control Officer, Municipal Clerk/Administrator or other individual designated by the Mayor and Town Council.

§437-27. Penalty

A violation of this Chapter shall be subject to a fine not exceeding \$25.00.

Section II:

Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, said provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section III:

Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section IV:

Effective date. This Ordinance shall take effect after the second reading, public hearing, adoption and publication in accordance with the law.

NOTICE

The foregoing ordinance was introduced at a regular meeting of the Belvidere Town Council held on January 22, 2024 and was read for the first time. This ordinance will be further considered for final adoption by the Belvidere Town Council at a meeting to be held on February 26, 2024 at Belvidere Town Hall, 691 Water St., Belvidere at 7:00 PM or at any time and place to which said meeting may be adjourned. All interested persons will be given the opportunity to be heard concerning said ordinance at that time. Any member of the general public can obtain a copy of said ordinance at no cost at the Municipal Clerk's Office, 691 Water St., Belvidere, Monday through Friday from 9:00 AM to 4:30 PM.

Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator

NOTICE

Be advised that the foregoing ordinance was duly adopted by the Belvidere Town Council at a regular meeting held on February 26, 2024.

Teresa A. Yeisley, RMC/CPM
Municipal Clerk/Administrator