



ORDINANCE NO. 2024-13

61 Church Road
Milford, New Jersey 08848
Phone (908) 995-4847
Fax (908) 995-7112
www.hollandtownshipnj.gov

ORDINANCE TO AMEND CHAPTER 100 - PART 3 OF THE CODE OF THE TOWNSHIP OF HOLLAND ENTITLED "STORMWATER MANAGEMENT" TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT N.J.A.C. 7:8, ADOPTED JULY 17, 2023

WHEREAS, The Township of Holland has a Stormwater Management Ordinance pursuant to the requirements in N.J.A.C. 7:8, and its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Management Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on July 17, 2023; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Management Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before July 17, 2024; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR, TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY THAT CHAPTER 100 – PART 3 OF THE CODE OF THE TOWNSHIP OF HOLLAND, ENTITLED "STORMWATER MANAGEMENT", IS AMENDED AS FOLLOWS:

Section One - Chapter 100 - Part 3 of the Code of the Township of Holland entitled "Stormwater Management" shall be replaced in its entirety as follows:

Chapter 100 – Land Use

Part 3 - Stormwater Management

Article XXIV Stormwater Management Regulations

§100-182. Scope, Purpose, and Fees:

- A. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- B. The purpose of this Part 3 is to establish minimum stormwater management requirements and controls for "major development," and "minor development" as defined below in §100-183.

C. Applicability

1. This Part 3 shall be applicable to the following major developments:
 - a. Non-residential major developments and redevelopment projects; and
 - b. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This Part 3 shall also be applicable to all major developments undertaken by the Township of Holland and other governmental agencies.
3. Applicability of this Part 3 to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.
4. This Part 3 shall be applicable to all applications for soil removal under Chapter 140 and building permits that are not subject to subdivision or site plan review that meet the definition of "Major Development."

[Added 8-21-2018 by Ord. No. 2018-09]

5. The quantity reduction provisions of this Part 3 shall be applicable to any person, partnership, corporation, or public agency that is not defined as a "major development" and which shall by any means whatsoever increase the quantity or velocity of stormwater runoff emanating from the developed land area, hereinafter referred to as "minor development." Excluding the development of any area from the effective date hereof by the construction or installation of any impervious surface less than 2,000 square feet.

[Added 8-21-2018 by Ord. No. 2018-09]

D. Review and inspection fees.

1. Review fees.
 - a. When stormwater management plans are required to be prepared and submitted for review and approval under this Part 3, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of Chapter 100 of this Code.
 - b. A review fee, as established in Chapter 83, Fees, shall be paid to the Township whenever:
 - i. A stormwater management plan is required to be prepared and submitted for review and approval under this Part 3, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
 - ii. A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Township Planning Board or Board

of Adjustment, and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

2. Inspection fees.

- i. When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.
- ii. When stormwater management improvements are constructed in conjunction with minor subdivision approval, major developments not subject to subdivision or site plan approval, or variance approval for which no site plan was required, then a construction inspection escrow account shall be established with the Township in the manner as provided in Chapter 100 of this Code and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

[Added 8-21-2018 by Ord. No. 2018-09]

E. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

F. Permit Required

[Added 8-21-2018 by Ord. No. 2018-09]

1. For major development applications not subject to subdivision or site plan review, a lot grading and stormwater management plan with supporting calculations shall be filed with the Zoning Officer in accordance with this Part 3. The plans and calculations shall be forwarded to the Township Engineer for review and approval. No building permit or land disturbance shall be issued or commence until approved by the Municipal Engineer. No certificates of occupancy shall be issued until as-built plans are submitted to the Township Engineer with any other required proofs that the plan, and any conditions of plan approval, have been fully met and complied with.

§100-183. 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 used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference and the definitions below.

CARBONATE ROCK AREA

An area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite, has been identified. See also "limestone area," "karst terrain."

[Added 8-21-2018 by Ord. No. 2018-09]

CURRENT DEFICIT AREA

Any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative net water availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

[Added 8-21-2018 by Ord. No. 2018-09]

MINOR DEVELOPMENT

Any development, not meeting the requirements of a major development, that involves the new construction or installation of impervious surfaces equal to or greater than 2,000 square feet hereinafter the effective date of this Part 3.

[Added 8-21-2018 by Ord. No. 2018-09]

REDEVELOPMENT

Any land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to, the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land-disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

[Added 8-21-2018 by Ord. No. 2018-09]

§100-184. Design and Performance Standards for Stormwater Management Measures:

- A. This subsection establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies.
1. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.
 2. The standards in this Part 3 for projects that do not meet the requirements of a new major development but are considered minor developments are intended to minimize the impact of stormwater runoff and water quantity.
[Added 8-21-2018 by Ord. No. 2018-09]
 3. Projects located in a current deficit area: Where the project is located in a current deficit area as identified in Exhibit A, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for one of the following provisions:
[Added 8-21-2018 by Ord. No. 2018-09]
 - a. Recharge 125% of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
 - b. In addition to complying with the requirements of NJAC 7:8-5 with regards to Groundwater Recharge, retain on-site with no discharge the stormwater quality design volume (SWQDV), defined as the runoff from the 1.25-inch, two-hour rainfall event. Groundwater recharge or infiltration performed in compliance with NJAC 7:8-5 may count toward required retention

of the SWQDv. Where groundwater recharge will result in equal or greater retention than required to meet the SWQDv, then it shall constitute compliance with this Part 3. Where meeting the groundwater recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this part through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

4. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 5. below.
5. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - iii. Carbonate rock areas, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (Note: The mere presence of carbonate bedrock does not constitute a karst feature).

[Added 8-21-2018 by Ord. No. 2018-09]

6. The design engineer shall assess and certify the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to, raising the groundwater table so as to cause surface ponding, flooding of basements and other subsurface facilities, and interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity of a groundwater recharge measure.
7. Mitigation required. In lieu of on-site recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation, on-site if possible and/or practical, or within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required groundwater recharge volume on their specific site.

[Added 8-21-2018 by Ord. No. 2018-09]

§100-184.1 Stormwater Management Requirements for Minor Developments:

[Added 8-21-2018 by Ord. No. 2018-09]

- A. This section establishes design and performance standards for development defined as a "minor development" in §100-183 above to minimize the adverse impact of stormwater runoff on water quantity in receiving water bodies.
- B. Application for Approval.
1. In cases where the development of land involves the construction of a building or other facility requiring a construction permit or application to the Planning or Zoning Board of Adjustment, the Zoning Officer shall determine whether the development involves the construction or installation of an impervious surface equal to or greater than 2,000 square feet. If the extent of work to be undertaken is such that requires review and approval with regard to the provisions of this article, the applicant shall proceed to submit an application and other data as outlined in § 100-187A and B to the Township Engineer. The Township Engineer shall approve, tentatively disapprove, or disapprove the application within 35 calendar days after submitted to him.
 2. In cases where the development does not require the construction of a building or other facility requiring a construction permit, the applicant shall submit an application and other data as outlined in § 100-187A and B herein, directly to the Township Engineer for review. The Township Engineer shall approve, tentatively disapprove, or disapprove the application within 35 calendar days after submitted to him. If disapproved, the applicant may seek relief from the Planning Board under N.J.A.C. 7:8-5.2e, incorporated herein as reference, or §100-187C.
- C. Data required. Any application for minor developments must be accompanied by the following data with the payment of the appropriate fees:
1. Plot plan showing dimensions of the property, proposed buildings dimensioned from each side to the shortest lot line, driveways, patios, sidewalks, etc. The plan shall include existing and proposed elevations and contour lines over the entire area of the proposed property, together with watercourses and an indication of the final disposal location of surface waters. All elevations shall be related to two permanent benchmarks identified on the plan. Contours shall be shown at not more than two-foot intervals for areas with less than a ten-percent slope, five-foot intervals for areas with ten- to twenty-percent slopes. Any existing feature to be removed or relocated shall be indicated. Flood hazard area limits and wetlands shall be shown.
 2. Calculations for estimating pre- and post-development runoff prepared by a professional engineer based on the methodologies outlined in N.J.A.C. 7:8-5.7 incorporated herein by reference. Design and performance standards for stormwater management measures shall comply with the last amended stormwater runoff quantity requirements in N.J.A.C. 7:8-5.6, incorporated herein by reference.
- D. Design standards. The intent of this Part 3 is to regulate and control stormwater runoff as it is increased as a result of development as outlined in N.J.A.C. 7:8-5.6. All facilities shall be designed based on the methods of calculating runoff as described in N.J.A.C. 7:8-5.7, incorporated herein by reference, and are subject to the approval by the Township Engineer. All facilities shall be designed based on the requirements for stormwater management facilities described in N.J.A.C. 7:8-5 incorporated herein by reference.

§100-185. Solids and Floatable Materials Control Standards:

- A. Site design features identified under §100-184 above, or alternative designs in accordance with §100-184 above, to prevent discharge of trash and debris from drainage systems 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 §100-185A.2 below.

1. Design engineers shall use one 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:
 - 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; 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. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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 system floors used to collect stormwater from the surface into a storm drain or surface water body.

- c. For curb-opening inlets, including curb-opening inlets in combination inlets, 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.
2. The standard in §100-185A.1 above does not apply:
 - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - c. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. 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 (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

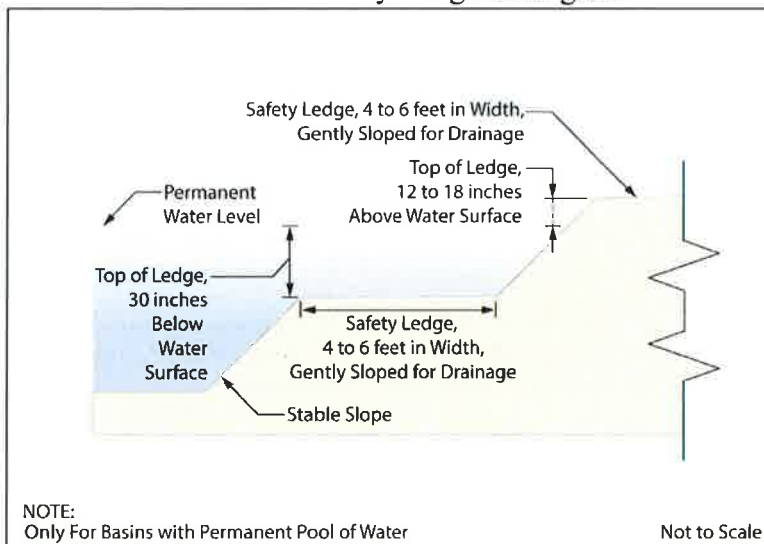
- d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New 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.

§100-186. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§100-187. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §100-187C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with §100-187C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist

requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development. For sites located within limestone (carbonate) areas, a geotechnical investigation shall be required. The report must be prepared in accordance with §101-26C of the Township's Highlands Land Use Ordinance and meet all of the performance requirements for Phase I and, as required, Phase II, Geological Investigations, listed therein.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §100-184 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §100-184 of this ordinance.
- b. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §100-188.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §100-187C.1 through §100-187C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§100-188. Maintenance and Repair:

A. Applicability

Projects subject to review as in §100-182C of this ordinance shall comply with the requirements of §100-188B and §100-188C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. Stormwater facilities shall be constantly maintained by the owner or association to assure continual functioning of the system at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. Maintenance responsibilities, inspection schedules and tasks will be clearly shown in the proposed plan. In no case shall water be allowed to remain in any facility long enough to trigger a mosquito breeding disease or cause any other type of health problem. The maintenance plan must include inspection routines to reduce the potential for extensive, difficult, and costly remedial or emergency maintenance efforts, including inspection checklists. Inspection checklists may address such items as:

- a. Obstruction of inlet devices by trash and debris;
- b. Evidence of erosion, sedimentation or instability;
- c. Malfunctioning of valves, gates, locks, access hatches or equipment;
- d. Deteriorated conduit outlet or seepage around outlet;
- e. Cracks or other deterioration of inlets, outlets, pipes, and conduits;
- f. Inadequate draining, clearing or clogging of control devices;
- g. Trimming, cutting or mowing of vegetation as required;
- h. Erosion and debris in emergency spillways and/or filter strips;
- i. Deterioration of downstream channels/conduits;
- j. Invasive or noxious weeds out of character with those specified;
- k. Saturated conditions or standing water;
- l. Animal burrowing; and
- m. Vandalism or other non-specified occurrences.

3. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

- a. 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; and
- b. 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 of 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. 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 municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, 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 municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Beginning on July 17, 2024, the party responsible for maintenance identified under §100-188B.1 above shall make annual submissions to the municipality, no later than January 31, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the prior calendar year for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

D. Nothing in this subsection shall preclude the municipality 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.

§100-189. Penalties:

A. Fines

1. Any violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$2,500 for each offense and/or imprisonment for a term not exceeding ninety (90) days. The following individuals shall be subject to potential punishment:
 - a. The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and
 - b. Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.
2. Each day that a violation continues shall constitute a separate and distinct offense.
3. The imposition of penalties herein shall not preclude the municipality or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. Injunctive relief. In addition to the foregoing, the municipality may institute an action for injunctive relief.

§100-190. Severability:

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

§100-191. Effective Date:

This Ordinance shall be in full force and effect immediately upon approval by the County Review Agency, or sixty (60) days from the receipt of this Ordinance by the County Review Agency if the County Review Agency, should fail to act.

Section Two - If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three - This ordinance shall take effect upon the publication of notice of final adoption as provided by law.

TOWNSHIP OF HOLLAND

BY: 


DAN BUSH, MAYOR

ATTEST:


MELISSA S. TIGAR, MUNICIPAL CLERK

I Melissa S. Tigar, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on final reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on July 16, 2024

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 16th day of July 2024.



Melissa S. Tigar, RMC
Municipal Clerk, Holland Township

