

**ORDINANCE NO. 18-13**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER 22, LAND DEVELOPMENT, ARTICLE VIII, ZONING BOARD OF ADJUSTMENT, SECTION 22-101, WATER RUN-OFF CONTROL, MOST NOTABLY, SECTION 22-101.3, MAINTENANCE OF SYSTEMS**

**WHEREAS**, the Borough of North Plainfield, County of Somerset, State of New Jersey is authorized by State law to make rules and regulations setting forth how the development and maintenance of land proceeds within the Borough of North Plainfield; and,

**WHEREAS**, the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey believes that it is in the best interest of the Borough to amend, revise and supplement Section 22-101 of the Borough Code of the Borough of North Plainfield, entitled “Water Run-Off Control”; and,

**WHEREAS**, the Borough of North Plainfield, County of Somerset, State of New Jersey has determined that the public health, welfare and safety remain protected by controlling the way in which stormwater flows across and drains from properties within the Borough of North Plainfield.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter 22, Article VIII, Section 22-101, Water Run-Off Control, most notably, Section 22-101.3, entitled “Maintenance of Systems”, is hereby amended, revised and supplemented as follows:

**22-101.3 Maintenance of Systems**

If not addressed under subsection 22-101.2f, the owner of any system installed under this Chapter to control or regulate stormwater runoff shall properly maintain such system to insure its correct functioning. (Ord. #679, S 9-203; Ord. #06-16)

- **Annual Permit, Inspection, Oversight and Owner Responsibilities.**
  - **All developments that contain stormwater management measures within the Borough that meet the requirements of N.J.A.C. 7:8-1.6 “Applicability to major development,” and/or if an additional one-quarter (1/4) acre of impervious surface is being proposed on the development site, the development is subject to a Stormwater Maintenance Permit and periodic inspection. An annual Stormwater**

**Maintenance Permit is required in January of each year.**

**Annual Permit/inspection fees for each stormwater device:**

- a. **Vegetative swales: Two Hundred Fifty Dollars (\$250.00) for the first one hundred (100') linear feet and Fifty Dollars (\$50.00) for each additional one hundred (100') linear feet;**
- b. **Infiltration basin (above ground/below ground): Five Hundred Dollars (\$500.00) for above ground and Seven Hundred Fifty Dollars (\$750.00) for below ground (\$500.00/\$750.00);**
- **Detention basin (above ground/below ground): Five Hundred Dollars (\$500.00) for above ground/Seven Hundred Fifty Dollars (\$750.00) for below ground ;**
- d. **Wet pond or rain garden: Seven Hundred Fifty Dollars (\$750.00);**
- **Bio-retention basin: Seven Hundred Fifty Dollars (\$750.00);**
- **Porous pavement/pervious surface: Five Hundred Dollars (\$500.00);**
- **Constructed wetland: Seven Hundred Fifty Dollars (\$750.00); and,**
- **Manufactured treatment device: Five Hundred Dollars (\$500.00).**
  - **Recordkeeping, inspection and repair guidelines and noncompliance penalties:**
    - **Quarterly maintenance records shall be submitted to the Borough of North Plainfield Department of Public Works Office. Report forms and report guidance can be obtained in the New Jersey Department of Environmental Protection - NJPDES Monitoring Report Form Reference Manual, or from the Borough Department of Public Works or the Borough Web Site.**

**The maintenance records for the periods of:**

- **The January 1 to March 31 period must be reported no later than April 30;**
- **The April 1 to June 30 period must be reported**

no later than July 31;

- The July 1 to September 30 period must be reported no later than October 31; and,
- The October 1 to December 31 period must be reported no later than January 31 of the following year.
- Mechanically treated structures that utilize filters shall have a record that shall be provided to the Borough containing the requirements of the replacement of the filters as per manufacturer specifications and the actual dates that the filters have been replaced. Such information shall be provided under the periods above.
- Inspections shall include but not be limited to:
  - Detention basin outflow structures and escape provisions as outlined in N.J.A.C. 7:8-6.2;
  - Vegetation;
  - Trash racks and overflow grates;
  - Embankment erosion; and,
  - Sediment removal and pond maintenance.
- The owner of the stormwater management measure shall complete all repairs of the facility within thirty (30) calendar days of the date of notice of by Borough of the necessary repairs.
- The owner of the stormwater management measure, immediately upon written notice by the Borough, must complete repairs that may adversely affect the public's health, safety and welfare in the time and manner established.
- For each individual act or violation of this Chapter, each and every day upon which any violation shall occur or continue to occur, shall constitute a separate

**offense.**

- **Failure to obtain an annual stormwater maintenance permit: One Hundred Dollars (\$100.00).**
- **Failure to provide quarterly maintenance records: Fifty Dollars (\$50.00) per violation.**
- **A person who has not complied with this chapter and who, after written notice by the Borough, refuses to implement and/or maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or ninety (90) days in jail, or both, plus the cost of prosecution.**
- **The Borough, in its sole 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 may immediately proceed to do so and shall bill the cost thereof to the responsible person or place a lien on the subject land.**
- **Nothing in this section shall preclude the Borough from requiring the posting of a performance or maintenance guaranty in accordance with N.J.S.A. 40:55D-53.**

\* Additions in text indicated by underline; deletions by ~~strikeouts~~.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that:

- All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
- If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.
- This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and

providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: July 30, 2018  
PASSED: July 30, 2018  
PUBLISHED: August 3, 2018  
ADOPTED: August 13, 2018

ROLL CALL: AYES: Merrill, Singleterry, Stabile, La Ronde  
NAYS: None  
ABSTAIN: None  
ABSENT: Miller, Righetti, Schaefer

APPROVED BY THE MAYOR: Yes xxx No \_\_\_\_\_

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on 13 August, 2018.

ATTEST: BOROUGH OF NORTH PLAINFIELD

\_\_\_\_\_  
Richard K. Phoenix, RMC  
Borough Clerk  
Borough of North Plainfield

\_\_\_\_\_  
Lawrence La Ronde, Council President

Date signed: 22 August, 2018

Date signed: 13 August, 2018

\_\_\_\_\_  
Michael Giordano, Mayor

Date signed: 20 August, 2018