

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE No. 2024-05

**REPEALING CHAPTER 455 "STORMWATER MANAGEMENT" OF THE
CODE OF THE TOWNSHIP IN ITS ENTIRETY AND CREATE ARTICLE I IN
CHAPTER 455 ENTITLED "STORMWATER QUALITY" OF THE CODE OF
THE TOWNSHIP**

BE IT ORDAINED by the Township Council of the Township of Verona, County of Essex, New Jersey that Chapter 455 is repealed and a new Article I, Stormwater Quality is created to read as follows:

ARTICLE I

§ 455-1 Purposes.

The purposes of this article are as follows:

- A. To prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Verona so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.
- B. To prohibit illicit connections to the municipal separate sewer system(s) operated by the Township of Verona, so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.
- C. To establish requirements for the proper handling of litter, yard waste and pet solid waste in the Township of Verona, so as to protect public health, safety, and welfare and to prescribe penalties for the failure to comply.
- D. To prohibit the feeding of unconfined wildlife in any Township-owned park in Verona or on any other property owned or operated by the Township of Verona so as to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.
- E. To require 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 municipal separate storm sewer system operated by the Township of Verona so as to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.
- F. To require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi liquids or solids from the containers to the municipal separate stormwater system operated by the Township of Verona and/or the waters of the state so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.
- G. To regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This article does not apply to fertilizer application on commercial farms.

§ 455-2 Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

BUFFER

The land area, 50 feet in width, adjacent to any water body.

CONTAINERIZED

The placement of yard waste in a biodegradable bag as approved by the Township Engineer, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

COUNTY

The County of Essex.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

FEED

To give, place, expose, deposit, distribute or scatter any 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.

FERTILIZER

A fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrient content, which is designed for use or claimed to have value in promoting plant growth and which is sold, offered for sale, or intended for sale.

ILLICIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Verona, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit No. NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces include and are not limited to roofs and asphalt, concrete, and stone roads, parking lots, drives, sidewalks, porous asphalt or concrete systems, synthetic turf fields, pools, and patios.

INDUSTRIAL WASTE

Nondomestic waste, including but not limited to those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b) or (c)].

LITTER

Any unused or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material but does not include the waste of the primary process of mining or other extraction processes, logging, saw milling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township or other public body and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) Rules at N.J.A.C. 7:14A.

NONCONTACT 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. Noncontact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET

Domesticated animal (other than a disability assistance animal) kept for amusement and companionship.

PET OWNER/KEEPER

Any person who shall possess, maintain, house, or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet, excrement.

PHOSPHORUS FERTILIZER

Any fertilizer that contains phosphorus, expressed as P₂O₅, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontacting cooling water.

PROPER DISPOSAL

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the Township or some other refuse collector; or disposal into a system designated to convey domestic sewage for proper treatment and disposal.

REFUSE CONTAINER

Any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

SOILS TEST

A technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

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.

STORMWATER

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.

STREET

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 areas within the street lines.

TOWNSHIP

The Township of Verona.

WATER BODY

A surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay estuary.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

YARD WASTE

Leaves and grass clippings.

§ 455-3 Prohibited conduct.

- A. The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township 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 municipal separate storm sewer system is also prohibited unless same is qualified by one of the following exceptions:
 - (1) Waterline flushing and discharges from potable water sources.
 - (2) Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation and footing drains, rising groundwaters).
 - (3) Air-conditioning condensate (excluding contact and noncontact cooling water).
 - (4) Irrigation water (including landscape and lawn watering runoff).
 - (5) Flows from springs riparian habitats and wetlands. Water reservoir discharges and diverted stream flows.
 - (6) Residential car washing and residential swimming pool discharges.
 - (7) Sidewalk, driveway, and street wash water.
 - (8) Flows from firefighting activities.
 - (9) Flows from rinsing of the following equipment with clean water:
 - (a) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual 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.
 - (b) 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.
- B. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township any domestic sewage, noncontact cooling water, process wastewater, or other industrial wastewater (other than stormwater).
- C. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.
- D. It shall be unlawful for any person to throw, drop, discard, or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this article, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this article.
- E. 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.
- F. No person shall feed, in any Township-owned or County-owned park, or on any other property owned or operated by the Township of Verona or the County of Essex within the geographical boundary of the Township, any wildlife, excluding confined wildlife (i.e., wildlife contained in zoos, parks, or rehabilitation centers or unconfined wildlife at environmental education centers or circus).
- G. No person in control of any property 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 any surface that

is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in § 455-4 below prior to the completion of the project.
 - (3) The cost of any retrofitting shall be the sole responsibility of the property owner.
- H. Any person who controls whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township.
- I. No person shall apply fertilizer:
- (1) When runoff-producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off site exists.
 - (2) To an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
 - (3) Within the buffer of any water body.
 - (4) More than 15 days prior to the start of or at any time after the end of the recognized growing season from March 1 to November 15.
- J. No person shall apply phosphorus fertilizer:
- (1) In outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
 - (2) Exceptions:
 - (a) Application of phosphorus fertilizer needed for:
 - [1] Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules;
 - [2] Reestablished or repairing a turf area in accordance with good soil practices.
 - (b) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 - (c) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

§ 455-4 Design standard for storm drain inlets.

Storm drain inlets identified in § 455-2 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see § 455-4C below.

A. Grates.

- (1) 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:
 - (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 (April 1996); or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.
 - (2) 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 basin floors used to collect stormwater from the surface into a storm drain or surface water body.
- B. 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 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.
- C. This standard does not apply:

- (1) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than 9.0 square inches;
- (2) Where the Township Engineer agrees that the standards would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets;
- (3) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 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:
 - (a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or
 - (b) A bar screen having a bar spacing of 0.5 inch.
- (4) 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).
- (5) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (6) 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.

§ 455-5 Exceptions to prohibition.

Exceptions:

- A. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- B. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 455-6 Enforcement.

This article shall be enforced by the Township Manager, or his/her designee, which may include the Township Engineer, the Township Planner, the Township Zoning Office, the Township Construction Code Official or the Township Building Inspector or any other appropriate designee of the Township.

§ 455-7 Violations and penalties.

Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, General Penalty, of the Township Code.

§ 455-8 through § 455-10. (Reserved)

SECTION 3. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE
I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF XXX AND XXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: February 5, 2024
PUBLIC HEARING:
EFFECTIVE DATE: