

**MAYOR AND COUNCIL
REGULAR MEETING
FEBRUARY 25, 2021
6:30 PM**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held remotely with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:30 p.m.

Mayor Mulligan read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, indicating that the meeting would take place as a telephonic meeting only at 6:30 p.m. on this date.

CALL TO ORDER

Council Member	Present	Absent
Councilman Greuter	X	
Councilman Haynes	X	
Councilman Hurley	X	
Councilman McDonald	X	
Councilman Smith	X	
Council President Burnside	X	

Borough Administrator Patricia Reiche and Borough Attorney Joseph J. Bell IV, Esq., were also present.

Everyone present participated in the salute to the flag.

CLOSED SESSION

RESOLUTION 48-21: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Potential Litigation
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved	Seconded	Voice Vote	
Councilman Hurley	Councilman Greuter	In favor: X	Against:

Mayor and Council went into closed session at 6:32 p.m. and resumed the public meeting at 6:52 p.m.

PRESENTATION

Goose Control Technology presented discussed the issues being experienced at and around Park Lake and presented possible solutions, including egg addling and removal of resident geese.

COUNCIL REPORTS

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the bond sale is now complete and thanked Administrator/CFO Reiche for her efforts.

Councilman Hurley mentioned that the Museum will be open Sunday from 1:00 to 3:00 pm.

Councilman Smith - Ordinance Committee

Councilman Smith reviewed the ordinances on the agenda for adoption and reported the Ordinance Committee will be meeting again shortly.

Councilman Greuter - Public Safety Committee

No report.

Councilman McDonald - Personnel Committee

Recreation – Councilman McDonald reported he attended the Recreation Committee meeting; more information on spring sign ups at a future meeting.

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that the Department of Public Works has been busy clearing snow and are now working on clearing storm drains of ice and debris. A vendor has been hired to replace the windows at the Police Station.

Council President Burnside – Fire Committee

Health Department - Council President Burnside provided a COVID-19 update.

Mayor Mulligan encouraged residents wanting to receive the COVID-19 vaccine to sign up on as many sites as possible.

REPORT OF ATTORNEY

The Attorney briefly discussed the recent legislative changes regarding cannabis and the six-month period during which municipalities may

REPORT OF MAYOR

Mayor Mulligan requested session for contract negotiation.

REPORT OF ADMINISTRATOR

Administrator Reiche reported provided updates on various projects, including John Street, Union Street Ditch, Church Street, and East Flagge Street.

Administrator Reiche requested a closed session for personnel.

REPORT OF CLERK

No report.

CONSENT AGENDA

RESOLUTION 43-21: APPOINT PHIL TOBAYGO AS ADDITIONAL CONSTRUCTION OFFICIAL

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Phil Tobaygo is hereby appointed to the position of additional construction official at an hourly rate of \$45, on an as-needed basis and is hereby employed by the Borough of Rockaway, effective Tuesday, February 22, 2021.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 44-21: ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Borough of Rockaway, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3 year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021;

Revenue	2018	2019	2020	Average
Clerk ABC Licenses	\$17,050.00	\$17,050.00	\$17,205.00	\$17,101.67
Clerk Other Licenses	\$15,185.00	\$16,055.00	\$15,085.00	\$15,441.67
Fees & Permits	\$86,448.06	\$56,990.03	\$54,964.64	\$66,134.24
Uniform Fire Safety Act	\$30,863.07	\$32,901.67	\$28,038.45	\$30,601.06
Municipal Court	\$88,453.72	\$63,746.19	\$32,116.35	\$61,438.75
Interest & Cost on Taxes	\$88,000.00	96,298.51	\$79,405.57	\$87,901.36
Sewer User Fees	\$741,194.75	\$739,522.99	\$733,711.70	\$738,143.15
Construction Code Official	\$94,466.80	\$95,053.00	\$108,652.80	\$99,390.87

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey that the above referenced revenues be anticipated using the 3 year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 45-21: AWARD CONTRACT (CLEANING SERVICES)

WHEREAS, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway as per the agreement; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Assistant Superintendent, Department of Public Works, with the lowest responsive bid being received from Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110); and

WHEREAS, the Local Public Contracts Law (NJS 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$21,630.00 with Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110) for cleaning services as per the agreement, for the period February 1, 2021 through January 31, 2022.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$21,630.00 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860

For the purpose of: Cleaning Services

The funds are available contingent upon the adoption of the 2021 Temporary Budget and 2021 Municipal Budget

Budget Line Item#: 01-201-26-310-204

DATE: February 25, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 46-21: APPOINT MARK ROGALSKY AS PART-TIME CLASS III SPECIAL OFFICER

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Mark Rogalsky is hereby appointed to the position of Part-Time Class III Special Officer for the Rockaway Borough Board of Education beginning September 1, 2020 and ending June 30, 2021, at a salary within the salary ordinance.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 47-21: RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE WETLANDS PERMIT APPLICATION FORM

WHEREAS, in compliance with the New Jersey Supreme Court’s March 10, 2015 decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J.1 (2015)(“Mount Laurel IV”), on or about July 7, 2015 , the Borough of Rockaway filed an action with the Superior Court of New Jersey (“Court”) in Morris County, entitled In the Matter of the Application of the Borough of Rockaway, County of Morris, Docket No. 1671-15, seeking a Judgement of Compliance and Repose approving its Housing Element and Fair Share Plan (“Affordable Housing Plan”), in addition to related relief, including temporary immunity from all Mount Laurel lawsuits; and

WHEREAS, the Court granted the Borough’s motion for temporary immunity from all Mount Laurel lawsuits, which was subsequently extended via a series of orders, and is still in full force and effect today; and

WHEREAS, 74 West Main Street Urban Renewal Associates, LP (the “Entity”) proposes to construct a senior rental unit project within the Borough of Rockaway (the “Project”) which will aid the Borough in complying with its affordable housing obligation, on a site described as Block 73, Lot 65 as shown on the official assessment map of the Borough of Rockaway, and commonly known as 74 West Main Street, Rockaway, New Jersey (the “Property”); and

WHEREAS, in connection with the Project, the Entity must make off-site improvements to improve drainage on the Property and to improve existing drainage issues in the area of the Property, which improvements include increasing the size of a pipe that discharges onto Borough property; and

WHEREAS, the Entity is required to obtain a NJDEP wetlands permit in connection with those improvements, and the Borough of Rockaway is required to execute the application for that permit (the “Application”); and

WHEREAS, the execution of the Application is in the best interests of the Borough and its residents.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, as follows:

1. The Mayor, Borough Administrator and/or Borough Engineer are hereby authorized to execute the Application attached hereto as Exhibit A, and to undertake all reasonable and necessary steps to effectuate the foregoing.
2. This Resolution shall take effect according to law.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved: Councilman Greuter		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCES, PUBLIC HEARING AND ADOPTION

ORDINANCE NO. 02-21

CALENDAR YEAR 2021

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Rockaway in the County of Morris find it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$175,607.66 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Rockaway shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$245,850.72 and that the CY 2021 municipal budget for the Borough of Rockaway be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Hurley		Seconded: Councilman McDonald			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 03-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
CREATING CHAPTER 133, FILMING,**

OF THE CODE OF THE BOROUGH OF ROCKAWAY

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that it would be in the best interest of the citizens of the Borough to establish a policy around filming within the Borough of Rockaway.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway that Chapter 133, Filming, be created and shall read as follows:

Chapter 133. Filming

§ 133-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING

The taking of still or motion pictures, either digitally or on film, videotape or similar recording medium, for commercial or educational purposes, intended for viewing on video receivers, television, in theaters, on the Internet or for institutional use. Filming performed by one individual using a hand-held camera without assistance from others shall be excluded from this chapter.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public right-of-way, public park or playground, public building and property or other public place within the Borough which is within the jurisdiction and control of the Borough of Rockaway.

§ 133-2 Permit required; application; time restrictions.

- A. No person, firm or corporation shall film or permit filming within the Borough of Rockaway without first obtaining an application for permit therefor, obtaining the required approvals and filing the completed/approved permit, together with the applicable permit fee, with the Borough at least 10 calendar days prior to the first date that filming is to take place.
- B. Rockaway Borough filming permit applications may be obtained from the Office of the Borough Clerk during normal business hours. Application for such permits shall be in a form approved by the Borough Administrator and shall be accompanied by a permit fee in the amount established by ordinance of the Borough of Rockaway and all documentation and information required pursuant to this Chapter.
- C. The following information shall be included in the permit application:
 - (1) Location of filming;
 - (2) Proposed duration of filming, including date(s) and hours;

- (3) Amount of space required on public streets/highways/sidewalks, etc.;
 - (4) Contact information of applicant, including the on-site person; and
 - (5) Traffic control plan approved by the Traffic Bureau of the Rockaway Borough Police Department (if required).
- D. One permit shall be required for each location.
- E. Duration of time authorized.
- (1) One permit shall be sufficient to authorize outdoor filming on two calendar days and indoor filming on two calendar days within a period of not more than five calendar days beginning on the date of issuance of the permit, provided that each such date on which filming is to take place shall be specified in the permit.
 - (2) Permission for filming in excess of four days as described in § **133-2E(1)** may be granted by the Borough Council upon filing of a request with the Borough Clerk seven calendar days in advance of the Borough Council meeting at which the matter is to be considered. A copy of the permit application shall be attached to the request. See also § **133-3J**.
- F. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough Administrator may, at the request of the applicant and with proper notice given to approving authorities and any affected property owners/tenants, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§ 133-3 Issuance of permits; filming restrictions; appeals; exceptions to limitations.

- A. A permit shall be limited to no more than five calendar days.
- B. No more than two permits shall be issued by the Borough of Rockaway for filming that will take place in any residential zones without a waiver pursuant to § **133-3J**.
- C. Issuance of permits.
 - (1) No permit shall be issued by the Borough Clerk unless a completed application is filed with the Borough Clerk's office at least 10 calendar days prior to the first date filming is to take place.

- (2) No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:
- (a) Proof of insurance coverage as follows:
 - [1] For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000;
 - [2] For property damage for each occurrence in the aggregate amount of \$500,000; and
 - [3] A certificate of insurance shall be delivered to the Borough Clerk which shall name the Borough of Rockaway as an additional insured on the policy.
 - (b) An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Rockaway, its officers, employees and agents from any and all liability, expense, claim or damages resulting from the use of public lands;
 - (c) The posting of a cash bond of \$500 or a maintenance bond of \$1,000, running in favor of the Borough and protecting and insuring that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed. Within two business days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming;
 - (d) The cost for any additional police officers to be on site shall be paid by the applicant/permittee in accordance with the rate schedule for police officers and vehicles. In the event that any type of pyrotechnic detonation is part of the filming, the Borough may require the presence of a fire inspector and/or fire apparatus, the cost of which shall be paid by the applicant/permittee. Similarly, where existing electrical power lines are to be utilized in the production of the film, an on-site licensed electrician may be required if the production company does not have a licensed electrician on staff, the cost of which shall be borne by the applicant/permittee.
 - (e) Proof of service of written notification of proposed dates and lands to be used for production activities to any and all businesses and property owners within 200' of the filming location(s), and simultaneously said businesses and property owners shall be

informed that objections may be filed with the Borough Clerk. Such notification is to take place at least three business days prior to the requested shooting date, with proofs submitted to the Borough Clerk prior to issuance of the permit;

- (f) A written approval from the Rockaway Borough Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.
- D. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Rockaway Borough Police Department with respect thereto.
- E. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal public activity on such public lands.
- F. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first.
- G. Filming, including setup and final cleanup, shall be permitted Monday through Friday between the hours of 8:00 a.m. and 10:00 p.m. or sunset, whichever is earlier.
- H. The Borough Administrator may refuse to issue a permit whenever he/she determines, on the basis of objective facts and after a review of the application and a written report thereon by the Rockaway Borough Police Department and by other Borough departments involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of public lands or the use and enjoyment of adjoining properties or, in the opinion of the Rockaway Borough Police Department, would unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Borough reserves the right to require one or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said officers, in accordance with A263-1(3) to be borne by the applicant as a cost

of production. If any services are required by employees from other Borough departments, the cost of such employees is to be borne by the applicant as a cost of production.

- I. Any person aggrieved by the decision of the Borough Administrator or the Borough of Rockaway denying or revoking a permit or a person requesting relief pursuant to § **133-3J** herein may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk no later than 10 calendar days from the date of the denial or revocation of the permit. The Borough Council shall set the matter down for a hearing within 30 calendar days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution. A resolution supporting the decision of the Borough Administrator or granting relief pursuant to § **133-3J** shall be adopted by the Borough Council at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees, in writing, to a later date for the decision.
- J. The Borough Council may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming on other public property not defined as public lands and may authorize filming other than during the hours herein described or may extend the duration of a permit beyond five calendar days or may permit filming at a particular location in a residential zone on more than two occasions during any one calendar year or may waive any other limitation or requirement of this chapter whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety and welfare.
- K. Copies of the approved permit will be sent by the Borough Clerk to the Police Department, Fire Department, the Department of Community Services, and the Board of Health. Copies shall be sent to any appropriate New Jersey state agencies, including the New Jersey Film Commission.
- L. The applicant shall notify the Police Department, the Fire Department, Director of Community Services and the Board of Health 24 hours before filming takes place and shall permit the Police Department, the Fire Department, the Board of Health or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by Borough inspectors, including the Police Department, the Fire Department and the Board of Health.
- M. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue or repairs to public property.

§ 133-4 Fees.

The fee to be paid by each applicant at the time of submitting an application for a license shall be as provided in Chapter A263, Fees.

§ 133-5 Violations and penalties.

Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 133-6 Exemptions.

The provisions of this chapter shall not apply to:

- A. The filming of news stories within the Borough of Rockaway;
- B. Filming by one individual using a hand-held camera without the assistance of other persons; and
- C. Filming for authorized Rockaway Borough municipal government purposes as may be authorized by the Rockaway Borough Council or the Borough Administrator.

§ 133-7 Severability.

If any sentence, section, clause or other portion of this chapter or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this chapter.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Smith		Seconded: Councilman Greuter			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 04-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that a need exists for certain fees charged under Chapter A263, Fees, Section A263-1, Fees established, of the Code of the Borough of Rockaway to be amended to add Item Y, Chapter 133 Filming.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to the Code of the Borough of Rockaway:

Section I – Filming

1. The following item is hereby added to Section A263-1, Fees established, to read as follows:

§ Y. Chapter 133, Filming

A. Permit:

- (1) Basic filming for other than nonprofit applicants: \$100.
- (2) Basic filming for nonprofit applicants filming for educational, noncommercial use: \$25.

B. Daily filming fee payable in addition to the basic filming permit fee:

- (1) Five hundred dollars per day, except as set forth in § 133-4B(2) hereof.
- (2) One hundred dollars per day for nonprofit applicants filming for educational, noncommercial purposes.

C. Waiver of fees for student. The fees set forth in § 133-4 shall be waived when filming is done by a student in a grade school, middle school, high school, college, university or other bona fide educational institution upon receipt by the Borough Clerk of a written certification from a teacher or administrator at the school attended by the student stating that the filming is for educational purposes only and is not intended for commercial use.

Section II

- 1. This Ordinance may be renumbered for codification purposes.
- 2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.
- 3. Repealer. All ordinances or parts of ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 4. Prior Actions. All actions of the Borough of Rockaway taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.
- 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Hurley		Seconded: Councilman Smith			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 05-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 247, WATER,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that a need exists to amend Chapter 247, Water, Article I, General Regulations, of the Borough of Rockaway to include both water and sewer charges.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to the Code of the Borough of Rockaway:

Section I – Chapter 247, Water

Chapter 247, Water, Article I, General Regulations, has been modified to read as follows:

Chapter 247. Water

Article I. General Regulations

§ 247-24. Bills.

- A. The Borough will endeavor to render bills to the owner of the premises for water and sewer and other Borough charges, but the nonreceipt of a bill covering such charges will be no excuse for failure to pay or delay in paying the same.
- B. All charges for water and sewer must be paid within 60 days after the date of the bill therefor. If not so paid, the water shall be turned off from the premises against which such charge stands. When so turned off, water will not be turned on again until all charges have been paid, together with a turn-on fee as provided in Chapter **A263**, Fees.
- C. The owner of any house, tenement, building or lot shall be liable for the payment for the use of water on such premises, and, if not paid, it shall be a lien upon such house, tenement, building or lot until the same shall be paid and satisfied.
- D. Payment of all water charges and other amounts due the Borough shall be paid to the clerk of the water utility.
- E. The owner of any house, tenement, building or lot who desires to have water service turned off so that said owner can make necessary repairs and then turned back on shall pay a fee as provided in Chapter **A263**, Fees.

Section II

1. This Ordinance may be renumbered for codification purposes.

2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.
3. Repealer. All ordinances or parts of ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. Prior Actions. All actions of the Borough of Rockaway taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.
5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Greuter		Seconded: Councilman Smith			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 06-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 170, LAND USE DESIGN AND PERFORMANCE STANDARDS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, Chapter 170-36 of the Code of the Borough of Rockaway entitled Stormwater Control was adopted in 2006; and

WHEREAS, the New Jersey Department of Environmental Protection has recommended changes which will go into effect in March 2021; and

WHEREAS, the Borough Engineer has recommended substantial changes to the Ordinance so as to be compliant with the New Jersey Department of Environmental Protection.

IT IS HEREBY ORDAINED by the Mayor and Council of the Borough of Rockaway, Morris County, State of New Jersey, as follows:

SECTION I

Chapter 170, Land Use Design and Performance Standards, Article IV Environmental Site Data and Information, Section 170-36, Stormwater Control is hereby repealed in its entirety and replaced with the following:

§ 170-36 Stormwater Control

Section I. Scope and Purpose

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) 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 and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management Bumps may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. It is the purpose of this subsection to establish minimum stormwater management requirements and controls for "major development," as defined in Subsection b.
- C. Applicability.
 - (1) This subsection shall be applicable to:
 - a. All site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - i. Nonresidential major developments; and
 - ii. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - b. All projects in the Borough that meet the definition of "minor development"
 - (2) This subsection shall also be applicable to all major developments undertaken in the Borough of Rockaway.
- D. Compatibility with other permit and Ordinance Requirements.

Development approvals issued for subdivisions and site plans pursuant to this subsection are to be considered an integral part of development approvals under the subdivision and site plan review process 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 subsection shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This subsection 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 subsection 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.

Section II. Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

COMMUNITY BASIN – Shall mean an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C.

7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION — Shall mean the increase in soil bulk density.

CONTRIBUTARY DRAINAGE AREA – Shall mean the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE — Shall mean a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — Shall mean an agency designated by the County Board of Chosen Commissioners to review municipal stormwater management plans and implementing ordinance(s).

The County review agency may either be:

- A. A County planning agency; or
- B. A County water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — Shall mean the New Jersey Department of Environmental Protection.

DESIGN ENGINEER — Shall mean a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER — Shall mean a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT — Shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE - Shall mean the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA — Shall mean a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CONSTRAINED AREA - Shall mean the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened

species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREAS — Shall mean an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EMPOWERMENT NEIGHBORHOOD – Shall mean neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

EROSION — Shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXEMPT DEVELOPMENT – Shall mean any development that creates an increase of less than 1,000 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."

GREEN INFRASTRUCTURE – Shall mean a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 – Shall mean an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE — Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — Shall mean the process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY – Shall mean one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

MAJOR DEVELOPMENT – Shall mean an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency

that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

MINOR DEVELOPMENT – Shall mean any development that results in the creation of an increase of 1,000 square feet or more of impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development".

MOTOR VEHICLE -Shall mean means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE – Shall mean any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY — Shall mean any city, borough, town, township, or village.

“NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL” or “BMP MANUAL” – Shall mean the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE — Shall mean an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — Shall mean a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, the Borough of Rockaway, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — Shall mean the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE – Shall mean any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or the total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE – Shall mean any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT — Shall mean solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — Shall mean the lot or lots upon which a major development is to occur or has occurred.

SOIL — Shall mean all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – Shall mean an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — Shall mean the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER — Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP — Shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration of groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY – Shall mean a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA – Shall mean the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD – Shall mean a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES – Shall mean a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

URBAN REDEVELOPMENT AREA - Shall be defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE – Shall mean a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE — Shall mean the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS OR WETLAND — Shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

SECTION III. Design and performance standards for stormwater management measures.

- A. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this subsection.
- B. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
 1. Water Quality: Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
 2. Rate/Volume Control: Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area

of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

- C. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- D. The standards in this subsection apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

SECTION IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections IV. P, Q & R:
 - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections IV. P, Q & R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections IV. P, Q & R to the maximum extent practicable;

- (3) The applicant demonstrates that, in order to meet the requirements of Sections IV. P, Q & R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections IV. P, Q & R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV. O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.

Table 1 <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>
--------------------------------	--------------	-----------	-----------	-----------

(Notes corresponding to annotations ^(a) through ^(g) are found below)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quantity with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

(Notes corresponding to annotations ^(b) through ^(d) are found below)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	
<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- a. subject to the applicable contributory drainage area limitation specified at §194-50(2);
- b. designed to infiltrate into the subsoil;
- c. designed with underdrains;

- d. designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;*
 - e. designed with a slope of less than two percent;*
 - f. designed with a slope of equal to or greater than two percent;*
 - g. manufactured treatment devices that meet the definition of green infrastructure at §194-93;*
 - h. manufactured treatment devices that do not meet the definition of green infrastructure at §194-93.*
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section IV.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water

quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the {insert Office of the Morris County Clerk. A form of deed notice shall be submitted to the A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section d of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Morris County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the

entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. 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.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. 4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the postconstruction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events

and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

SECTION V. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

(1.) The design engineer shall calculate runoff using one of the following methods:

(i.) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented.

Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

(ii.) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

(2.) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both

the NRCS methodology at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3.) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4.) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - Urban Hydrology for Small Watersheds and other methods may be employed.

(5.) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tail water in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

SECTION VI. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm .

B. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

- (1) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
- (2) The Rutgers Cooperative Extension Service, (732) 932-9306; and
- (3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

SECTION VII. Solids and Floatable Materials Control Standards

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G 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 Section VII.A.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:
 - i. 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
 - ii. 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. 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.
 - iii. 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 A.1. above does not apply:
 - i. 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;
 - ii. 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;
 - iii. 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 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
- b. 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).

- iv. 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
- v. 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.

SECTION VIII. Safety Standards for Stormwater Management Basins.

- A. This paragraph sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions.
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management BMPs to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - iv. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance

- ii. The overflow grate spacing shall be no less than two inches across the smallest dimension.
- iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.

(3) Stormwater management BMPs shall include escape provisions as follows:

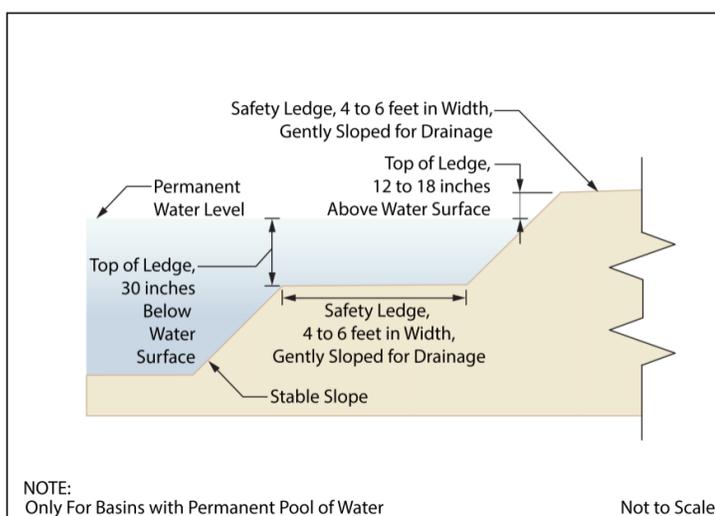
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to H.C, a free-standing outlet structure may be exempted from this requirement;
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Subsection h4 for an illustration of safety ledges in a stormwater management BMP; and.
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standards.

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the appropriate reviewing agency (municipality, County or Department) that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration:



SECTION IX. 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 subsection, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection i3 below

as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this subsection.
3. The applicant shall submit 10 copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection i3 of this subsection.

B. Site Development Stormwater Plan Approval.

The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this subsection.

C. Site Development Stormwater Plan Checklist Requirements.

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 one inch equals 200 feet or greater, showing two-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 environs. 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.

(3) Project Description and Site Plan(s).

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 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 of proposed changes in natural conditions may also be provided.

(4) Land Use Planning and Source Control Plan.

This plan shall provide a demonstration of how the goals and standards of Subsections c through f are 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:

- i. Total area to be 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.
- ii. 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.

- i. Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in Subsection d of this subsection.
- ii. When the proposed stormwater management control measures (e.g., infiltration basins) 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 Subsection X.

- (8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this subsection may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections IX.C.1 through IX.C.6 of this subsection 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.

SECTION X. Maintenance and Repair.

A. Applicability.

Projects subject to review pursuant to Section I.C of this chapter shall comply with the requirements of Section X.B and X.C.

B. General Maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) 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.

(4) 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.

(5) If the person responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The person responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:

- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

(8) The requirements of Section X.B.3 and B.4 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.

(9) 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 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer and/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. Nothing in this section 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.

SECTION XI. Waivers and Exceptions.

A. Standards for Relief. Waivers from strict compliance with the major development design standards shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh ANY detriments of the deviation. A

hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.

- B. Mitigation. If the reviewing agency for the project determines that a waiver is appropriate, the applicant must execute a mitigation plan. The scope of the mitigation plan shall be commensurate with the size of the project and the magnitude of the relief required. The mitigation project may be taken from the list of projects in the Municipal Stormwater Management Plan. All mitigation projects are subject to the approval of the Borough Engineer.
- C. Reviewing Agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Borough Engineer and/or his their designee.
- D. Appeals. The appeal of the determination of the Borough Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

SECTION XII. Application and Review Fees.

There shall be no additional fees for stormwater review for applications to the Land Use Board. Minor Development applications to the Borough of Rockaway for review by the Borough Engineer shall be accompanied by a review fee in the amount of \$250. Major Development applications shall be accompanied by a review fee in the amount of \$1,000. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Borough Engineer.

SECTION XIII. Violations and penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall upon conviction thereof by any court authorized by law to hear and determine the matter, be liable to a fine of not more than one thousand (\$1,000.00) dollars, or to imprisonment for a term of not more than ninety (90) days, or both, as such court in its discretion may impose. Each day during or on which a violation occurs or continues shall be deemed a separate offense.

SECTION XIV. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law. ALL OF WHICH IS ADOPTED THIS 26th day of February, 2021, by the Mayor and Council of the Borough of Rockaway.

SECTION XV. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION II

1. This Ordinance may be renumbered for codification purposes.
2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.
3. Repealer. All ordinances or parts of ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. Prior Actions. All actions of the Borough of Rockaway taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.
5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication

according to law.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Haynes		Seconded: Councilman Greuter			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 07-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 225, TAXATION
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the Mayor and Council of the Borough of Rockaway desire to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of the proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, in the County of Morris, and state of New Jersey, that the following amendments be made to Chapter 225, Taxation, as follows:

SECTION I

Chapter 225, Taxation, Article II, Disabled Veterans, is hereby created and shall read as follows:

§ 225-10, 100% Disabled Veteran Tax Refunds

A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submit a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the tax assessor.

No refunds shall be authorized under this section for any year, or portion thereof, prior to the year in which this ordinance took effect.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Smith		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 08-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that a need exists for certain fees charged under Chapter A263, Fees, Section A263-1, Fees established, of the Code of Ordinances of the Borough of Rockaway to be added or amended in order to reflect the actual costs of the relevant services; and

WHEREAS, the water rates were last amended in 2013; and

WHEREAS, the Mayor and Council are authorized to charge and collect said water service charges pursuant to N.J.S.A. 40:14B-21.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter A263, Fees, Section A263-1, Fees established, as follows:

Section I

1. Subsections N (1) (c) is hereby repealed in entirety and modified to read as follows:

"N. Chapter 247, Water.

(1) Article I, General Regulations

(c) Fee for turning off water service so that property owner may make repairs and then turning service back on: \$54 during normal business hours when scheduled with 48 hours' notice. If the request to turn off water service during normal business hours is made with less than 48 hours' notice, the fee increases to \$110. If the water service must be turned off and/or on outside of normal business hours and an emergency call-out is required, there will be a charge of \$80 per hour per employee with a minimum charge of three hours per employee.

2. Subsections N (1) (d) [1] [a], [1] [b], and [4] are hereby repealed in entirety and modified to read as follows:

"N. Chapter 247, Water.

(1) Article I, General Regulations

(d) Rates.

[1] The following minimum charges and rates per quarter-annually based upon the cubic feet used for all customers of the water utility system of the Borough of Rockaway shall be:

[a] For the first 1,300 cubic feet: minimum charge of \$83.

[b] All water consumed over and above 1,300 cubic feet, in addition to the minimum fee of \$83 for the first 1,300 cubic feet, shall be charged at the rate and according to the amount consumed as follows:

Amount (cubic feet)	Fee
Next 1,300 in excess of the first 1,300	\$8.95 per 130 cubic feet per quarter
Next 1,300 in excess of the first 2,600	\$9.40 per 130 cubic feet per quarter
Next 1,300 in excess of the first 3,900	\$10.20 per 130 cubic feet per quarter
Next 1,300 in excess of the first 5,200	\$10.75 per 130 cubic feet per quarter
In excess of the first 6,500	\$11.30 per 130 cubic feet per quarter.

[4] Multiple units on a single meter. The owner of the building shall be charged a minimum quarterly charge of \$83, multiplied by the number of units serviced by that one meter."

3. Subsection N (1) is hereby amended to add the following:

"N. Chapter 247, Water.

(1) Article I, General Regulations

(h) Final readings/change of ownership or tenancy. The fee for a final/special reading shall be \$60 for each reading when scheduled with 72 hours' notice. If the request for a final/special reading is made with less than 72 hours' notice, the fee increases to \$95.

(i) Minimum charge for any service call: \$35."

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect April 1, 2021.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Moved: Councilman Haynes		Seconded: Councilman Smith			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

MEETING OPEN TO THE PUBLIC

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the meeting to the public.

CLOSED SESSION

RESOLUTION 49-21: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Personnel
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: February 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved	Seconded	Voice Vote	
Councilman Greuter	Councilman Smith	In favor: X	Against:

Mayor and Council went into closed session at 7:34 p.m. and resumed the public meeting at 8:42 p.m.

ADJOURNMENT

Moved	Seconded	Voice Vote		Time
Councilman Greuter	Councilman Hurley	In favor: X	Against:	8:43 p.m.

Kimberly Cuspilich, Acting Borough Clerk

Date approved: June 10, 2021