

ORDINANCE
0-5-07 Amended
Amending the Stormwater Control Ordinance
for Franklin Township

WHEREAS, the Franklin Township Committee has considered the adoption of a Stormwater Control Ordinance to protect the Township’s groundwater resources; and

WHEREAS, the Township Committee considered and adopted a Stormwater Control Ordinance on February 13, 2007;

WHEREAS, several amendments to that Ordinance were considered by the Committee and the Committee is desirous of assuring that sufficient public notice has been provided concerning these amendments;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Franklin, County of Gloucester and State of New Jersey, based on recommendations made by its engineer, planner, and attorney that the following amendments to the Stormwater Control Ordinance are hereby adopted.

The Title of the Ordinance will be changed to: Stormwater Control Ordinance for Franklin Township for Land Both Within and Outside the Pineland Zones

Section I.A.1.d) – The first word of the second sentence will read “One” instead of “The”.

Section I.C.1.a) – This section will read “All site plans and subdivisions for major developments that require preliminary or final site plan or subdivision review; and”

Section II.C.4.a)vii. – This section will read, “Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides **within the entire township, and specifically within the Pinelands Areas of the Township this shall be** in accordance with N.J.A.C. 7:50-6.24.”

Section II.C.4.c) – This section will read “However, each application for major development **within the Pinelands Areas of the Township** shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c)”

The third sentence of the paragraph will now read “In addition, the applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Franklin Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval, **in all areas of the Township.**”

Section IV.A.4. - This paragraph will read “However, each application for major development **within the Pinelands Areas of the Township** shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c)”

Section IV.A.7.a) - The sub-paragraph will now read “However, each application for major development **within the Pinelands Areas of the Township** shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c)”

Section IV.A.7.b) – The sub-paragraph will now read “Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Franklin Township Land Use Ordinance, Zoning Ordinance, or by conditions of zoning or variance approval, **in all areas of the Township;**”

Section IV.A.7.c) – The sub-paragraph will now read, “Existing trees and vegetation shall be protected **in all areas of the Township** during construction activities...”

Section IV.B.2. – The sub-paragraph will now read, “To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields **in all areas of the Township**, so as to protect farm crops...”

Section IV.B.4. – The sub-paragraph will now read, “**In all areas of the Township**, the design engineer, using the assumptions...”

Section IV.E.1. – The sub-paragraph will now read “**In the Pinelands Areas of the Township**, there should be no direct discharge of stormwater runoff...”

Section IV.E.2. - The sub-paragraph will now read “**In all areas of the Township**, stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty percent (80%) expressed as an annual average.”

Section IV.E.3. - The sub-paragraph will now read “**In all areas of the Township**, stormwater management measures shall also be designed to reduce the nutrient load...”

Section IV.F.2. – The sub-paragraph will now read “For a major development in areas described in 1.a. or 1.b. above, in addition to the infiltration requirements specified in **Section IV.B.3.** and the groundwater recharge requirements...”

Section IV.H.1. – The sub-paragraph will now read “**For projects proposed within the Pinelands areas of the Township only**, exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality...”

Section V.A.7.b) – The sub-paragraph will now read “Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and **in the Pinelands Areas of the Township** incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.”

Section V.A.9. – The sub-paragraph will now read “Other guidance sources may also be used upon approval by the **Planning Board or Zoning Board** Engineer.”

Section V.A.10. – the four references of “municipal engineer” will be replaced by “**Township** Engineer” and second to last sentence will have “**Franklin Township**” replace the wording “[MUNICIPALITY]”.

Section VI, F. – will be changed to “In the event the stormwater management measure becomes a public health nuisance, or danger to public safety or public health, or if it is in need of maintenance or repair, Franklin Township 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 or the municipal engineer’s designee. Franklin Township at its discretion, may extend the time allowed for effective maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowed time, Franklin Township may immediately proceed to do so with its own labor and equipment and/or through contractors. The costs and expenses of such maintenance by Franklin Township shall be deducted from the mandatory escrow which is required under subparagraph H.”

Section VII Penalties – will provide “Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties upon conviction: a fine not exceeding \$1000 or imprisonment for a term not to exceed 90 days or both. The person responsible for such violation shall be responsible for all reasonable attorney and engineering fees incurred by Franklin Township in the enforcement of this ordinance and/or remediation of the site.”

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to such inconsistencies; and

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances not inconsistent with this ordinance shall remain in full force and effect; and

BE IT FURTHER ORDAINED that all the remaining terms and provisions of the original Stormwater Control Ordinance are hereby ratified.

This ordinance shall take effect thirty (30) days after final passage by Committee or twenty (20) days after approval by the Mayor, whichever comes first.

Introduced: March 13, 2007

	MATTEI	FERRUCCI	SCAVELLI	GALLAGHER	SCAPELLATO
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held: March 27, 2007

Adopted: March 27, 2007

	MATTEI	FERRUCCI	SCAVELLI	GALLAGER	SCAPELLATO
YES					
NO					
NO					
ABSTAIN					

NOTICE

The above ordinance was introduced and passed on first reading at the meeting of the Township Committee of the Township of Franklin in the County of Gloucester held on the 13th day of March, 2007 and will be considered for final passage at a meeting to be held by the Township Committee at 8 p.m. on the 27th day of March, 2007, at which time and place any person interested will be given an opportunity to be heard. Copies are available at the Township Clerk's office.

ATTEST:

TOWNSHIP OF FRANKLIN

Carol J. Coulbourn, Clerk

Peter Scapellato, Mayor

CERTIFICATION

I, CAROL COULBOURN, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, March 13, 2007, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, March 27, 2007, at which time any person interested therein will be given an opportunity to be heard.

CAROL J. COULBOURN, Clerk