

**SPECIAL MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
December 30, 2024
11:45A.M.**

1. CALL TO ORDER:

The Special Meeting of the Mayor and Council of the City of Garfield was called to order on Monday, December 30, 2024 at 11:48AM. On Roll Call present members were: Councilmembers Maslag, Herrera, & Banch, Deputy Mayor Delaney, and Mayor Rigoglioso*. Also present was City Manager/City Clerk Delaney.

**Mayor Rigoglioso was present at 11:52AM.*

2. STATEMENT OF COMPLIANCE:

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a Special meeting notice in The Record and Herald News and by posting such notice in the office of the City Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was transmitted and posted on December 18, 2024 and published on December 23, 2024.

3. ROLL CALL:

4. APPROVAL OF MINUTES:

A motion was made by Deputy Mayor Delaney and seconded by Councilwoman Banch to approve the December 17, 2024 Regular Meeting minutes. The motions carried unanimously by those present.

5. ORDINANCES: SECOND READING

R-542-24

Introduce Ord. #3047

AN ORDINANCE AMENDING CHAPTER 242 ENTITLED “PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD REGARDING FEES FOR INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

R-543-24

Introduce Ord. #3048

AN ORDINANCE AMENDING CHAPTER 226 ENTITLED “PARKING”, ARTICLE VI “RESIDENT PARKING PROGRAM”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

R-544-24

Introduce Ord. #3049

AN ORDINANCE AMENDING CHAPTER 128 ENTITLED “DWELLING CERTIFICATES”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

R-545-24 Introduce Ord. #3050
AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-546-24 Introduce Ord. #3052
AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-547-24 Introduce Ord. #3053
AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-548-24 Introduce Ord. #3054
AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 150, FOOD HANDLERS, MOBILE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

6. RESOLUTIONS:

R-549-24 Approval of Bills List
R-550-24 Authorizing Transfers Between Budget Appropriations
R-551-24 Approving Request for Time Extension – Déjà Vu
R-552-24 Affirmation of Officer in Charge Appointment

7. PUBLIC HEARING:

8. MAYOR & COUNCIL REPORTS:

9. ADJOURNMENT:

Deputy Mayor Delaney opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-542-24**

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #3047
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 242 ENTITLED “PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD REGARDING FEES FOR INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

was introduced and passed at a meeting held on Tuesday, December 10, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso				X

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3047**

AN ORDINANCE AMENDING CHAPTER 242 ENTITLED “PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD REGARDING FEES FOR INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

WHEREAS, the City of Garfield (the “City”) maintains Chapter 242 entitled “Property Maintenance” of the City Code, specifically the Property Maintenance Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every rental unit whether a single-family residential dwelling, a two-family residential dwelling, or a multiple residential unit dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to aid in the compliance of State law for lead-based paint in the aforementioned residential rental dwellings to conform with the State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey, Chapter 242 is hereby amended to include as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 242, Property Maintenance, Article IV, Lead-based paint, is hereby amended to include the following:

§242-15- Fees.

Fees. Notwithstanding any other fees due pursuant to this Chapter, the following fees shall be paid:

- a. **Initial Inspection Fee.** A dwelling owner or landlord shall owe a fee in the amount of \$220.00 which shall be paid for each lead-based paint inspection conducted by the City. A dwelling owner or landlord shall owe a fee of \$50.00 for each additional unit in the same building provided all inspections are completed on the same date and time. Said fee(s) shall be dedicated to meeting the costs of implementing and enforcing this subsection and the required contribution to the New Jersey Lead Hazard Control Assistance Fund (N.J.S.A. 52:27D-437.16(h)) and shall not be used for any other purpose.
- b. **Recertification Fee.** A dwelling owner or landlord shall owe a recertification fee in the amount of \$65.00 which shall be paid for each lead-based paint inspection completed by the City every two (2) years or a maximum of three (3) years should the tenants of said unit remain the same. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and the required contribution to the New Jersey Lead Hazard Control Assistance Fund (N.J.S.A. 52:27D-437.16(h)) and shall not be used for any other purpose. The City shall not conduct any recertification if a state licensed contractor performed the initial inspection.
- c. **Administrative Fee.** Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs in which case a \$50 administrative fee shall be paid per unit. Said fee shall be dedicated to the costs of monitoring compliance with this subsection.

§242-16- Violations and penalties.

Violations and penalties. Any person(s) or property owner who is found to be in violation of the provisions of this article and has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq., that person shall have 30 days to cure the violation. If a person or property owner fails to cure the violation after 30 days, the person or property owner shall be subject to a penalty not to exceed \$200 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 3. The remainder of Chapter 242 is ratified and remains in full force and effect.

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 10, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-543-24**

**RESOLUTION BY: COUNCILMAN HERRERA
SECONDED BY: COUNCILWOMAN BANCH**

**INTRODUCE ORDINANCE #3048
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 226 ENTITLED “PARKING”, ARTICLE VI “RESIDENT PARKING PROGRAM”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

was introduced and passed at a meeting held on Tuesday, December 10, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3048**

AN ORDINANCE AMENDING CHAPTER 226 ENTITLED “PARKING”, ARTICLE VI “RESIDENT PARKING PROGRAM”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

WHEREAS, the City of Garfield (the “City”) maintains Chapter 226 entitled “Parking”, Article VI “Resident Parking Program” of the City Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every rental unit whether a single-family residential dwelling, a two-family residential dwelling, or a multiple residential unit dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to aid in the compliance of State law for lead-based paint in the aforementioned residential rental dwellings to conform with the State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey, Chapter 226 is hereby amended to include as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 226, Parking, is hereby amended to include the following:

§ 226 -37 Compliance with lead-based paint requirements.

Residents of properties shall not be eligible for resident parking permits issued under this chapter unless they provide proof of inspection and remediation in compliance with lead-based paint regulations as required by the relevant City ordinances and N.J.S.A. 52:27D-437.1 et seq.

Section 3. The remainder of Chapter 226 is ratified and remains in full force and effect.

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 10, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment.

Deirdre Carter, Malcolm Avenue, inquired about who is responsible to cover the cost of lead paint inspections and whether or not they are mandatory. She also requested information regarding the timeline of such inspections and if there is a program to offset the cost offered to residents.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-544-24**

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: DEPUTY MAYOR DELANEY**

**INTRODUCE ORDINANCE #3049
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 128 ENTITLED “DWELLING CERTIFICATES”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

was introduced and passed at a meeting held on Tuesday, December 10, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3049**

AN ORDINANCE AMENDING CHAPTER 128 ENTITLED “DWELLING CERTIFICATES”, OF THE CODE OF THE CITY OF GARFIELD REGARDING COMPLIANCE WITH INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

WHEREAS, the City of Garfield (the “City”) maintains Chapter 128 entitled “Dwelling Certificates” of the City Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every rental unit whether a single-family residential dwelling, a two-family residential dwelling, or a multiple residential unit dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to aid in the compliance of State law for lead-based paint in the aforementioned residential rental dwellings to conform with the State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey, Chapter 128 is hereby amended to include as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 128, Dwelling Certificates, is hereby amended to include the following:

§128-3 Dwelling inspection required.

Upon filing a dwelling certificate, except in the case of a dwelling certificate filed pursuant to § 128-2A hereof, an inspection of the dwelling unit shall be required upon any change of occupancy, whether by change of ownership or as a result of a new lease, rental or other occupancy, unless the property owner had previously filed a dwelling certificate for the dwelling unit and a dwelling inspection was conducted within 11 months of the new occupancy and/or sale or where the dwelling unit is located with a garden apartment and/or multi-dwelling unit having more than two dwelling units and the owner shows proof of being registered with the State of New Jersey under the New Jersey Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).

- A. An inspection as a result of a change of ownership shall take place prior to the transfer of title to the new owner.
- B. An inspection required as the result of a change of occupancy for a rental or lease may take place either prior to or subsequent to the change of occupancy, provided that a dwelling certificate has been filed with the City of Garfield setting forth the location of the dwelling unit and the identity of the new occupants.
- C. The owner and/or tenants shall provide access to the premises, common areas, the basement and/or cellar and the attic at a time designated by the Zoning Officer of the City of Garfield or his designee in order to conduct the inspection required in accordance with this chapter.

D. The owner shall provide proof of inspection and remediation in compliance with lead-based paint regulations as required by the relevant City ordinances and N.J.S.A. 52:27D-437.1 et seq.

Section 3. The remainder of Chapter 128 is ratified and remains in full force and effect.

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 10, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-545-24**

**RESOLUTION BY: DEPUTY MAYOR DELANEY
SECONDED BY: COUNCILWOMAN BANCH**

**INTRODUCE ORDINANCE #3050
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, December 10, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3050**

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, improved stormwater control standards are vital to the safety of the City of Garfield and the improvement of the quality of life of its residents; and

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Repeal and Replace Part II General Legislation, Chapter 284, of the Code of the City of Garfield;

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 284, Stormwater Control, is hereby repealed and replaced as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 284, Stormwater Control, is hereby amended as follows:

Article I Stormwater Control

§284-1 Section I. Scope and purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.
- C. Applicability.
 - 1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - 2. This ordinance shall also be applicable to all major developments undertaken by the City of Garfield.
 - 3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to December 10, 2024, shall be subject to the stormwater management requirements in effect on December 9, 2024.
 - 4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to December

10, 2024, shall be subject to the stormwater management requirements in effect on December 9, 2024.

5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. **Compatibility with Other Permit and Ordinance Requirements**

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

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

§284-2 Section II. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means 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” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. 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” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means 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.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-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, 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 land, 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” means 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” means 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” means 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 area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats 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 Neighborhoods” means 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**” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“**Green infrastructure**” means 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**” means 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**” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“**Infiltration**” is the process by which water seeps into the soil from precipitation.

“**Lead planning agency**” means 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**” means 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.”

“**Motor vehicle**” 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**” means 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, race-tracks, and runways.

“**Municipality**” means any city, borough, town, township, or village.

“**New Jersey Stormwater Best Management Practices (BMP) Manual**” or “**BMP Manual**” means 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” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means 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, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means 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
4. 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” means 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” means 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” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means 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” is defined as 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” means 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” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means 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.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is

governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means 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” is 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” means 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” means 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”** means an area that is inundated or saturated by surface water or ground water 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.

§284-3 Section III. Design and performance standards for stormwater management measures.

- A. 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.
- B. The standards in this ordinance 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.

§284-4 Section IV. Stormwater management requirements for major developments.

- 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 quality, and stormwater runoff quantity requirements of Section IV.P, Q and 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 green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and 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 stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and 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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and 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:

- 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.

Table 1				
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Deep Well(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2				
Green Infrastructure BMPs for Stormwater Runoff Quantity				
(or for Groundwater Recharge and/or Stormwater Runoff Quality)				
Best Management Practice	Stormwater Runoff Quality SS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
Bioretention System	80 or 90	Yes	Yes ^(b)	2 ^(b)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

<u>Table 3</u>				
<u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality</u> <u>SS Removal Rate</u>	<u>Stormwater Runoff</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table</u>
<u>Blue Roof</u>	0	Yes	No	N/A
<u>Extended Detention Basin</u>	40-60	Yes	No	1
<u>Manufactured Treatment Device^(b)</u>	50 or 80	No	No	Dependent upon the
<u>Sand Filter^(c)</u>	80	Yes	No	1
<u>Subsurface Gravel Wetland</u>	90	No	No	1
<u>Wet Pond</u>	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- a) subject to the applicable contributory drainage area limitation specified at Section IV.O.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 Section II;
 - h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- A. 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 VI.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 8; 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 2 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 Bergen County Clerk’s Office. 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 IV 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 Bergen County Clerk’s Office 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 projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance 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 approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; 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 post-construction 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. 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 Distribution

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 post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, 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.

§284-5 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 the following method:

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://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number 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 has 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 pre-construction 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 or 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 tailwater 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 Groundwater-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/greport/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.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06

Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48

Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§284-6 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:

<https://dep.nj.gov/stormwater/bmp-manual/>.

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://dep.nj.gov/stormwater/maintenance-guidance/>.

B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§284-7 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.

§284-8 Section VIII. Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management 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 BMP 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; and
- iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

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 greater 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 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

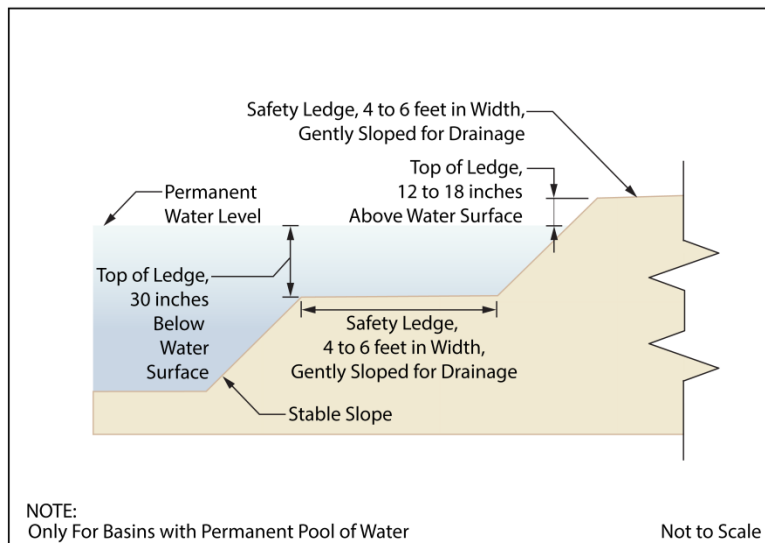
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.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 two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E 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 Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§284-9 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 ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit two (2) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V 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 disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- 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 pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

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

§284-10 Section X. Maintenance and repair.

A. Applicability

Projects subject to review as in Section I.C of this ordinance 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 party 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 functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, 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 party 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 fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§284-11 Section XI. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties set forth in the City Code of the City of Garfield, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provision of this Chapter.

§284-12 Section XII. 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.

§284-13 Section XIII. Effective date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Article II Privately-Owned Salt Storage

§284-14 Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the City of Garfield to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§284-15 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. **“De-icing materials”** means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. **“Impervious surface”** means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. **“Storm drain inlet”** means the point of entry into the storm sewer system.
- D. **“Permanent structure”** means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. **“Person”** means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. **“Resident”** means a person who resides on a residential property where de-icing material is stored.

§284-16 Deicing material storage requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
 - C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 - D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§284-17 Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in **Section 284-16** above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§284-18 Enforcement.

This ordinance shall be enforced by the Police Department and/or City of Garfield Department of Public Works during the course of ordinary enforcement duties.

§284-19 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Thereafter, any person, firm or corporation who or which shall violate any of the provisions of this Chapter shall, upon conviction thereof, be liable for penalties set forth in the City Code of the City of Garfield, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provision of this Chapter.

§284-20 Severability.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and 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.

§284-21 Effective date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Section 2. The remainder of Chapter 284, are ratified and remain unchanged as a result of this Ordinance amendment.

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 10, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-546-24**

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: COUNCILWOMAN BANCH**

**INTRODUCE ORDINANCE #3052
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, December 17, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3052**

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, the Mayor and Council finds it is in the best interest of the City to permit Cannabis retailers and to allow for the operation of such business in the City.

WHEREAS, the Mayor and Council finds it is in the best interest of the City to properly license such businesses in order to protect their impact to the citizens in the City.

BE IT ORDAINED by the Governing Body of the City of Garfield that Part II, General Legislation, Chapter 100, Cannabis, is hereby amended as follows:

Section 1. The Governing Body of the City of Garfield hereby amends Part II, General Legislation, Chapter 100, Cannabis, Section 100-4, License Required, as follows:

Section 100-4. License Required

It shall be unlawful for any person or any corporate entity to operate a Cannabis Establishment without first having procured an annual license from the City Clerk's Office.

A. License fees; renewal; late fees.

- (1) A cannabis establishment permitted to operate in the City shall pay to the City an annual license fee of \$20,000.
- (2) A cannabis establishment permitted to operate in the City as an alternative treatment center shall pay to the City an annual license fee of \$10,000.
- (3) The licenses issued shall be effective for the calendar year, expiring on the 31st day of December of the year of issue, and may be renewable upon application for succeeding calendar years thereafter. The fee for license renewals shall be due and payable on or before the first day of February in the year of renewal or be subject to late fees.
- (4) Late fees. A late fee of \$100 shall be charged for renewal licenses which are not paid on or before February 1 of the license year. An additional \$75 shall be charged for each thirty-day period that the license fee is not paid after February 1 of the license year.

Section 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code shall remain as previously written. This amendment shall only address the sections and subsections specifically identified.

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 17, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-547-24**

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: DEPUTY MAYOR DELANEY**

**INTRODUCE ORDINANCE #3053
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226,
PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED
GENERAL ORDINANCES OF THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, December 17, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3053**

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226,
PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED
GENERAL ORDINANCES OF THE CITY OF GARFIELD**

WHEREAS, the City of Garfield (the “City”) maintains Chapter 226 entitled “Parking”, Article VI “Resident Parking Program” of the City Code; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to aid in the compliance of the resident parking program for the benefit of the residents of the City of Garfield;

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 226, Parking, Article VI, Resident Parking Program, Section 226-28, Residential parking program, through Section 226-36, is hereby amended as follows:

Section 1. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article VI, Resident Parking Program, Section 226-28, Resident parking program, through Section 226-36, is hereby amended as follows:

§ 226-28 Resident parking program.

- A. A resident parking program shall be instituted as follows: During certain hours, the streets of the City of Garfield will be designated "resident parking only."
- B. Rules and regulations. The following rules and regulations shall apply to the City of Garfield resident permit parking program. Applications for a resident parking permit are submitted online at garfieldpermits.rmcpay.com:
- (1) A resident parking permit of a design specified by the Chief of Police of the City of Garfield will be issued to residents of Garfield who own a motor vehicle with no more than four wheels touching the ground on any street in the City of Garfield, no more than 22 feet in length and no more than seven feet in width. There will be no permits issued to those vehicles which are registered as or described as being trailers. Excluded from this provision are any trucks which are in the process of any delivery or pickups and any truck(s) utilized by utility companies in the State of New Jersey or their entities or any trucks that are already covered by other ordinances.
 - (2) Required documentation of the owner of a vehicle must be presented when applying for a permit. The following are required documents:
 - (a) A copy of a valid NJ Driver’s License with current Garfield Address (no PO Box address)-Online MVC update accepted along with valid license;
 - (b) A copy of a valid New Jersey motor vehicle registration for which the permit is sought showing the vehicle owner's address in the City of Garfield (no PO Box address)-Online MVC update accepted along with valid registration;
 - (c) A current car insurance statement showing the vehicle's owner's address in the City of Garfield (no PO Box address);
 - (d) One item reflecting the vehicle owner's residency, such as a utility bill or current bank statement, dated within 60-days of the date of application. A post office box address will not be deemed proof of residency in order to receive a resident parking permit;
 - (e) In addition to the proof of residency described herein, all applicants for resident parking permits shall be required to produce a "dwelling certificate" in accordance with the provisions of City Ordinance No. 2213; and

(f) In accordance with New Jersey P.L.2021, Chapter 182, and Garfield City Ordinance 3032, all rental units or non-owner-occupied units must have a Lead Based Paint Certification on file with the Bureau of Fire Prevention.

(3) Each household shall only be permitted to register one commercial vehicle that meets the requirements set forth in §**226-28B** above.

C. Each individual household shall be permitted to register a maximum of five vehicles.

(1) Households in need a greater than five permits may apply to the Garfield Police Department for additional permits. Upon a showing of good cause by the household, the Parking Registration Office may issue additional permits.

D. The biannual fee per vehicle shall be \$10.

§ 226-29 Term of permits.

Resident parking permits will be valid for a period of two years from the date of issuance.

§ 226-30 Visitor permits.

Residents/Visitors may purchase an overnight visitor permit at ppprk.com (zone 86200). Each visitor permit shall be \$5 and purchased daily for a maximum of 25 purchases per calendar year.

§ 226-31 Required information.

Any person requesting a resident parking permit will be required to submit an application online at garfieldpermits.rmcpay.com and upload copies of the documents outlined in §**226-28B(2)**, and such other information as may be required by the Police Department of the City of Garfield.

§ 226-32 Resident parking permit required.

No person shall park a vehicle between the hours of 3:00 a.m. and 6:00 a.m. without the required resident parking or visitor permit upon any street within the City of Garfield.

§ 226-33 Violations and penalties.

Any vehicle parked on a street without a valid resident parking permit or an expired residential parking permit shall be subject to the following sanctions: Unless another penalty is expressly provided by N.J.S.A. 39:4-203, every person convicted of a violation of a provision of this article or any other supplement thereto shall be liable to a penalty of \$55 or imprisonment for a term not to exceed 15 days, or both, for each offense.

§ 226-34 Further rules and regulations.

The Police Department of the City of Garfield shall have the authority to formulate and promulgate rules and regulations pertaining to this article, subject to veto of the City Council, and the Police Department of the City of Garfield shall be entitled, in its discretion, to verify any information appropriate to the enforcement of this article. The Police Department of the City of Garfield shall have the power to issue summonses for violation of this article.

§ 226-35 Enforcement.

Enforcement of this article and further rules and regulations as may be promulgated from time to time shall be under the jurisdiction of either the Chief of Police or his designee and/or the Parking Enforcement Official.

§ 226-36 Ineligible multi-unit properties.

Residents of multi-unit properties, consisting of five or more rental or condominium units and approved for construction after January 1, 2020, shall not be eligible for resident parking permits issues under this chapter.

Section 2. The remainder of Chapter 226 is ratified and remains in full force and effect.

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 4. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 17, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-548-24**

**RESOLUTION BY: DEPUTY MAYOR DELANEY
SECONDED BY: COUNCILMAN MASLAG**

**INTRODUCE ORDINANCE #3054
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 150, FOOD HANDLERS, MOBILE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, December 17, 2024 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch		X		
Delaney	X			
Rigoglioso			X	

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3054**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 150, FOOD HANDLERS, MOBILE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, the City of Garfield (the “City”) maintains Chapter 150 entitled “Food Handlers, Mobile” of the City Code; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to aid in the compliance of the mobile food trucks for the health and safety of the residents of the City of Garfield;

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 150 entitled “Food Handlers, Mobile”, is hereby amended to include as follows:

Section 1. The current text of City Ordinance that Part II, General Legislation, Chapter 150 entitled “Food Handlers, Mobile”, Section 150-3 through 150-14, is hereby amended as follows:

§ 150-3 License required; number limited.

- A.** No activity, as defined in this chapter, shall be conducted in the City of Garfield except in compliance with the provisions of this chapter. It shall be unlawful for any person of whatever nature to conduct the activities defined herein unless he/she has been issued a license pursuant to this chapter. The number of licenses that may be issued and in effect during any twelve-month period shall not exceed five.
- B.** The Mayor and Council is granted wide discretion in approving licenses with the goal of insuring diversity of product in their distribution. Preference shall be given to Garfield residents. The Mayor and Council shall have absolute discretion in approving applications.

* * * * *

§ 150-9 Use of public roads, designated locations for use.

The fee for a fixed location food truck shall be \$5,000 per year, and there shall be no proration of the fee for the initial season or for any shorter period of time for which a license is obtained.

- A.** No licensee shall park a vehicle overnight on any location within the City of Garfield. If the licensee parks a vehicle overnight on private property for the purpose of continuing the business each day at the same location, then such licensee shall comply with all regulations, rules, statutes, and ordinances pertaining to permanent retail food establishments.
- B.** No licensee shall have a permanent location within or upon a public road or right-of-way by reason of prior use.
- C.** The City Manager, with approval from the Governing Body, shall designate and assign the parking location from which the mobile food vending service will be conducted for each licensee, and which shall be limited to the area located at 394 Outwater Lane, commonly known as Champion Park.

* * * * *

§ 150-14 Annual fee.

The annual fee for the license for food vending vehicles dealing only with prepackaged (or wrapped) foods, such as but not limited to soft drinks, snacks, ice cream, excluding soft-serve and scooped, etc., which are packaged (wrapped), manufactured or processed at an approved licensed facility (outside of such establishments), shall be increased annually by resolution,

payable to the City of Garfield before the issuance of a license. The City shall issue five licenses per year for licensees authorized to transact business per this chapter. The fee per license shall be \$5,000 per year.

Section 2. The remainder of Chapter 150 is ratified and remains in full force and effect.

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 4. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: December 17, 2024

Adopted: December 30, 2024

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-549-24**

CONSENT AGENDA

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: MAYOR RIGOGLIOSO**

APPROVAL OF BILLS LIST

BE IT RESOLVED by the City Council of the City of Garfield that the Current Year Reserve totaling \$0.00 and the Current Fund totaling \$59,401.86 and the Water Reserves totaling \$0.00 and the Water Fund totaling \$0.00 and the Grants totaling \$1,475.00 and the General Capital Fund totaling \$19,266.00 and the Water Capital Fund totaling \$0.00 and the Trust Accounts totaling \$33,597.54 and the Developer’s Escrow totaling \$0.00 per attached Computer Lists, dated December 31, 2024 be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations; and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, totaling \$113,740.40 to the meeting be ratified.

I, Nicholas Prochilo, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Nicholas Prochilo, Chief Financial Officer

December 26, 2024
Dated

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-550-24**

CONSENT AGENDA

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: COUNCILWOMAN BANCH**

AUTHORIZING TRANSFERS BETWEEN BUDGET APPROPRIATIONS

WHEREAS, transfers are permitted between budget appropriations during the first three months and the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, County of Bergen, State of New Jersey, that transfers between 2024 budget appropriations be made as follows:

CURRENT FUND

Description	FCOA	Account No	OE/ SW	From	To
CITY CLERK	20-120	4-01-20-120-120-010	SW		\$ 8,000.00
CITY CLERK	20-120	4-01-20-120-120-020	OE	\$ 8,000.00	
ELECTIONS	20-120	4-01-20-120-121-020	OE		\$ 500.00
TAX COLLECTOR	20-145	4-01-20-145-145-020	OE		\$ 5,000.00
ATTORNEY/LEGAL SERVICES	20-155	4-01-20-155-155-020	OE	\$ 7,936.68	
ENGINEERING SERVICES	20-165	4-01-20-165-165-020	OE	\$ 15,000.00	
PLANNING BOARD	21-180	4-01-21-180-180-020	OE	\$ 7,000.00	
ZONING BOARD	21-185	4-01-21-185-185-020	OE	\$ 2,000.00	
UCC ENFORCEMENT/BUILDING DEPT.	22-195	4-01-22-195-195-020	OE	\$ 20,000.00	
HOUSING INSPECTION/PROPERTY MAINT.	22-200	4-01-22-200-200-010	SW		\$ 15,000.00
INSURANCE	23-210	4-01-23-210-210-020	OE	\$ 240,000.00	
EMPLOYEES GROUP INSURANCE	23-225	4-01-23-225-225-020	OE	\$ 50,000.00	
UNEMPLOYMENT	23-226	4-01-23-226-226-020	OE		\$ 20,000.00
POLICE DEPARTMENT	25-240	4-01-25-240-240-020	OE		\$ 200,000.00
TRAFFIC DIVISION - POLICE	25-242	4-01-25-242-242-020	OE		\$ 10,000.00
FIRE SAFETY/INSPECTION	25-265	4-01-25-265-265-010	SW		\$ 80,000.00
FIRE SAFETY/INSPECTION	25-265	4-01-25-265-265-020	OE		\$ 3,000.00

PROSECUTOR'S OFFICE	25-275	4-01-25-275-275-010	SW	\$ 10,000.00	
DEPARTMENT OF PUBLIC WORKS	26-290	4-01-26-290-290-020	OE		\$ 15,000.00
SOLID WASTE COLLECTION	26-305	4-01-26-305-305-020	OE	\$ 50,000.00	
BUILDINGS & GROUNDS	26-310	4-01-26-310-310-020	OE		\$ 15,000.00
PUBLIC HEALTH SERVICES	27-330	4-01-27-330-330-020	OE	\$ 3,000.00	
RECREATION DEPARTMENT	28-370	4-01-28-370-370-010	SW	\$ 40,000.00	
RECREATION DEPARTMENT	28-370	4-01-28-370-370-020	OE		\$ 10,000.00
PAYROLL SERVICES	30-412	4-01-30-412-412-020	OE	\$ 10,000.00	
ELECTRICITY	31-430	4-01-31-430-430-020	OE		\$ 30,000.00
COMMUNICATIONS	31-441	4-01-31-441-441-020	OE		\$ 150,000.00
GASOLINE	31-460	4-01-31-460-460-020	OE	\$ 70,000.00	
PERS	36-471	4-01-36-471-471-020	OE	\$ 18,563.32	
DCRP	36-478	4-01-36-478-478-020	OE	\$ 10,000.00	
		TOTAL		\$ 561,500.00	\$ 561,500.00

WATER UTILITY FUND

Description	FCOA	Account No	OE/SW	From	To
WATER OPERATING	55-501	4-05-55-501-501-010	SW	\$ 15,000.00	
WATER OPERATING	55-501	4-05-55-501-501-020	OE		\$ 15,000.00
		TOTAL		\$ 15,000.00	\$ 15,000.00

I, Nicholas Prochilo, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Nicholas Prochilo, Chief Financial Officer

December 26, 2024
Dated

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-551-24**

CONSENT AGENDA

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: COUNCILWOMAN BANCH**

APPROVING REQUEST FOR TIME EXTENSION – DÉJÀ VU

WHEREAS, pursuant to Ordinance 73-17 which establishes the hours of service for liquor licensed premises, no alcoholic beverages may be sold or consumed after 2:00 AM; and

WHEREAS, local ordinances have uniformly been interpreted by the Division of Alcoholic Beverage Control to mean that the prohibition of sale also requires that all members of the general public must be off of the licensed premise; and

WHEREAS, on occasion, the Mayor and Council have granted exceptions to this Municipal regulation, such as New Year's Eve/New Year's Day; and

WHEREAS, the Mayor and Council have now received a specific request by the Garfield Restaurant Corp DBA: Déjà Vu, located at 50 River Drive; and

WHEREAS, this organization has requested authorization to extend its hours of operation until 3:00AM on the morning of January 7, 2025; and

WHEREAS, the request is not for permission to continue to sell alcoholic beverages but is a request to allow the event to continue, without sale of alcoholic beverages, so that participants may conclude the affair with social interaction and dancing; and

WHEREAS, the Mayor and Council have reviewed this request and in view of the fact that it is a cultural event have concluded that it would be acceptable to allow such extension; and

WHEREAS, the Mayor and Council also believe that in order to be fair to other licensed premises within the Municipality, this extension should be permitted for all liquor licensed establishments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. Garfield Restaurant Corp. t/a Déjà vu 0221-33-012-005 shall be permitted to remain open until 3:00 AM on the morning of January 7, 2025.
2. No sale, service or delivery of alcoholic beverages shall be permitted after 2:00AM in accordance with the provisions of Section 73-17(A) of the Code of the City of Garfield.
3. The approval granted herein is based upon the consideration of the unique facts and circumstances presented for this day and shall not serve as a precedent or basis for enlargement of time for any other date, event or licensed premises

; and

BE IT FURTHER RESOLVED that the City Clerk be and she is hereby authorized and directed to forward certified copies of the within resolution to the Garfield Police Department. The City Clerk be and is hereby further authorized and directed to make certified copies of the within resolution available to any interested party and to any liquor licensee within the City of Garfield.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-552-24**

CONSENT AGENDA

**RESOLUTION BY: MAYOR RIGOGLIOSO
SECONDED BY: COUNCILWOMAN BANCH**

AFFIRMATION OF OFFICER IN CHARGE APPOINTMENT

WHEREAS, Police Chief Uram has submitted his retirement, effective January 1, 2025; and

WHEREAS, the Bergen County Prosecutor’s Office directed the City to appoint an “Officer in Charge” prior to said effective date due to Chief Uram’s planned time off; and

WHEREAS, interviews were conducted with the Department’s 4 Captains for said assignment; and

WHEREAS, in concurrence with other law enforcement officials, Police Chief Uram has submitted a letter of recommendation for Captain Joseph Delaney to be named as “Officer in Charge”; and

WHEREAS, the City Manager has officially named Captain Joseph Delaney as “Officer in Charge” as of December 20, 2024; and

WHEREAS, the City Manager is requesting that the Mayor and Council affirm said appointment recommended by Police Chief Uram;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield hereby affirms the appointment of Captain Joseph Delaney as “Officer in Charge” until the appointment of a new Police Chief is made.

APPROVED: DECEMBER 30, 2024

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney			X	
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at the Special Meeting held on the 30th day of December 2024. Signed and sealed before me.

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Dated

PUBLIC COMMENT

No one wished to be heard.

MAYOR & COUNCIL COMMENTS

Councilman Maslag wished everyone a Happy New Year.

Councilman Herrera wished everyone a Happy New Year.

Councilwoman Banch wished everyone a Happy New Year.

Deputy Mayor Delaney acknowledged how wonderful it was to have the full council in attendance at the last meeting before a reorganization. He noted that four years ago it was difficult to get a quorum from outgoing councilmembers. Deputy Mayor Delaney said that it is a testament to the group for carrying out their elected duty and commended everyone for attending. He concluded by wishing everyone a Happy New Year.

Mayor Rigoglioso echoed the sentiments of the Deputy Mayor. He apologized for being late and stated that he appreciates the Council for showing up to the meeting and for the last four years serving together. Mayor Rigoglioso also wished everyone a Happy New Year.

ADJOURNMENT

A motion was made by Mayor Rigoglioso and seconded by Councilman Herrera to adjourn. The motions carried unanimously by those present.

Respectfully submitted,

Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

These meeting minutes were approved at the January 10, 2025 Special meeting of the Mayor & Council.