

CITY OF LAMBERTVILLE

ORDINANCE 26-2023

WHEREAS, the City of Lambertville (the “City”) is a municipal corporation of the State of New Jersey; and

WHEREAS, the City desires to regulate, in a manner consistent with the interests, and to insure the protection and safety of the citizens, of the City, the use of storm sewer inlet protection to intercept and retain sediment at active construction sites, so as to prevent the entrance of sediment into the storm sewer system; and

WHEREAS, the primary benefit to water quality is the removal of sediment from stormwater runoff prior to entering the storm sewer system, while other floatable debris, such as vegetative matter and litter, may also be filtered out of the runoff; and

WHEREAS, to ensure proper notice to the residents of the City with respect to enforcement of the Regulations, the Governing Body desires to amend Chapter 10 of the City Code of Ordinances (the “Code”), Building and Housing, to include the following new Section 10-9:

10-9 STORM SEWER INLET PROTECTION STANDARDS

§ 10-9.1 Declaration of Intent.

The Mayor and Council hereby declare the intent to regulate, in a manner consistent with the interests and to insure the protection and safety of the citizens of the City, the use of storm sewer inlet protection to intercept and retain sediment at active construction sites, so as to prevent the entrance of sediment into the storm sewer system. The primary benefit to water quality is the removal of sediment from stormwater runoff prior to entering the storm sewer system. Other floatable debris, such as vegetative matter and litter may also be filtered out of the runoff.

§ 10-9.2 Compliance Required.

Storm sewer inlet protection is required for any construction or major landscaping activities on any street, highway, public lane, alley, sidewalk or other public place in the City that could result in debris or sediment entering a storm sewer inlet within 100' of the work site when the construction activity occurs on the street side of the work site.

§ 10-9.3 Definitions.

As used in this chapter:

CONSTRUCTION

Any work requiring issuance of a permit, pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), that

provides the authorization to begin work subject to the conditions and requirements established under the provisions set forth therein.

ENFORCEMENT OFFICER

Shall mean the Construction Code Official of the City of Lambertville.

MAJOR LANDSCAPING ACTIVITIES

Shall mean any activity that includes the complete removal of all vegetation on the street side of the property, or the soil disturbance of 500 square feet or more.

STORM SEWER INLET PROTECTION

Shall mean a temporary barrier and settling facility installed at a storm sewer inlet.

§ 10-9.4 Applicability and Design Criteria.

- a. Storm sewer inlet protection is required where:
 1. A storm sewer or the outlet channel of a storm sewer requires protection from sediment and debris based on its location within 100' of a construction or major landscaping work site when the proposed activity occurs on the street side of said work site; or
 2. Traffic will not destroy or cause ongoing maintenance of the storm sewer inlet protection; or
 3. The storm sewer inlet protection will not create a traffic hazard; or
 4. The storm sewer inlet protection will not create a flooding hazard.

- b. The following applies to all methods of storm sewer inlet protection:
 1. Must slow the storm water, provide the coarse sediment particles a chance to settle, and provide an area to retain the particles that have settled.
 2. In all cases, inlet protection must not completely close off the inlet. Provision must be made to allow stormwater to overflow or bypass the filter.
 3. The protection device must be designed to capture or filter runoff from the 1 year, 24-hour storm event and shall safely convey higher flows directly into the storm sewer system.
 4. Other methods that accomplish the purpose of storm sewer inlet protection may be used if approved by the Construction Official.

- c. This section shall not be construed to prohibit construction and landscaping activities on private property, except for those meeting the definitions stated herein that are planned in close proximity to a sidewalk, street, or other public place such that it may cause entrance of sediment into the storm sewer system.

§ 10-9.5 Application for Permit.

An application for a permit pursuant to subsection 10-9.4 shall be made on forms approved and made available by the Construction Official. Such application shall include, but not be limited to, the following information:

- a. The name and address of the applicant;
- b. A description or diagram of the location where the applicant proposes to place the storm sewer inlet protection. A signed sealed engineers drawing may be required for certain construction projects, as determined by the Construction Official;
- c. A description of the storm sewer inlet protection which the applicant proposes to install in the storm sewer inlet;
- d. The length of time the applicant plans to install the storm sewer inlet protection on the site.

§ 10-9.6 Fee.

A minimum fee of \$50.00 is required before any permit is issued pursuant to this section. The Construction Office shall approve the subsequent renewals and an additional minimum fee of \$25.00 shall be due and payable upon issuance of all renewals.

§ 10-9.7 Insurance.

Each application for a permit authorized under this section shall be accompanied by a policy or certificate of insurance, including the applicant and the City as named insured and evidencing general liability coverage to protect the public from bodily injury or property damage sustained as a result of the regulated activity. Such policy or certificate shall contain limits of at least \$100,000 for public property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Construction Official.

§ 10-9.8 Permit Term; Expiration.

- a. No permit shall be granted by the Construction Official for a term longer than required for the project. This time frame shall be determined by the Construction Official upon the initial issuance of the permit. Initial fees and renewal fees to be as stated in this chapter up to the term required for the project.

b. Upon the expiration of the permit or any renewals thereof, the applicant shall remove, or cause to be removed, the storm sewer inlet protection.

§ 10-9.9 Revocation of Permit.

a. Any permit granted pursuant to the provisions of this section may be revoked by the Construction Official if:

1. The permit holder has made any false statements in his application for a permit;
or

2. The permit fails to conform to the provisions of this section; or

3. In the opinion of the Construction Official, the work necessitating the storm sewer inlet protection is not proceeding in a normal fashion.

b. A decision by the Construction Official to revoke any permit issued pursuant to the provisions of this section shall be submitted in writing to the permit holder by registered or certified mail. Such decision shall state clearly the grounds for the revocation.

c. The permit holder may appeal the revocation to the Mayor and Council. An appeal must be filed by the permit holder with the City Clerk within seven days after the notice of revocation was mailed to him. Such appeal must state in writing the grounds for the appeal. The Mayor and Council shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Mayor and City Council shall be final and conclusive.

d. The City reserves the right to install storm sewer inlet protection if any applicant fails to do so appropriately, with the applicant bearing the cost of the storm sewer inlet protection installation.

§ 10-9.10 Violation and Penalties.

Any person violating the terms of this section shall, upon conviction in Municipal Court, be liable to the penalty in Chapter 1, Section 1-5. A person shall be guilty of a separate offense for each day he fails to comply with an order of the Construction Official validly issued.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Lambertville, in the County of Hunterdon, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Governing Body hereby amends Chapter 10 of the Code to incorporate the foregoing regulations to be set forth in Section 10-9.

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. If any provision of the Code is in conflict with or inconsistent with the provisions of this Ordinance, it shall be rescinded upon approval hereof.

Section 5. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk.

Section 6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

INTRODUCED FOR FIRST READING: July 20, 2023
PUBLIC HEARING AND SECOND READING: August 17, 2023