

**ORDINANCE NO. 2023-08
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY, CREATING CHAPTER 298 ENTITLED
“STORMWATER QUALITY”**

WHEREAS, the Township of Franklin has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and

WHEREAS, the Township of Franklin has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between January 1, 2023, and December 31, 2027; and

WHEREAS, the Township of Franklin was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and

WHEREAS, the Township of Franklin has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

WHEREAS, the Community-Wide Ordinance requirements in the Township of Franklin’s new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinances herein on or before January 1, 2024;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey that Chapter 298 of the Code of the Township of Franklin, entitled “Stormwater Quality,” is created as follows:

SECTION I:

Chapter 298 of the Code of the Township of Franklin entitled “Stormwater Quality” shall be created as follows:

Chapter 298 – Stormwater Quality

Article I – Containerized Yard Waste

§ 298-1. Scope and Purpose.

To establish requirements for the proper handling of yard waste in the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-2. 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 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.

CONTAINERIZED

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

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

STREET

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Means leaves and grass clippings.

§ 298-3. Prohibited Conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

§ 298-4. Enforcement.

The provisions of this ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article II – Litter Control

§ 298-6. Purpose.

To establish requirements to control littering in the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-7. 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 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.

LITTER

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

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

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

§ 298-8. Prohibited Conduct.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§ 298-9. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-10. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article III – Pet Waste Control

§ 298-11. Purpose.

To establish requirements for the proper disposal of pet solid waste in the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 298-12. 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 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.

IMMEDIATE

Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER

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

PERSON

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

PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

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

PROPER DISPOSAL

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

§ 298-13. Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 298-14. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§ 298-15. Enforcement.

The provisions of this Article shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-16. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article IV – Private Storm Drain Inlet Retrofitting

§ 298-17. Purpose.

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Franklin so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§298-18. 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 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

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

PERSON

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

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE

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

§ 298-19. Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials;
or
- B. Is retrofitted or replaced to meet the standard in Section 289-20 below prior to the completion of the project.

§ 298-20. Design Standard.

Storm drain inlets identified in Section 298-19 above 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 298-20C below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - 1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - 2. 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 basin floors.

- B. Whenever design engineers use a curb-opening inlet, 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.
- C. This standard does not apply:
1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 2. Where flows 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 inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.
 3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 4. 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.

§ 298-21. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-22. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code for each storm drain inlet that is not retrofitted to meet the design standard.

Article V – Wildlife Feeding Control

§ 298-23. Purpose.

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 298-24. 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 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.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

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

WILDLIFE

All animals that are neither human nor domesticated.

§ 298-25. Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township of Franklin, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

§ 298-26. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§ 298-27. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article VI – Yard Waste Collection

§ 298-28. Purpose.

To establish a yard waste collection and disposal program in the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-29. 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 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.

CONTAINERIZED

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

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

STREET

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Means leaves and grass clippings.

§ 298-30. Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of

the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

§ 298-31. Enforcement.

The provisions of this ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-32. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code..

Article VII – Illicit Connection

§ 298-33. Purpose.

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-34. 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 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 corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLICIT CONNECTION

Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Franklin, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

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

NJPDES PERMIT

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

NON-CONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

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

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER

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

§ 298-35. Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Franklin any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 298-36. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-37. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code..

Article VIII – Improper Disposal of Waste

§ 298-38. Purpose.

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Franklin, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-39. 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 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

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

PERSON

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

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 298-40. Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Franklin is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 298-41. Exceptions to Prohibition.

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water
- H. Flows from fire fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 298-42. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-43. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article IX – Privately-Owned Salt Storage

§ 298-44. 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 Township of Franklin to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 298-45. 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.

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.

IMPERVIOUS SURFACE

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

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:

- A. 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;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and

- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

§ 298-46. 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.
 - i. 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 16 th and October 14 th.

- 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.

§ 298-47. 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 298-46 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.

§ 298-48. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police during the course of ordinary enforcement duties.

§ 298-49. 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. Repeat violations and/or failure to complete corrective action shall result in fines not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

Article X – Refuse Containers / Dumpsters

§ 298-50. Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Franklin and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 298-51. 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 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

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

PERSON

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

REFUSE CONTAINER

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

STORMWATER

Means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE

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

§ 298-52. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Franklin.

§ 298-53. Exceptions to Prohibition.

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

§ 298-54. Enforcement.

This ordinance shall be enforced by the Franklin Township Zoning Officer or Franklin Township Police.

§ 298-55. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided in Chapter 1, Article 1, General Penalty, of this Code.

SECTION II: Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Franklin inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION III: Severability.

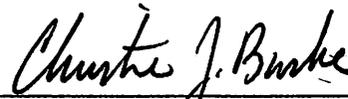
The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

SECTION IV: Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on October 26, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 14, 2023, at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Franklin Township School, 226 Quakertown Road, Quakertown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.



Christine Burke, RMC, GMR, QPA
Township Clerk

**FRANKLIN TOWNSHIP
HUNTERDON COUNTY**

PUBLIC NOTICE is hereby given that the following titled Ordinance was introduced by the Franklin Township Committee at a regularly scheduled meeting held on Thursday, October 26, 2023.

ORDINANCE NO. 2023-08

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, CREATING CHAPTER 298 ENTITLED “STORMWATER
QUALITY”**

SUMMARY AND EXPLANATION

The Township of Franklin, County of Hunterdon, State of New Jersey has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey. The Township has obtained a new five (5) year Municipal Stormwater Permit from the State of New Jersey in 2023 to cover the five-year period commencing on January 1, 2023, and expiring on December 31, 2027. The Township was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023. However, the New Jersey Department of Environmental Project recently reclassified the Township as Tier A municipality. Following such reclassification, the Township is now subject to the Community-Wide Ordinance requirements of the new Tier A Municipal Stormwater Permit, which prompts the adoption of the above-captioned Ordinance before January 1, 2024. Such requirement is imposed upon the Township by the Department of Environmental Protection.

The Ordinance seeks to put in place certain guidelines as they pertain to stormwater management in the Township, establishes prohibited conduct, and designates an enforcement entity charged with the enforcement of this Chapter.

Provided by Igor Bykov, Township Attorney

FRANKLIN TOWNSHIP, HUNTERDON COUNTY

NOTICE OF INTRODUCTION OF STORMWATER QUALITY ORDINANCE AND SUMMARY

The Stormwater Quality Ordinance, creating Chapter 298 of the Franklin Township Code, the summary terms of which are included herein, was introduced for first reading at a regularly scheduled meeting of the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, on October 26, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at its meeting room in the Franklin Township School, located at 226 Quakertown Road, Pittstown, New Jersey, on December 14, 2023, at 7:30 P.M. Copies of the full Ordinance will be available prior to and up to and including the date of such meeting, at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request same. The summary of the terms of such Ordinance is as follows:

Title: ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, CREATING CHAPTER 298 ENTITLED "STORMWATER QUALITY"

Purpose: The Township of Franklin, County of Hunterdon, State of New Jersey has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey. The Township has obtained a new five (5) year Municipal Stormwater Permit from the State of New Jersey in 2023 to cover the five-year period commencing on January 1, 2023, and expiring on December 31, 2027. The Township was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023. However, the New Jersey Department of Environmental Project recently reclassified the Township as Tier A municipality. Following such reclassification, the Township is now subject to the Community-Wide Ordinance requirements of the new Tier A Municipal Stormwater Permit, which prompts the adoption of the above-captioned Ordinance before January 1, 2024. Such requirement is imposed upon the Township by the Department of Environmental Protection.

The Ordinance seeks to put in place certain guidelines as they pertain to stormwater management in the Township, establishes prohibited conduct, and designates an enforcement entity charged with the enforcement of this Chapter.

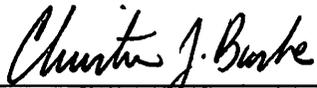
This Notice is published pursuant to N.J.S.A. 40:49-2.



Christine Burke, Township Clerk
Township of Franklin
County of Hunterdon
State of New Jersey

I, Christine Burke, Clerk for the Township of Franklin, hereby certify that Ordinance #2023-08 was introduced on first reading by the governing body of the Township of Franklin, County of Hunterdon, on October 26, 2023.

Public hearing and consideration for adoption was held on December 14, 2023, at which time the Ordinance was finally adopted.


Christine Burke, Township Clerk



Introduction : October 26, 2023
Published : November 2, 2023
Amended : N/A
Published : N/A
Public Hearing : December 14, 2023
Adopted : December 14, 2023
Published : December 21, 2023

Franklin Township Hunterdon County

Committee

Sebastian Donaruma
Mike Homulak
Philip Koury
Craig Repmann
Deanna Seiple

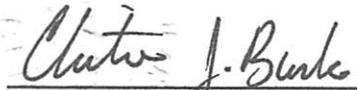


Municipal Clerk

202 Sidney Rd
Pittstown, NJ 08867-4145
Telephone (908) 735-5215
clerk@franklin-twp.org

I, Christine Jean Burke, do hereby certify that the advertisement of which the printed slip is hereby annexed, is a true copy of a publication in the Hunterdon County Democrat, on the 2nd day of November, 2023 and for 1 week(s) successively. Thereafter, once in each week making 1 insertion(s) in all.

Sworn by me on this 2nd day of November, 2023.



Christine Jean Burke, RMC, CMR, QPA
Municipal Clerk

Christine Jean Burke
Notary Public of New Jersey
ID No. 2333159
My Commission Expires August 24, 2025

FRANKLIN TOWNSHIP, HUNTERDON COUNTY
NOTICE OF INTRODUCTION OF STORMWATER QUALITY ORDINANCE AND SUMMARY

The Stormwater Quality Ordinance, creating Chapter 298 of the Franklin Township Code, the summary terms of which are included herein, was introduced for first reading at a regularly scheduled meeting of the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, on October 26, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at its meeting room in the Franklin Township School, located at 226 Quakertown Road, Pittstown, New Jersey, on December 14, 2023, at 7:30 P.M. Copies of the full Ordinance will be available prior to and up to and including the date of such meeting, at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request same. The summary of the terms of such Ordinance is as follows:

Title: ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, CREATING CHAPTER 298 ENTITLED "STORMWATER QUALITY"

Purpose: The Township of Franklin, County of Hunterdon, State of New Jersey has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey. The Township has obtained a new five (5) year Municipal Stormwater Permit from the State of New Jersey in 2023 to cover the five-year period commencing on January 1, 2023, and expiring on December 31, 2027. The Township was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023. However, the New Jersey Department of Environmental Protection recently reclassified the Township as Tier A municipality. Following such reclassification, the Township is now subject to the Community-Wide Ordinance requirements of the new Tier A Municipal Stormwater Permit, which prompts the adoption of the above-captioned Ordinance before January 1, 2024. Such requirement is imposed upon the Township by the Department of Environmental Protection.

The Ordinance seeks to put in place certain guidelines as they pertain to stormwater management in the Township, establishes prohibited conduct, and designates an enforcement entity charged with the enforcement of this Chapter.

This Notice is published pursuant to N.J.S.A. 40:49-2.

(s) Christine Burke
Christine Burke, Township Clerk
Township of Franklin
County of Hunterdon
State of New Jersey

(Pr's fee \$37.22) 11/02/2023

**FRANKLIN TOWNSHIP
HUNTERDON COUNTY
FINAL PASSAGE**

PUBLIC NOTICE is hereby given that the following titled Ordinance was duly considered for final passage and adopted by the Franklin Township Committee upon conclusion of the public hearing held on Thursday, December 14, 2023.

ORDINANCE 2023-08

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY, CREATING CHAPTER 298
ENTITLED "STORMWATER QUALITY"**

By Order of the Township Committee

Christine J. Burke, RMC
Municipal Clerk

EMAIL TO THE HUNTERDON COUNTY DEMOCRAT

LEGAL NOTICE, ONE PUBLICATION ONLY, **THURSDAY, DECEMBER 21, 2023**

NO AFFIDAVIT NEEDED