

**TOWNSHIP COUNCIL WORKSHOP AGENDA**

MONDAY, SEPTEMBER 9, 2024

7:00 P.M.

**SALUTE TO THE FLAG**

**STATEMENT OF PUBLIC NOTICE** - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JANUARY 4, 2024. A COPY OF THE NOTICE WAS SENT TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE. **A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT [WWW.LENJ.COM](http://WWW.LENJ.COM). ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.**

**ROLL CALL**

**RECOGNITION OF EMT PHILIP WILK**

**MASTER PLAN PRESENTATION**

**NATIONAL SUICIDE PREVENTION AWARENESS MONTH PROCLAMATION**

**HISPANIC HERITAGE MONTH PROCLAMATION**

**CHILDHOOD CANCER AWARENESS MONTH PROCLAMATION**

**PUBLIC COMMENT - GENERAL MATTERS AND AGENDA ITEMS**

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. IT IS PREFERRED IF YOU GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS \*6 TO MUTE AND UNMUTE THEMSELVES AND \*9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

**ITEMS TO BE DISCUSSED:**

**MAYOR/ADMINISTRATOR:**

1. ORDINANCE NO. 1498 - STORMWATER CONTROL ORDINANCE
2. ORDINANCE NO. 1499 - REGULATING TOWING AND STORAGE SERVICES
3. ORDINANCE NO. 1500 - REGULATING HEAVY DUTY TOWING AND STORAGE SERVICES

**ACTION ITEMS:**

BILL LIST [A]

**NEW BUSINESS**

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1498, AN ORDINANCE ENTITLED, "STORMWATER CONTROL ORDINANCE".

INTRODUCTION OF ORDINANCE NO. 1499, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, REGULATING TOWING AND STORAGE SERVICES WITHIN THE TOWNSHIP", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

INTRODUCTION OF ORDINANCE NO. 1500, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, REGULATING HEAVY TOWING AND STORAGE SERVICES WITHIN THE TOWNSHIP", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

**COUNCIL TOPICS FOR DISCUSSION**

**PUBLIC COMMENT - AGENDA ITEMS ONLY**

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**ADJOURN**

# ORDINANCE NO. 1498

## MUNICIPAL STORMWATER CONTROL ORDINANCE

### 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 and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for 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 *[insert name of municipality]*.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to **{adoption date of this ordinance}**, shall be subject to the stormwater management requirements in effect on *{1 day prior to the adoption date of this ordinance}*.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to *{adoption date of this ordinance}*, shall be subject to the stormwater management requirements in effect on *{1 day prior to the adoption date of this ordinance}*.
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.

#### **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 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 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.”

*NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.*

*“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.*

*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 result in the disturbance of one or more acres of land since February 2, 2004. 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.”*

*Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.*

“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.

### **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.

*Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.*

### **Section IV. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff 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:
- <https://dep.nj.gov/stormwater/bmp-manual/>.
- 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.

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

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-14)

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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

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

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

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.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 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 VIII; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.



- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the *{insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality}*. 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 *{insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies}* 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:

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

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**

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
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.

#### **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](https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf), 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](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.

*NOTE: The municipality may instead wish to abbreviate this table along with the text in Item 2 above to reflect only the relevant information, depending on the location of the municipality. The current precipitation adjustment factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(c) as Table 5-5.*

**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.

*NOTE: The municipality may instead wish to abbreviate this table along with the text in Item D above to reflect only the relevant information, depending on the location of the municipality. The future precipitation change factors added to the ordinance shall be those found in N.J.A.C. 7:8-5.7(d) as Table 5-6.*

**Table 6: Future Precipitation Change Factors**

County	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

**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.

## **Section VII. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

### **Section VIII. Safety Standards for Stormwater Management Basins:**

- A. This 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:

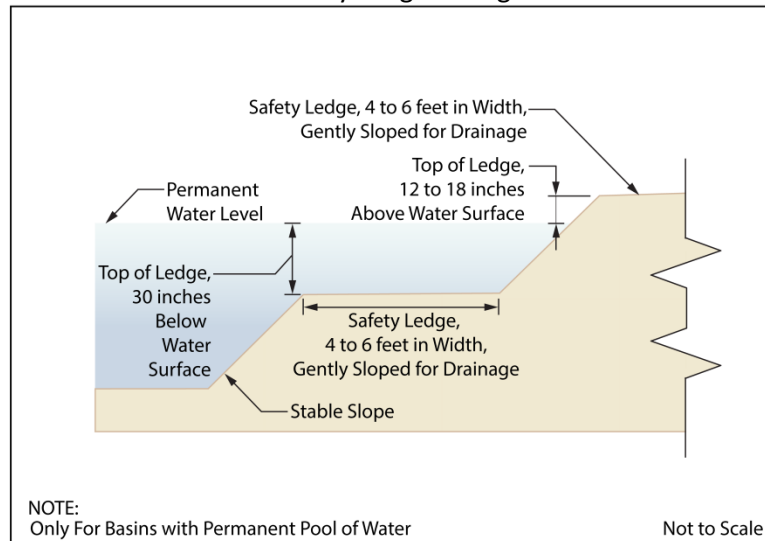
- i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not 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



**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 [*specify number*] 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.

**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

**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 following penalties:

*{Municipality to specify}*

**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.

**Section XIII. Effective Date:**

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

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**ORDINANCE NO. 1499**

**ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, REGULATING TOWING AND STORAGE SERVICES WITHIN THE TOWNSHIP**

Chapter 249. TOWING

**[HISTORY: Adopted by the Township Council of the Township of Little Falls 5-10-2010 by Ord. No. 1091. *Editor's Note: See N.J.S.A. 47:1A-1 et seq.* Amendments noted where applicable.]**

**GENERAL REFERENCES**

General penalty — See Ch. 1, Art. I.

Traffic — See Ch. 7.

Trailers — See Ch. 253.

Vehicle repair — See Ch. 268.

**§ 249-1. Jurisdiction.**

This chapter shall regulate towing and storage services originating in the Township of Little Falls (the "Township" or "Little Falls") with respect to motor vehicles with a gross vehicle weight of less than 12,000 pounds.

**§ 249-2. Selection of towing services.**

Any owner of a vehicle requiring towing services originating in the Township shall have the right to select a tower of his own choice and at his own expense unless:

- (1) the condition or location of the vehicle, in the opinion of the Little Falls Police Department, creates a hazard or an impediment to the flow of traffic;
- (2) the owner or operator of the vehicle is unable to or unwilling to select a tower of his own choosing, including without limitation, circumstances under which the owner or operator of the vehicle has been placed under arrest or is otherwise incapacitated or impaired;
- (3) in the opinion of the Little Falls Police Department, the vehicle is an abandoned or a recovered stolen vehicle; a trespass has occurred; or where a tow is necessary to secure and preserve evidence.

In such cases, the Little Falls Police Department may summon an emergency tow provider to remove the vehicle, at the expense of the owner or driver, and store it at its storage facility. In any instance, however, in which the tow provider is summoned by the Little Falls Police Department, it shall be done pursuant to the provisions of this chapter, under the authority provided by *N.J.S.A. 40:48-2.49. et seq.*

**§ 249-3. Selection process for Township tow providers' license.**

- A. On November 1 (or first following weekday if November 1 falls on a weekend) of every odd year beginning in 2013, the Township Clerk shall accept applications from towing companies seeking to be licensed as an official towing company for the Township ("Licensee"). License application forms shall be made available by October 1 for pick-up at the Township Municipal Building. Submitted applications shall contain the information as set forth and required herein and by **§ 249-4** of this chapter. Applicants submitting incomplete applications shall not be considered for selection. Applications may be submitted during normal business hours (9 a.m. to 4 p.m.) to the Township Clerk at the Township Municipal Building. Applications must be received by close of business day on November 30 (or first following weekday if November 30 falls on a weekend).

- B. Applications shall be reviewed for completeness by the Police Chief (for purposes of this Chapter 249, all references to the Police Chief shall mean the Police Chief or his or her designee) and/or Township Clerk by December 10 of each applicable licensee selection year. Application fees must accompany submitted applications to be deemed complete. See **§ 249-5**.
- C. The Police Chief shall review all applications that have been timely submitted. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be considered for licensure. ~~No more than four (4) towing companies shall be licensed by the Township.~~ The Police Chief shall conduct his review and shall recommend either approval or denial of the application(s) within 14 days of the application close date. Approved applicants shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure
- ~~D. In the event that the number of applicants exceeds the four (4) available openings, a selection lottery shall be held by the Township Clerk. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be eligible for participation in the selection lottery. The selection lottery shall occur on December 10 (or the first following weekday if December 10 falls on a weekend). Under the lottery, each applicant shall be randomly assigned a number consistent with the number of applicants. The four (4) lowest numbers randomly selected shall be deemed the winning designees. Replacement designees will be selected as needed based on the numbers drawn in the lottery in the event a winning designee is disqualified for any reason following the lottery. The winning designees under the lottery shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure.~~
- E. In order to be considered for selection as a Licensee, towing companies must meet the following eligibility criteria (in addition to other requirements as set forth herein):
- (1) Guarantee a maximum 20 minutes' response time.
  - (2) Be available on a seven (7) day-per-week, three-hundred-sixty-five (365) day-per-year basis.
  - (3) Provide, at the towing company's own expense, cellular telephone communication with the Little Falls Police Department.
  - (4) Have adequate storage space either in the Township or within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey that shall:
    - (a) Be fully enclosed with a fence (minimally capable of holding six vehicles or 1,080 square feet) and secured from pilferage or damage;
    - (b) Permit the inside storage of at least two vehicles at any given time;
    - (c) Be adequately illuminated during hours of darkness; and
    - (d) Be completely free of garbage, debris, automotive parts, or other tripping hazards.
  - (5) Provide for the reasonable cleanup of an accident scene which shall include sweeping glass from the roadway and the removal of other accident related debris as described in N.J.S.A. 39:4-56.8. The cleanup fee as set forth in **§ 249-9** shall be divided equally among the towed vehicles involved in the collision. The debris shall not be placed into the towed vehicle.

- (6) Have at its immediate disposal a minimum of three (3) towing trucks within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
- (7) Own or have immediate access to a flat-bed tow truck with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
- (8) Provide a certificate of insurance from a financially stable insurance carrier possessing an A.M. Best Company rating of not less than "A." Said certificate of insurance must further evidence that the following insurance coverage is valid and in effect for the specified contract period:
  - (a) Commercial automobile liability insurance with \$1,000,000 comprehensive single limit of liability.
  - (b) Garage keeper's liability with limits of \$150,000 per storage location.
  - (c) Worker's compensation insurance with the mandatory limits of coverage required by New Jersey statute.
  - (d) Endorsements naming the Township of Little Falls as an additional insured, and further indicating that the insurance coverage shall not be cancelled without a minimum of 15 days' prior notice to the Township.
- (9) Comply with the criminal history check and certified driver history record abstract requirements of this Chapter 249.

**§ 249-4. Application requirements.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Township Clerk.
- B. The application shall state:
  - (1) Name and address of the applicant.
  - (2) Residence address and full local address, if any, of the applicant.
  - (3) Serial number and registration for each vehicle to be operated by the applicant.
  - (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
  - (5) Policies or certificates of insurance coverage as herein provided.
  - (6) Consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
  - (7) Agreement to be available for service on business premises a minimum of 12 hours a day and to abide by the fees provided for by this chapter.
  - (8) Names and addresses of two business references.
  - (9) Sketch plan showing the location of the storage area, the number of cars that can be stored, and the total square footage area of the outside secured storage area.

- (10) Proof of ownership or lease of the outside secured storage area.
- (11) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provides services pursuant to this chapter.
- (12) Agreement to indemnify and hold the Township, its officers, agents, and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees rising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township pursuant to this chapter.
- (13) Full list of the names of all employees working at the towage facility including all drivers of towing vehicles.
- (14) Responses to any other reasonable inquiries required by the Police Chief with regard to fitness as a Licensee.

**§ 249-5. Application fee; licensing fee.**

- A. The Township shall require a \$500.00 application fee payable to the Township for processing of the license application. The application fee is non-refundable.
- B. The Township shall require a \$250.00 license fee payable to the Township for licensure. The license fee shall be due upon notice from the Police Chief following the submission of satisfactory criminal history checks and driving abstracts.

**§ 249-6. Licensing; Review by Chief of Police.**

- A. The Township shall issue licenses to its Licensees. Licenses shall be valid for two years.
- B. Licenses are the property of the Township and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- C. All prospective licensees and every towing company employee involved in the towing or storage of towed vehicles, or who will have access to towed vehicles, shall arrange for a fingerprint criminal history check to be conducted by Morpho-Trak (which is a private company under contract with the New Jersey State Police) or such successor entity which is designated by the New Jersey State Police, with the results to be provided directly by Morpho-Trak to the Township of Little Falls, 225 Main Street, Little Falls, NJ 07424 by completing Morpho-Trak Form D, which can be obtained from the New Jersey State Police or online at [http://www.nj.gov/njsp/info/pdf/092509\\_universformd.pdf](http://www.nj.gov/njsp/info/pdf/092509_universformd.pdf).
- D. All prospective licensees and every towing company employee involved in the towing of vehicles shall provide a certified driver history record abstract from the New Jersey Motor Vehicle Commission to the Little Falls Police Department.
- E. The Police Chief shall recommend the issuance of a license when he finds that:
  - (1) The public convenience and necessity require the proposed wrecker service for which the application has been submitted.
  - (2) The applicant and all its employees are fit and proper persons to conduct or work in the proposed business.
  - (3) The applicant's towing facility, proposed storage area, vehicles and equipment area meets the Township's requirements.

(4) The application submitted by the applicant complies with the requirements of this chapter and all other applicable ordinances of the Township.

F. No license shall issue to prospective licensees prior to the payment of the licensing fee of \$250.00.

G. The Township shall issue license stickers to Licensees to be applied to all of its towing vehicles.

**§ 249-7. Rotation schedule.**

A. The rotation of Licensees shall be as follows, subject to modification by the Police Chief or his designee:

(1) Licensees shall be placed on a rotation list in alphabetical order by business name. A Licensee shall remain at the top of the list for a period of two weeks, at the end of which the next alphabetically listed Licensee shall serve. The two-week rotation schedule shall be implemented throughout the two-year license period. The rotating schedule of Licensees shall be posted at police headquarters. A Licensee that wishes to change its assigned rotation due to vacation or conflict may do so with the consent of the Chief of Police or his designee.

(2) In the event that a Licensee refuses a call for service or is unable to perform a call for service within the allotted 20-minute Ordinance requirement, that towing company shall move to the bottom of the list and the next Licensee on the rotation list shall be called. A one-time refusal or inability to service a call shall not affect the two-week rotation schedule.

(3) A Licensee that fails to respond to a call for service in the manner prescribed under this Ordinance, may be suspended from the rotation in accordance with Section 249-8 herein.

B. The selection process described herein shall be operative where the tow provider is summoned by the Little Falls Police Department.

**§ 249-8. Suspension and removal from Licensee rotational list; appeal.**

A. The Police Chief shall have the authority to suspend a Licensee from the tow providers' rotational list for a period of up to 30 calendar days for failure to comply with any of the requirements of this chapter. For a subsequent failure to comply with any of the requirements of this chapter, the Police Chief may remove the Licensee from the rotational list for a twelve-month period.

B. A Licensee may appeal the suspension or removal from the tow providers' rotational list by filing a notice of appeal with the Township Clerk within 10 business days of the Police Chief's decision.

C. A hearing shall be held by the Mayor and Township Council within 30 days of filing the appeal.

D. The Mayor and Township Council shall render its determination within 20 days following the conclusion of the hearing. The Mayor and Township Council's determination shall be final and conclusive.

**§ 249-9. Towing rates.**

Towing rates are as set forth in Chapter 71, Fees. Towing rates are subject to modification by way of resolution of the Township Council and shall be on record with the Clerk of the Township.

**§ 249-10. Storage; fees; reflective vests; cruising at scenes.**



- A. Each Licensee shall be available to the public for the release of stored vehicles at a minimum:
  - (1) Monday to Friday, 8:00 a.m. to 6:00 p.m.
  - (2) Saturday, 8:00 a.m. to 4:00 p.m.
- B. Storage fees shall not be charged on a Sunday and a holiday where the Licensee is unavailable to release the towed vehicle.
- C. The storage rate shall be as set forth in Chapter 71, Fees. Forty dollars per day in twenty-four-hour increments, starting at the time the vehicle is towed or \$1 per hour part thereof.
- D. All employees of Licensees must wear reflective safety vests when out of the tow truck as specified by current standards/statutes.
- E. Licensees are prohibited from cruising or showing up at scenes without being called by the Police Department.

**§ 249-11. Winching.**

- A. Each Licensee shall have the ability to provide recovery and winching services. Recovery services are those services that require the recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm by several actions that include, but not limited to, winching and rigging.
- B. Under no circumstances shall a winching or recovery fee be charged because a vehicle was dragged onto a flatbed tow vehicle.

**§ 249-12. Payment for towing.**

- A. The owner and/or driver of the vehicle that has been towed shall be responsible for the payment of all towing and storage fees.
- B. Licensees shall have the ability to accept cash or credit cards, and shall furnish receipts upon request, including transactions on scene.

**§ 249-13. Inquiries from motorists.**

- A. In any instance in which a motorist makes an inquiry of the Little Falls Police Department concerning towing services, the Little Falls Police shall advise the motorist of the name and address of the scheduled Licensee currently in rotation and except as provided in § 249-2 where the police shall have the right to summon a tow service, the police officer shall advise the motorist that he may select any tower of his own choice and at his own expense.
- B. If requested to remove a vehicle out of the lane of travel so that a motorist could utilize his/her own towing service, the maximum allowable charge shall be as set forth in Chapter 71, Fees, and the Licensee shall tow the vehicle to a safe location as determined by the on-scene police officer.
- C. In the event a tow is requested by a motorist through the Little Falls Police Department to a location outside of the Township from the scene subject to the availability of the on-rotation Licensee, the maximum rate that can be charged is \$3 per mile, in addition to the tow charge.

**§ 249-14. Enforcement.**

The Police Chief or his designee is hereby authorized to enforce all provisions of this chapter in accordance with due process of law.

**§ 249-15. Copies of fees and regulations made available to public; additional fees.**

- A. A copy of this chapter and current fee schedule shall be available to the public at the office of the Township Clerk during normal business hours.
- B. No other fees or charges that are not specifically listed under § 249-9 shall be charged.

**§ 249-16. Violations and penalties.**

Any person violating the provisions of this chapter shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article I.

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Approved \_\_\_\_\_

ATTEST:

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Cynthia Kraus, Township Clerk

\_\_\_\_\_  
Darlene J. Post, Mayor

**ORDINANCE NO. 1500**

**ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, REGULATING HEAVY TOWING AND STORAGE SERVICES WITHIN THE TOWNSHIP**

**WHEREAS**, N.J.S.A. 40:48-2.49 authorizes the Township of Little Falls (the “Township”) to regulate the removal and storage of motor vehicles and to establish rates and charges with respect to the same; and

**WHEREAS**, the Township has adopted Ordinance 1091, as thereafter amended and supplemented, and as codified at Chapter 249 of the Township Code, with respect to towing and storage within the Township generally; and

**WHEREAS**, the towing and storage of vehicles with a gross vehicle weight of 12,000 pounds or more requires specialized equipment and trained personnel; and

**WHEREAS**, the Township wishes to implement the following regulations with respect to the towing and storage of vehicles of 12,000 pounds or more, to be codified as Chapter 250 of the Township Code, entitled “Heavy Towing”,

**NOW, BE IT ORDAINED, BY THE GOVERNING BODY OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, AS FOLLOWS:**

**Section 1. Recitals.** The recitals hereto are hereby incorporated herein as if set forth at length.

**Section 2. Construction.** (a) Scope. This ordinance shall regulate towing and storage services originating in the Township for vehicles with a gross vehicle weight of or in excess of 12,000 pounds (“Heavy Vehicles”).

(b) Definitions. The following terms shall have the meanings ascribed to them below, as follows:

**Absorbent** — A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

**Administrative Charges** — Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items, additional paperwork and more than three trips to the motor vehicle in storage.

**Basic Environmental Cleanup** — The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

**Basic Tow** — Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

**Basic Towing Service** — The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

**Chief of Police or Police Chief** — The highest ranking sworn officer within the Little Falls Police Department, or his or her designee.

**Cruising** — The operation of a tow truck within the Township of Little Falls to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

**Disabled Vehicle** — A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

**Emergency Road Repair Service** — Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

**Heavy-Duty Wrecker** — A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 40,000 pounds.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

**Heavy Tow Provider** – shall be as defined in Section 4(A) hereof.

**Heavy Towing Services** – shall be as defined in Section 3 hereof.

Heavy Vehicles – shall be as defined in Section 2(a) hereof.

Licensed Wrecker/Tow Truck — Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

Licensee — Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Township, pursuant to this chapter, to provide Heavy Towing Services to the Township.

Motor Vehicle — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

Outside Secured Storage Facility — Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other manmade barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.

B. All entry points shall have a locking device.

C. The area shall have adequate lighting to protect stored vehicles from vandalism.

D. The towing operator shall submit proof that he owns or leases an area for storage minimally capable of holding six Heavy Vehicles or 3000 square feet, within a 20-minute response time to any call for towing or service within the Township of Little Falls. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

Owner — A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Township of Little Falls.

Person — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

Police — The Township of Little Falls Police Department.

Principal Location — The licensed place of business of the towing operator. The towing operator shall maintain a place of business where trucks, in response to police requests, are normally kept. The impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public, between 8:00 a.m. and 6:00 p.m., Monday to Friday and 8:00 a.m. to 4:00 p.m. on Saturday and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

Recovery — The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

Roadway Cleanup — The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

Rotating List — The list of towers prepared by the Chief of Police from which, each week, the on-duty tower for the week is designated.

Site Cleanup — The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

Storage Day — Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.

Storage Services — The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

Tarping — Covering a motor vehicle to prevent weather damage.

Towing Operator — A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

Vehicle — Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

Waiting Time — Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.

Winching — The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flatbed tow truck.

Window Wrap — Any material used to cover motor vehicle windows that have been damaged.

Wrecker/Tow Truck A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any

vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

Yard Charge — A charge for a motor vehicle, towed into the storage facility of the licensed tower, that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

**Section 3. Selection of Heavy Towing Services.** Any owner of a Heavy Vehicle requiring towing services originating in the Township ("Heavy Towing Services") shall have the right to select a Heavy Tow Provider of his own choice and at his own expense unless:

- (1) the condition or location of the Heavy Vehicle, in the opinion of the Little Falls Police Department, creates a hazard or an impediment to the flow of traffic;
- (2) the owner or operator of the Heavy Vehicle is unable to or unwilling to select a Heavy Tow Provider of his own choosing, including without limitation, circumstances under which the owner or operator of the Heavy Vehicle has been placed under arrest or is otherwise incapacitated or impaired;
- (3) in the opinion of the Little Falls Police Department, the Heavy Vehicle is an abandoned or a recovered stolen vehicle; a trespass has occurred; or a tow is necessary to secure and preserve evidence.

In such cases, the Little Falls Police Department may summon an emergency Heavy Tow Provider to remove the Heavy Vehicle, at the expense of the owner or driver, and store it at its storage facility. In any instance, however, in which the Heavy Tow Provider is summoned by the Little Falls Police Department, it shall be done pursuant to the provisions of this Ordinance, under the authority provided by *N.J.S.A. 40:48-2.49. et seq.*

**Section 4. Selection Process for Township Heavy Tow Providers' License.**

- A. On November 1 (or first following weekday if November 1 falls on a weekend) of every odd year beginning in 2013, the Township Clerk shall accept applications from towing companies seeking to be licensed as an official Heavy Tow Provider for the Township ("Heavy Tow Provider" or "Licensee"). License application forms shall be made available by October 1 for pick-up at the Township Municipal Building. Submitted applications shall contain the information as set forth and required herein and by Section 5 of this Ordinance. Applicants submitting incomplete applications shall not be considered for selection. Applications may be submitted during normal business hours (9 a.m. to 4 p.m.) to the Township Clerk at the Township Municipal Building. Applications must be received by close of business day on November 30 (or first following weekday if November 30 falls on a weekend).
- B. Applications shall be reviewed for completeness by the Police Chief and/or Township Clerk by December 10 of each applicable licensee selection year. Application fees must accompany submitted applications to be deemed complete. See Section 6 of this Ordinance.
- C. The Police Chief shall review all applications that have been timely submitted. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be considered for licensure. ~~No more than four (4) Heavy Tow Providers shall be licensed by the Township.~~ The Police Chief shall conduct his review and shall recommend either approval or denial of the application(s) within 14 days of the application close date. Approved applicants shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance for licensure.
- ~~D. In the event that the number of applicants exceeds the four (4) available openings, a selection lottery shall be held by the Township Clerk. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be eligible for participation in the selection lottery. The selection lottery shall occur on December 10 (or the first following weekday if December 10 falls on a weekend). Under the lottery, each applicant shall be randomly assigned a number consistent with the number of applicants. The four (4) lowest numbers randomly selected shall be deemed the winning designees. Replacement designees will be selected as needed based on the numbers drawn in the lottery in the event a winning designee is disqualified for any reason following the lottery. The winning designees under the lottery shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure.~~
- E. In order to be considered for selection as a Licensee, Heavy Tow Providers must meet the following eligibility criteria (in addition to other requirements as set forth herein):
  - (1) Guarantee a maximum 20 minutes' response time.
  - (2) Be available on a seven (7) day-per-week, three-hundred-sixty-five (365) day-per-year basis.
  - (3) Provide, at the towing company's own expense, cellular telephone communication with the Little Falls Police Department.

- (4) Have adequate storage space either in the Township or within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey that shall:
  - (a) Be fully enclosed with a fence (minimally capable of holding six vehicles or 3000 square feet) and secured from pilferage or damage with surveillance cameras;
  - (b) Permit the inside storage of at least two vehicles at any given time;
  - (c) Be adequately illuminated during hours of darkness; and
  - (d) Be completely free of garbage, debris, automotive parts, or other tripping hazards.
- (5) Provide for the reasonable cleanup of an accident scene which shall include sweeping glass from the roadway and the removal of other accident related debris as described in N.J.S.A. 39:4-56.8. The cleanup fee as set forth in Section 10 shall be divided equally among the towed vehicles involved in the collision. The debris shall not be placed into the towed vehicle.
- (6) Shall own a heavy-duty wrecker located within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
- (7) Provide a certificate of insurance from a financially stable insurance carrier possessing an A.M. Best Company rating of not less than "A." Said certificate of insurance must further evidence that the following insurance coverage is valid and in effect for the specified contract period:
  - (a) Commercial automobile liability insurance in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
  - (b) Garage keeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
  - (c) Garage liability in an amount not less than \$2,000,000 combined single limit.
  - (d) Comprehensive general liability insurance in an amount not less than \$2,000,000.
  - (e) Excess or umbrella liability insurance in an amount not less than \$2,000,000.
  - (f) Policies shall be endorsed to provide collision coverage for vehicles in tow.
  - (g) Worker's compensation insurance with the mandatory limits of coverage required by New Jersey statute.
  - (h) On all policies except workers' compensation, endorsements naming the Township of Little Falls as an additional insured, and further indicating that the insurance coverage shall not be cancelled or revised without a minimum of 30 days' prior written notice to the Township.
- (8) Comply with the criminal history check and certified driver history record abstract requirements of Section 7 hereof.
- (9) Comply with the certified scale requirements of Section 17 hereof.

**Section 5. Application Requirements.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Township Clerk.
- B. The application shall state:
  - (1) Name and address of the applicant.
  - (2) Residence address and full local address, if any, of the applicant.
  - (3) Serial number and registration for each vehicle to be operated by the applicant.
  - (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
  - (5) Policies or certificates of insurance coverage as herein provided.
  - (6) Consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.

- (7) Agreement to be available for service on business premises a minimum of 12 hours a day and to abide by the fees provided for by this chapter.
- (8) Names and addresses of two business references.
- (9) Sketch plan showing the location of the storage area, the number of Heavy Vehicles that can be stored, and the total square footage area of the outside secured storage area.
- (10) Proof of ownership or lease of the outside secured storage area.
- (11) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provides services pursuant to this chapter.
- (12) Agreement to indemnify and hold the Township, its officers, agents, and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees rising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township pursuant to this chapter.
- (13) Full list of the names of all employees working at the towage facility including all drivers of towing vehicles.
- (14) Responses to any other reasonable inquiries required by the Police Chief with regard to fitness as a Licensee.

**Section 6. Application Fee; Licensing Fee.**

- A. The Township shall require a \$500.00 application fee payable to the Township for processing of the license application. The application fee is non-refundable. This application fee is in addition to any other fees required by this Ordinance.
- B. The Township shall require a \$250.00 license fee payable to the Township for licensure. The license fee shall be due upon notice from the Police Chief following the submission of satisfactory criminal history checks and driving abstracts.

**Section 7. Licensing; Review by Chief of Police.**

- A. The Township shall issue licenses to its Licensees. Licenses shall be valid for two years.
- B. Licenses are the property of the Township and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- C. All prospective licensees and every towing company employee involved in the towing or storage of towed vehicles, or who will have access to towed vehicles, shall arrange for a fingerprint criminal history check to be conducted by Morpho-Trak (which is a private company under contract with the New Jersey State Police) or such successor entity which is designated by the New Jersey State Police, with the results to be provided directly by Morpho-Trak to the Township of Little Falls, 225 Main Street, Little Falls, NJ 07424 by completing Morpho-Trak Form D, which can be obtained from the New Jersey State Police or online at [http://www.nj.gov/njsp/info/pdf/092509\\_universformd.pdf](http://www.nj.gov/njsp/info/pdf/092509_universformd.pdf).
- D. All prospective licensees and every towing company employee involved in the towing of vehicles shall provide a certified driver history record abstract from the New Jersey Motor Vehicle Commission to the Little Falls Police Department.
- E. The Police Chief shall recommend the issuance of a license when he finds that:
  - (1) The public convenience and necessity require the proposed wrecker service for which the application has been submitted.
  - (2) The applicant and all its employees are fit and proper persons to conduct or work in the proposed business.
  - (3) The applicant's towing facility, proposed storage area, vehicles and equipment area meets the Township's requirements.
  - (4) The application submitted by the applicant complies with the requirements of this chapter and all other applicable ordinances of the Township.
- F. No license shall issue to prospective licensees prior to the payment of the licensing fee of \$250.00.
- G. The Township shall issue license stickers to Licensees to be applied to all of its towing vehicles.

**Section 8. Rotation Schedule.**

- A. The rotation of Licensees shall be as follows, subject to modification by the Police Chief or his designee:
  - (1) Licensees shall be placed on a rotation list in alphabetical order by business name. A Licensee shall remain at the top of the list for a period of two weeks, at the end of which the next alphabetically listed Licensee shall serve. The two-week rotation schedule shall be implemented throughout the two-year license period. The rotating schedule of Licensees shall be posted at police headquarters. A Licensee that wishes to change its assigned rotation due to vacation or conflict may do so with the consent of the Chief of Police or his designee.
  - (2) In the event that a Licensee refuses a call for service or is unable to perform a call for service within the allotted 20-minute Ordinance requirement, that towing company shall move to the bottom of the list and the next Licensee on the rotation list shall be called. A one-time refusal or inability to service a call shall not affect the two-week rotation schedule.
  - (3) A Licensee that fails to respond to a call for service in the manner prescribed under this Ordinance, may be suspended from the rotation in accordance with Section 9 herein.
- B. The selection process described herein shall be operative where the tow provider is summoned by the Little Falls Police Department.

**Section 9. Suspension and Removal from Licensee Rotational List; Appeal.**

- A. The Police Chief shall have the authority to suspend a Licensee from the Heavy Tow Providers' rotational list for a period of up to 30 calendar days for failure to comply with any of the requirements of this chapter. For a subsequent failure to comply with any of the requirements of this chapter, the Police Chief may remove the Licensee from the rotational list for a twelve-month period.
- B. A Licensee may appeal the suspension or removal from the Heavy Tow Providers' rotational list by filing a notice of appeal with the Township Clerk within 10 business days of the Police Chief's decision.
- C. A hearing shall be held by the Mayor and Township Council within 30 days of filing the appeal.
- D. The Mayor and Township Council shall render its determination within 20 days following the conclusion of the hearing. The Mayor and Township Council's determination shall be final and conclusive.

**Section 10. Heavy Towing Rates.** Chapter 71 of the Township Code, entitled "Fees", is hereby amended to reflect the following towing and storage rates. These rates are subject to modification by way of resolution of the Township Council and shall be on record with the Clerk of the Township.

- A. Heavy Towing Service rates:
  - (1)
    - (a) Rate: \$325 per hour (one-hour minimum), billed in thirty-minute increments.
    - (b) Shaft removal: \$45.
    - (c) Brake release: \$45.
    - (d) No mileage fee from the point of tow to the Licensee's storage yard.
  - (2) Air cushion device in heavy-duty vehicle recovery.
    - (a) Rate: \$550 per hour.
- B. Heavy Towing Service storage rates:
  - (a) \$75 per day.
  - (b) Tandem axle: \$100 per day.
  - (c) Tractor-trailer combination: \$140 per day.



- C. Emergency road service: \$60.
- (1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
  - (2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.
- D. Rates for vehicle recovery and/or winching:
- (1) Wreckers and personnel.
    - (a) Heavy-duty wrecker: \$300 per hour to be charged in thirty-minute increments with a one-hour minimum.
    - (b) Additional manpower: \$60 per hour per man.
    - (c) Level 3 Recovery Supervisor: \$90 per hour.
  - (2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.
- E. Additional services that may be required:
- (1) Axle pull/drive shaft/transmission disconnect: \$40 flat rate.
  - (2) Hookup air: \$25 flat rate.
  - (3) Roadway cleanup: \$50 per hour, to be charged in 30 minute increments with a one-half- hour minimum.
    - (a) When basic environmental cleanup is required, a charge of \$25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.
    - (b) Cleanup services, including time and absorbent, must be itemized on the statement.
  - (4) Administrative charges:
    - (a) Maximum of \$25.
    - (b) Services must be itemized on the statement.
  - (5) No yard charge may be billed.
  - (6) Waiting time: \$40 per hour, in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes, rounded up to 15.
  - (7) The use of window wrap or tarping is \$25.
  - (8) The Licensee shall prepare an itemized billing invoice for all services rendered.

**Section 11. Storage; Fees; Reflective Vests; Cruising at Scenes.**

- A. Each Licensee shall be available to the public for the release of stored vehicles at a minimum:
- (1) Monday to Friday, 8:00 a.m. to 6:00 p.m.
  - (2) Saturday, 8:00 a.m. to 4:00 p.m.
- B. Storage fees shall not be charged on a Sunday and a holiday where the Licensee is unavailable to release the towed vehicle.
- C. The storage rate shall be as set forth in Chapter 71, Fees.
- D. All employees of Licensees must wear reflective safety vests when out of the tow truck as specified by current standards/statutes.
- E. Licensees are prohibited from cruising or showing up at scenes without being called by the Police Department.

**Section 12. Winching.**

- A. Each Licensee shall have the ability to provide recovery and winching services. Recovery services are those services that require the recovery of a Heavy Vehicle from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm by several actions that include, but not limited to, winching and rigging.
- B. Under no circumstances shall a winching or recovery fee be charged because a Heavy Vehicle was dragged onto a flatbed tow vehicle.

**Section 13. Payment for Towing.**

- A. The owner and/or driver of the Heavy Vehicle that has been towed shall be responsible for the payment of all towing and storage fees.

- B. Licensees shall have the ability to accept cash or credit cards, and shall furnish receipts upon request, including transactions on scene.

**Section 14. Inquiries from Motorists.**

- A. In any instance in which a motorist makes an inquiry of the Little Falls Police concerning Heavy Tow Services, the Little Falls Police Department shall advise the motorist of the name and address of the scheduled Licensee currently in rotation and except as provided in Section 3 hereof where the police shall have the right to summon a Heavy Tow Service, the police officer shall advise the motorist that he may select any Heavy Tow Provider of his own choice and at his own expense.
- B. If requested to remove a vehicle out of the lane of travel so that a motorist could utilize his/her own Heavy Tow Provider, the maximum allowable charge shall be as set forth in Chapter 71, Fees, and the Licensee shall tow the Heavy Vehicle to a safe location as determined by the on-scene police officer.
- C. In the event a tow is requested by a motorist through the Police Department to a location outside of the Township from the scene subject to the availability of the on-rotation Licensee, the maximum rate that can be charged is \$3 per mile, in addition to the tow charge.

**Section 15. Enforcement.** The Police Chief or his designee is hereby authorized to enforce all provisions of this chapter in accordance with due process of law.

**Section 16. Copies of Fees and Regulations Made Available to Public; Additional Fees.**

- A. A copy of this chapter and current fee schedule shall be available to the public at the office of the Township Clerk during normal business hours.
- B. No other fees or charges that are not specifically listed under this Ordinance or Chapter 71 of the Township Code shall be charged.

**Section 17. Certified Scales Required.**

- A. All heavy duty towing applicants shall: (i) have the ability to weigh vehicles on their premises as may be required at the request of the Little Falls Police Department; or (ii) have immediate access to scales within a four (4) mile radius of 225 Main Street, Little Falls, which meet the criteria delineated herein for this purpose.
- B. The scales shall be certified, annually, by the State of New Jersey Office of Weights and Measures. A copy of the current certification must be included in the application packet. It is the responsibility of the applicant to ensure the most current certification is forwarded to the Little Falls Police Chief on an annual basis.
- C. Scale requirements: The scale shall, minimally, be required to provide certified weigh slips on vehicles:
  - (1) Under 100,000 lbs;
  - (2) Less than or equal to 70 feet in length; and
  - (3) Less than or equal to 9 feet in width.

**Section 18. Heavy Vehicle Recovery of 12,000 Pounds or More.**

- A. To perform Heavy Vehicle Recovery of 12,000 pounds or more, the Township requires that the Licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.
- B. To perform Heavy Vehicle recovery under this section, the Licensee must:
  - (a) Visually document the recovery scene through photos or videotape.
  - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the Heavy Vehicle owner with the statement for services.
  - (c) Prepare an itemized billing invoice for all services rendered.
- C. If the Licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the Licensee. The Licensee may not subcontract the entire recovery. In the event that the Licensee is unable to handle the recovery, then the next Heavy Tow Provider on the rotating list shall be called.

**Section 19. Violations and Penalties.** Any person violating the provisions of this Ordinance shall, upon conviction, be liable to the penalty stated in Chapter 1, Article I of the Township Code.

**Section 20. Severability.** If any part of this Ordinance is deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 21. Effective Date.** This Ordinance shall take effect as provided in law.

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APPROVED: \_\_\_\_\_

ATTEST:

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Cynthia Kraus, Township Clerk

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Darlene J. Post, Mayor