Ordinance 2024-02

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SHILOH
TO INCLUDE ADDITIONAL STORMWATER TIER 1 REGULATIONS.

SECTION I. THE FOLLOWING CHAPTERS AND SECTIONS SHALL BE AMENDED TO THE CODE OF THE BOROUGH OF SHILOH AS FOLLOWS:

SECTION II

CHAPTER 159

STORM SEWER SYSTEM

§159.1.1. Definitions

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic sewage - waste and wastewater from humans or household operations.
b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Shiloh, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
d. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Borough of Shiloh or other public body, and is designed and used for collecting and conveying stormwater.

NOTE: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

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

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

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

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

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

§159.1.2 Illicit Connections

Illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Shiloh so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§159.1.3 Prohibited Conduct

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

§159.1.4 Enforcement

This ordinance shall be enforced by the Honor System.

§159.1.5 Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the general penalties and fines found here within.

SECTION III.

CHAPTER 143

PRIVATELY-OWNED SALT STORAGE

§143.1. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Shiloh to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§143.2. Definitions

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

1. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

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

3. "Storm drain inlet" means the point of entry into the storm sewer system.

4. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

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

a. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

b. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

c. The structure shall be erected on an impermeable slab;

d. The structure cannot be open sided; and

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

5. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

6. "Resident" means a person who resides on a residential property where de-icing material is stored.

§143.3. Deicing Material Storage Requirements

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

a. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

b. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

c. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

d. Loose materials shall be covered as follows:

1. The cover shall be waterproof, impermeable, and flexible;

2. The cover shall extend to the base of the pile(s);

3. The cover shall be free from holes or tears;

4. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

5. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

6. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

7. Containers must be sealed when not in use; and

8. The site shall be free of all de-icing materials between April 16th and October 14th.

2. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

3. All such temporary and/or permanent deicing material storage structures must also comply with all other local ordinances, including building and zoning regulations.

4. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

5. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

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

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

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

§143.5. Enforcement
This ordinance shall be enforced by the Honor System

§143.6. Penalties
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject penalties and fines found in the General penalties of the Code.

SECTION IV

Tree Removal-Replacement Ordinance

Chapter 170

§170-1 Purpose

An ordinance to establish requirements for tree removal and replacement in the Lower Alloways Creek Township to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§170-2 Definitions

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

A. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

B. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles;

4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by the municipal property maintenance/health officer.

C. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

D. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

E. “Resident” means an individual who owns a residential property or contractor hired by the individual who owns a residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

F. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

G. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

H. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§170-3 Regulated Activities

Process:

1. Land Use applications for a Grading Plan, Preliminary Major Subdivision, Minor Site Plan or Preliminary Major Site Plan shall include a tree location plan in areas of disturbance. The plan should include the number of trees to be removed and a planting plan with the required tree replacement.

A. Tree Replacement Requirements

1. Any person, who removes ten or more tree(s), as defined as Tree removal, with a DBH of 8" or more per acre, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
2. An application or permit is not required for the removal or cutting of trees.

The species type and diversity of replacement trees shall be in accordance with Appendix A .

Replacement tree(s) shall:

1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) planting seasons
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 8" or greater	Replant 1 tree with a minimum tree caliper of 1.5" for exceeding ten (10) trees removed in course of one year

B. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

    a. Plant replacement trees in a separate area(s) approved by the municipality.
    b. Pay a fee of $100.00 for exceeding ten (10) trees removed in course of one year removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

§170-4 Exemptions

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

A. Residents and homeowners are permissible to cut 10 trees per acre every year before requiring tree replacement.

B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;

C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;

D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.

E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

G. Hazard trees may be removed with no fee or replacement requirement.

H. Trees removed as part of an ongoing active agricultural use needed to support and maintain the agricultural activities.

I. Agricultural / Farmland is exempt.

J. Trees under electric wires that pose a hazard.

K. Trees grown for timbering activities.

§170-5 Enforcement

This ordinance shall be enforced by the Honor System**.** Lower Alloways Creek Township will notify property owners of the Tree Ordinance and provide the property owners with the tree replacement policy. Lower Alloways Creek Township Public Works Department Staff will conduct spot checks to review exemptions and compliance with the Tree Ordinance.

§170-6 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a warning / summons, community service or fine of $500.00 as such court in its discretion may impose.

Appendix A

Following is a list of approved replacement trees in the Township of Lower Alloways Creek for trees being removed per Chapter 145, 170-3 The mix, number and location of trees or substitutions shall be reviewed and approved by the Township Engineer. Not all tree species may be appropriate for certain uses, locations, site conditions, and soil types.

Tree Species	Common Name
Acer Rubrum	Red Maple
Acer Negundo	Boxelder
Betula Nigra	River Birch
Carpinus Caroliniana	American Hornbeam
Carya Ovalis	Red Hickory
Cornus Florida	Flowering Dogwood or other dogwoods
Fraxinus Americana	White Ash
Ginkgo Biloba (male)	Ginkgo
Gleditsia triacanthos var. inermis	Honey Locust (Thornless)
Liriodendron Styraciflua	Tuliptree
Nyssa Sylvatica	Blackgum
Populus Grandidentata	Bigtooth Aspen
Quercus Alba	White Oak
Quercus palustris	Pin Oak
Quercus Rubra	Northern Red Oak
Tilia Cordata	Littleleaf Linden
Ulmus Americana	American Elm "Princeton"

The planting procedure and season for planting shall follow recommendations from the NJ Shade Tree Federation "Trees for NJ Streets".

Following is a list of trees that shall <u>not</u> be planted as replacement trees:

Sweet Gum

Bradford Pear

SECTION V

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith to the extent of such inconsistencies be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as required by law. The provisions of this Ordinance shall remain in full force and effect until amended or repealed.

This Ordinance, which was introduced for First Reading on April 1, 2024, shall be published by Title in the South Jersey Times and placed on the Borough's Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on May 6, 2024 at 7:00 p.m., at the Borough of Shiloh Municipal Building, 900 Main Street, Shiloh New Jersey 08353. The public will have an opportunity to make public comment regarding this ordinance at that time.