

CITY OF SALEM
ORDINANCE 24-22

**AN ORDINANCE AMENDING CHAPTER 130, PART 8, ARTICLE XXIX OF THE
CODE OF THE CITY OF SALEM, NEW JERSEY ENTITLED STORMWATER
CONTROL TO ADOPT CHANGES TO THE MODEL STORMWATER CONTROL
ORDINANCE FOR NEW JERSEY MUNICIPALITIES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Mayor and City Council are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the power and duties conferred and imposed upon the City by law; and

WHEREAS, it is the intent of the City to amend Chapter 130 of the Salem Code to revise the City's Stormwater Control ordinance based on updates to the state's model stormwater control ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SALEM:

Section 1. The above-mentioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 130, Part 8, Article XXIX entitled "Stormwater Control" is hereby amended as detailed below:

- a. §130-162 (**Scope and Purpose**) subparagraph C of the City code is hereby amended with the addition of the following:
 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 (b)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."*

- b. §130-163 (**Definitions**) is hereby amended with the addition of the following:

"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.”

c. §130-165 (**Stormwater management requirements for major development**) subparagraph E is deleted in its entirety and replaced with the following:

“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/>.”

d. §130-165 (**Stormwater management requirements for major development**) subparagraph (P)(2)(b) is deleted in its entirety and replaced with the following:

“(b) 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 §130-166(D) of this Code, is infiltrated.”

e. §130-165 (**Stormwater management requirements for major development**) subparagraph (P)(4)(a) is deleted in its entirety and replaced with the following:

“(a) 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”

f. §130-165 (**Stormwater management requirements for major development**) subparagraphs (R)(2)(a), (R)(2)(b), and (R)(2)(c) are deleted in their entirety and replaced with the following:

“(a) 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;

- (b) 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;
- (c) 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”

g. §130-166 (**Calculation of stormwater runoff and groundwater recharge**) subparagraph (A)(1)(a) is deleted in its entirety and replaced with the following:

“A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using the following method:

- (a) 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.”

h. §130-166 (**Calculation of stormwater runoff and groundwater recharge**) subparagraph (A)(1)(b) is deleted in its entirety.

i. §130-166 (**Calculation of stormwater runoff and groundwater recharge**) subparagraph (A)(2) is deleted in its entirety and replaced with the following:

“(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 §130-166A(1)(a). 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).”

j. §130-166 (**Calculation of stormwater runoff and groundwater recharge**) is amended to add subparagraph C as follows:

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

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03

Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

k. §130-166 (**Calculation of stormwater runoff and groundwater recharge**) is amended to add subparagraph D as follows:

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

Table 6: Future Precipitation Change Factors

	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-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

l. §130-167 (Sources for Technical Guidance) subparagraph A is deleted in its entirety and replaced with the following:

“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/>.”

m. §130-167 (Sources for Technical Guidance) subparagraph (A)(B) is deleted in its entirety and replaced with the following:

“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.”

n. “130-169 (Safety standards for stormwater management basins) subparagraph (C)(2)(b) is deleted in its entirety and replaced with the following:


“(b) The overflow gate spacing shall be no greater than two inches across the smallest dimension.”

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

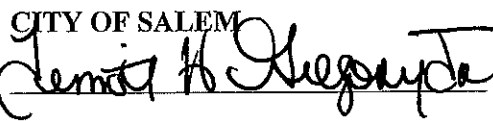
Section 4. In the event that any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the City Council that the balance of the Ordinance remains in full force and effect to the extent it allows the City to meet the goals of the Ordinance.

Section 5. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:



Ben Angeli, RMC

CITY OF SALEM


Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
E. Gage	X		X			
T. Gregory			X			
V. Groce			X			
S. Kellum		X	X			
C. Loatman			X			
J. Long			X			
C. Smith			X			
S. Cline			X			

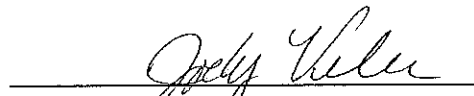
I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Common Council of the City of Salem on August 19, 2024. Public Hearing shall take place on September 16, 2024

8-19-24
Date


Ben Angeli, RMC

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
E. Gage	X		X			
T. Gregory			X			
V. Groce			X			
S. Kellum			X			
C. Loatman		X	X			
J. Long			X			
C. Smith			X			
S. Cline			X			

10-21-24
Date


Dr. Jody Weller, Mayor

I, Ben Angeli, Municipal Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council of the City of Salem after a second reading and public hearing on October 21, 2024.

10-21-24
Date


Ben Angeli, RMC