

**MANNINGTON TOWNSHIP**

**ORDINANCE NO. 24-03**

**AN ORDINANCE ADOPTING NEW STORMWATER  
MANAGEMENT REQUIREMENTS AND CONTROLS  
IN CONFORMANCE WITH 2023 NJDEP REGULATIONS**

**WHEREAS**, on July 17, 2023, the New Jersey Department of Environmental Protection (NJDEP) amended the Stormwater Management rules at *N.J.A.C. 7:8*; and

**WHEREAS**, to assist New Jersey municipalities with updating their stormwater control ordinances consistent with the newly adopted rules, NJDEP has revised its model Stormwater Control Ordinance to reflect the new rule amendments;

**WHEREAS**, the Mannington Township Engineer has informed the Mannington Township Committee that, in order to comply with requirements of Mannington Township's new Tier A Municipal Stormwater General Permit, Mannington Township must, on or before December 31, 2023, update its current stormwater management standards for consistency with NJDEP's revised model Stormwater Control Ordinance, and that Mannington Township must also adopt nine (9) additional new community-wide ordinances in accordance with NJDEP model forms to address activities relating to: yard waste; litter control; pet waste control; private storm drain inlet retrofitting; wildlife feeding; illicit connections; improper disposal of waste; privately owned salt storage; and tree removal-replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mannington, in the County of Salem, and State of New Jersey, that Chapter 70, Part 6 of the Mannington Township Code is hereby amended as follows:

**1. Section 70-104 of Part 6 "Stormwater Management" of Chapter 70 "Land Use" of the Code of the Township of Mannington is hereby amended to include new subsections C.(3), (4) and (5) which are set forth below in BOLD UNDERLINED text:**

§ 70-104. 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 Part 6 is to establish minimum stormwater management requirements and controls for “major development,” as defined below in § 70-105.

C. Applicability.

(1) This Part 6 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 Part 6 shall also be applicable to all major developments undertaken by the Township of Mannington.

(3) **An application required by municipal ordinance pursuant to C.(1) above that has been submitted prior to the adoption date of Mannington Township Ordinance No. 24-03 shall be subject to the stormwater management requirements in effect on the day prior to the adoption date of Mannington Township Ordinance No. 24-03.**

(4) **An application required by municipal ordinance for approval pursuant to C.(1) above that has been submitted on or after March 2, 2021, but prior to the adoption date of Mannington Township Ordinance No. 24-03, shall be subject to the stormwater management requirements in effect on the day prior to the adoption date of Mannington Township Ordinance No. 24-03.**

(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 Part 6 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 Part 6 shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Part 6 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 Part 6 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.

**2. Section 70-105 of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington is hereby amended to include the following two (2) new definitions:**

“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.

**3. The NJDEP website address at the end of § 70-107.E. of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington (for the most current version of the New Jersey Stormwater Best Management Practices Manual) is hereby deleted and replaced with the following new website address:**

<https://dep.nj.gov/stormwater/bmp-manual/>

**4. Section 70-107 of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington is hereby amended to delete subsections P.(2)(b) and P.(4)(a) and replace them with new subsections P.(2)(b) and P.(4)(a) which are set forth in BOLD UNDERLINED text:**

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 § 70-108, either:
  - (a) 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
  - (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 70-108.D., below, is infiltrated.**

(3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to subsection (4) below.

(4) The following types of stormwater shall not be recharged:

(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 NJDEP 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 NJDEP landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and**

(b) 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.

**5. Section 70-107 of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington is hereby amended to delete subsections R.(2)(a), (b) and (c) and replace them with new subsections R.(2)(a), (b) and (c) which are set forth in BOLD UNDERLINED text:**

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 § 70-108, complete one of 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 § 70-108.C. and D., 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 § 70-108.C. and D., respectively, 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 § 70-108.C. and D., respectively, 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
- (d) in tidal flood hazard areas, stormwater runoff quantity analysis in accordance with subsections (2)(a), (b) and (c) 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.

**6. Section 70-108 of Part 6 "Stormwater Management" of Chapter 70 "Land Use" of the Code of the Township of Mannington is hereby amended to delete subsections A.(1)(a) and (b) and subsection A.(2), and to replace them with new subsections A.(1)(a) and subsection A.(2) which are set forth in BOLD UNDERLINED text, and also to include new subsections C. and D., which are set forth below in BOLD UNDERLINED text:**

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.

(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 § 70-108.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, 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/gsreport/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 2-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with subsections (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 the following Current Precipitation Adjustment Factors for Salem County as set forth below (unless otherwise provided in any amendment of *N.J.A.C. 7:8-5.7(c)*, Table 5-5) as the applicable multiplier for the drainage area(s) of the site:**

**2-Year Design Storm: 1.02**

**10-Year Design Storm: 1.03**

**100-Year Design Storm: 1.03**

D. **Future Precipitation Change Factors for Salem County as set forth below (unless otherwise provided in any amendment of *N.J.A.C. 7:8-5.7(d)*, Table 5-6) are the change factors to be used in determining the projected 2-, 10-, and 100-year storm events for use in this Part 6. The precipitation depth of the projected 2-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 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 for Salem County:**

**2-Year Design Storm: 1.20**

**10-Year Design Storm: 1.23**

**100-Year Design Storm: 1.32**

**7. Section 70-109 of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington is hereby deleted and replaced with the following new § 70-109:**

§ 70-109. 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 NJDEP’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 NJDEP’s website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>

B. Submissions required for review by NJDEP 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.

**8. Section 70-111.C. of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington is hereby amended to delete subsection (2)(b) and to replace it with new subsection (2)(b) which is set forth in BOLD UNDERLINED text:**

(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:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

**(b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.**



- (c) 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.

**9. The NJDEP website address at the end of § 70-113.B(8) of Part 6 “Stormwater Management” of Chapter 70 “Land Use” of the Code of the Township of Mannington (for stormwater management facilities maintenance and inspection guidance) is hereby deleted and replaced with the following new website address:**

<https://dep.nj.gov/stormwater/maintenance-guidance/>

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Mannington, in the County of Salem, and State of New Jersey, that the Mannington Township Code is hereby amended as follows:

**10. Section 10-21 “Defecation by animals; removal” of Article II “Dogs and Other Animals” of Chapter 10 “Animals” of the Code of the Township of Mannington is hereby deleted and replaced with the following new § 10-21 “Pet waste”:**

§ 10-21. Pet waste.

- A. Purpose. An ordinance to establish requirements for the proper disposal of pet solid waste in Mannington Township to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.
- B. 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 section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“IMMEDIATE” means that the pet solid waste is removed at once, without delay.

“OWNER/KEEPER” means any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“PET” means a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

“PET SOLID WASTE” means waste matter expelled from the bowels of the pet; excrement.

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

- C. Requirement for disposal. All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.
- D. Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.
- E. Enforcement. The provisions of this article shall be enforced by the New Jersey State Police and the Mannington Township Board of Health.
- F. Violations and penalties. Violations of this article shall be punishable as provided in § 1-15 of this Code.

**11. Chapter 10 “Animals” of the Code of the Township of Mannington is hereby amended to include the following new Article III “Wildlife feeding”:**

Article III Wildlife Feeding

§ 10-29. Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Mannington, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 10-30. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“WILDLIFE” means all animals that are neither human nor domesticated.

§ 10-31. Prohibited conduct. No person shall feed, in any public park or on any other property owned or operated by the Township of Mannington, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

§ 10-32. Enforcement. The provisions of this article shall be enforced by officials of Mannington Township and the New Jersey State Police. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 10-33. Violations and penalties. Violations of this article shall be punishable as provided in § 1-15 of this Code.

**12. Chapter 76 “Littering” of the Code of the Township of Mannington is hereby re-titled as “Litter Control” and amended to delete § 76-1 and § 76-2 and replace them with the following new § 76-1 and § 76-2:**

Chapter 76 Litter Control

§ 76-1. Purpose. An ordinance to establish requirements to control littering in the Township of Mannington to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this chapter.
- C. No persons shall, within the limits of the Township, discard, deposit, throw or leave any waste paper, tin cans, bottles, garbage, waste or refuse of any kind upon any parking place, street, road, avenue, park or other public place or upon any lot or other premises, except in receptacles or containers provided for such purpose.
- D. The provisions of this chapter shall be enforced by officials of Mannington Township and the New Jersey State Police.
- E. Violations of this chapter shall be punishable as provided in § 1-15 of this Code.

§ 76-2. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and

words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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

“LITTER RECEPTACLE” means a container suitable for the depositing of litter.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**13. Section 118-8 “Leaves and grass clippings” of Article I “Recycling” of Chapter 118 “Solid Waste” of the Code of the Township of Mannington is hereby RE-TITLED as “Leaves and grass clippings; yard waste collection program” and amended to include the following new subsections D., E., F., G., H. and I.:**

§ 118-8 Leaves and grass clippings; yard waste collection program.

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- D. The purpose of this section is to protect public health, safety and welfare by prohibiting placement of yard waste at any curb or along any street in Mannington Township at any time or in any manner except as may be authorized by a municipal yard waste collection and disposal program, and to prescribe penalties for the failure to comply, and to establish requirements for a yard waste collection and disposal program in the Township of Mannington which would become effective only in the event Mannington Township implements such a program.
- E. 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 section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

“YARD WASTE” means leaves and grass clippings.

- F. Yard waste collection. If Mannington Township implements a yard waste collection and disposal program, sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection pursuant to such program, and in such event shall not be placed closer than 10 feet from any storm drain inlet.
- G. Placement of yard waste at any curb or along any street within Mannington Township at any time or in any manner is a violation of this section unless Mannington Township implements a yard waste collection and disposal program, in which case compliance with such program is required. If any such placement of yard waste occurs, or if Mannington Township implements a yard waste collection and disposal program and any person violates the requirements of such program, the party responsible for placement of the yard waste must remove the yard waste from the street and otherwise eliminate the violation or said party shall be deemed in violation of this section.
- H. Enforcement. The provisions of this section shall be enforced by the Mannington Township Public Works Department.
- I. Violations and penalties. The party responsible for placement of yard waste in violation of this section must reimburse Mannington Township for all costs of removal of such yard waste by the Mannington Township Public Works Department (based on employee work time and equipment rental cost) or by an independent contractor hired by Mannington Township according to the requirements and procedures of Article I “Removal of Weeds and Debris” of Chapter 102 “Property Maintenance”, with all unpaid costs to become a lien upon the lands of the responsible party to be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and be controlled and enforced by the same officers and in the same manner as taxes, all pursuant to the Chapter 102, Article I requirements and procedures. Additionally, violations of this section shall be punishable as provided in § 1-15 of this Code.

**14. The Code of the Township of Mannington is hereby amended to include the following new Chapter 120 entitled “Storm Sewer System Protection”:**

Chapter 120 Storm Sewer System Protection

Article I Improper Disposal of Waste

§ 120-1. Purpose. An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Mannington to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 120-2. Definitions. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Mannington or other public body, and is designed and used for collecting and conveying stormwater.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

§ 120-3. Prohibited conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Mannington is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 120-4. Exceptions to prohibition:

- A. water line flushing and discharges from potable water sources;
- B. uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
- C. air conditioning condensate (excluding contact and non-contact cooling water);

- D. irrigation water (including landscape and lawn watering runoff);
- E. flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows;
- F. residential car washing water, and residential swimming pool discharges;
- G. sidewalk, driveway and street wash water;
- H. flows from fire-fighting activities;
- I. flows from rinsing of the following equipment with clean water:
  - (1) beach maintenance equipment immediately following their use for their intended purposes; and
  - (2) equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
  - (3) Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 120-5. Enforcement; violations and penalties. The provisions of this article shall be enforced by officials of Mannington Township and the New Jersey State Police. Any person who continues to be in violation of this article after being duly notified shall be subject to fines and other penalties as provided in § 1-15 of this Code.

## Article II Illicit Connections

§ 120-6. Purpose. An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Mannington to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 120-7. Definitions. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always

mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at *N.J.A.C. 7:14A-1.2*.

“DOMESTIC SEWAGE” means waste and wastewater from humans or household operations.

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

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

“MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Mannington or other public body, and is designed and used for collecting and conveying stormwater.

“NJPDES PERMIT” means a permit issued by the NJDEP to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at *N.J.A.C. 7:14A*.

“NON-CONTACT COOLING WATER” means 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.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

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



§ 120-8. Prohibited conduct. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Mannington any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 120-9. Enforcement; violations and penalties. The provisions of this article shall be enforced by officials of Mannington Township and the New Jersey State Police. Violations of this article shall be punishable as provided in § 1-15 of this Code.

### Article III Private Storm Drain Inlet Retrofitting

§ 120-10. Purpose. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Mannington to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 120-11. Definitions. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Mannington or other public body, and is designed and used for collecting and conveying stormwater.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“STORM DRAIN INLET” means an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

“WATERS OF THE STATE” means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 120-12. Prohibited conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a

thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. already meets the design standard below to control passage of solid and floatable materials;  
or
- B. is retrofitted or replaced to meet the standard in § 120-13 below prior to the completion of the project.

§ 120-13. Design standards. Storm drain inlets identified in § 120-12 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section C. below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - (1) the New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - (2) a different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- C. This standard does not apply:
  - (1) where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- (2) where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - (a) a rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - (b) a bar screen having a bar spacing of 0.5 inches;
- (3) where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- (4) where the NJDEP 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.

§ 120-14. Enforcement; violations and penalties. The provisions of this article shall be enforced by officials of Mannington Township and the New Jersey State Police. Any person who is found to be in violation of the provisions of this article shall be subject to fines and other penalties for each storm drain inlet that is not retrofitted to meet the design standard. Violations of this article shall be punishable as provided in § 1-15 of this Code.

#### Article IV Privately-Owned Salt Storage

§ 120-15. Purpose. The purpose of this article is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This article 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 Mannington Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 120-16. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“DE-ICING MATERIALS” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

“IMPERVIOUS SURFACE” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“STORM DRAIN INLET” means the point of entry into the storm sewer system.

“PERMANENT STRUCTURE” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

- A. concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. the design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. the structure shall be erected on an impermeable slab;
- D. the structure cannot be open sided; and
- E. the structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

“PERSON” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“RESIDENT” means a person who resides on a residential property where de-icing material is stored.

§ 120-17. De-icing material storage requirements. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15 and April 15:

- 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:
  - (a) 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.
- E. Containers must be sealed when not in use.
- F. The site must be free of all de-icing materials between April 16 and October 14.
- G. 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 through April 15.
- H. All such temporary and/or permanent structures must comply with all other local ordinances, including building and zoning regulations.
- I. The property owner, or owner of the de-icing materials if different, shall designate the 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 article are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - (1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 120-18. 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 § 120-17 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This article does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 120-19. Enforcement. The provisions of this article shall be enforced by officials of Mannington Township and the New Jersey State Police during the course of ordinary enforcement duties.

§ 120-20. Violations and penalties. Any person who is found to be in violation of the provisions of this article shall have 72 hours to complete corrective action. Violations of this article, including failure to complete corrective action and repeat violations, shall be punishable as provided in § 1-15 of this Code.

**15. The Code of the Township of Mannington is hereby amended to include the following new Chapter 133 entitled “Tree Removal-Replacement”:**

Chapter 133 Tree Removal-Replacement

§ 133-1. Purpose. An ordinance to establish requirements for tree removal and replacement in Mannington Township to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare with regard to certain categories of tree removal that are not subject to review and approval in connection with an “application for development” (as defined in the New Jersey Municipal Land Use Law) filed with the Mannington Township Planning Board.

§ 133-2. Definitions. For the purpose of this chapter, 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 use of the word “shall” means the requirement is always mandatory and not merely directory.

“APPLICANT” means any “person” as defined below who applies for approval to remove trees regulated under this chapter. Except as otherwise expressly provided in this chapter, “applicant” shall not include applicants to the Mannington Township Planning Board who propose to remove trees in connection with development activities that are the subject of such applications.

“CRITICAL ROOT RADIUS (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

“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.

“HAZARD TREE” means a tree or limbs thereof that meet one or more of the criteria below. A tree that does not meet any of the criteria below and is proposed to be removed solely for development purposes is not a hazard tree. To qualify as a “hazard tree” a tree must:

- A. have an infectious disease or insect infestation;
- B. be dead or dying;
- C. be obstructing the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. be causing obvious damage to structures (such as building foundations, sidewalks, agricultural land/structures, etc.); or
- E. be determined to be a threat to public health, safety, and/or welfare by a certified arborist or New Jersey licensed tree expert.

“PERSON” means any individual, resident, corporation, utility, company, partnership, firm, or association other than a person who submits an application for development to the Mannington Township Planning Board pursuant to the New Jersey Municipal Land Use Law, or a person who engages in development pursuant to the Mannington Township Planning Board’s approval of such an application, unless compliance with any provision of this chapter is required as a condition of such Mannington Township Planning Board approval.

“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.

“RESIDENT” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this chapter is removed or proposed to be removed.

“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.

“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.

“TREE CALIPER” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

“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, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Tree removal does not include responsible pruning and maintenance of a tree, or

the application of treatments intended to manage invasive species, or removal of trees in connection with development pursuant to an approval issued by the Mannington Township Planning Board unless compliance with any provision of this chapter is required as a condition of such Mannington Township Planning Board approval.

§ 133-3. Tree replacement requirements.

- A. Street tree removal. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under subsection F., below, shall be subject to the requirements of the Tree Replacement Requirements Table below.
- B. Tree removal by person other than a resident. Any person who removes one or more tree(s), as defined as tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under subsection F., below shall be subject to the requirements of the Tree Replacement Requirements Table.
- C. Replacement trees may include any species type that is listed in the United States Department of Agriculture Natural Resources Conservation Service Plants Database as a tree occurring in Salem County, New Jersey, but shall not include the following invasive species types:

Black locust	<i>Robinia pseudoacacia</i> L.
Callery pear	<i>Pyrus calleryana</i>
Catalpa	<i>Catalpa bignonioides</i> Walter.
Chinese elm	<i>Ulmus parvifolia</i>
Crack willow	<i>Salix fragilis</i> L.
Devil’s walking stick	<i>Aralia spinosa</i> L.
Empress tree	<i>Paulownia tomentosa</i> (Thunb.) Steudel.
Japanese cork tree	<i>Phellodendron japonicum</i> Maxim.
Mimosa	<i>Albizia julibrissin</i> Durazz.
Norway maple	<i>Acer platanoides</i> L.
Paper-mulberry	<i>Broussonetia papyrifera</i> (L.) Vent.
Scotch pine	<i>Pinus sylvestris</i> L.
Siberian elm	<i>Ulmus pumila</i> L.
Sweet cherry	<i>Prunus avium</i> L.
Tree of heaven	<i>Ailanthus altissima</i> (Miller) Swingle.
Umbrella tree	<i>Magnolia tripetala</i> (L.) L.
White mulberry	<i>Morus alba</i> L.
White poplar	<i>Populus alba</i> L.
White willow	<i>Salix alba</i> L.
Yellow buckeye	<i>Aesculus flava</i> Ait.

- D. Replacement trees:



- (1) shall, unless an above listed invasive species type, be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
- (2) shall 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) shall be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months;
- (4) shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements; and
- (5) shall be planted in accordance with the Tree Owner’s Manual for the Northeastern and Midwestern United States, published by the United States Department of Agriculture Forest Service for Northeastern Area State and Private Forestry.

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria (See Appendix A)</b>	<b>Application Fee</b>
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed	(N/A)
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree calipers of 1.5” for each tree removed	(N/A)
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree calipers of 1.5” for each tree removed	(N/A)
4	DBH of 33” or greater	Replant 4 trees with minimum tree calipers of 1.5” for each tree removed	(N/A)

E. 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; or

- (b) pay a fee in the amount of the Township Engineer's estimate of the cost that would be required to replace the removed tree(s) according to the above Tree Replacement Criteria table, including the Township Engineer's estimate of the cost of planting. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

F. Exemptions.

- (1) All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided by all persons claiming an exemption in the form of photographs and/or other information satisfactory to the Mannington Township Public Works Department to warrant granting the requested exemption, including any requested exemption based on there being a clear and present danger to any persons or property..
  - (a) Residents who remove fewer than four (4) trees per acre that fall into category 1, 2, or 3 of the above Tree Replacement Criteria table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025, the first tree will come off the count in July 2028, and the second tree will come off the count in July 2030.
  - (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 and land used for agricultural purposes.
  - (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 an NJDEP or EPA approved environmental clean-up, or NJDEP approved habitat enhancement plan.
  - (f) Approved game management practices, as recommended by the NJDEP Division of Fish, Game and Wildlife.
  - (g) Hazard trees may be removed with no fee or replacement requirement.

G. Enforcement. The provisions of this chapter shall be enforced by officials of Mannington Township and the New Jersey State Police during the course of ordinary enforcement duties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine in the amount of the Township Engineer's estimate of the required replacement tree(s) and the cost of planting the required replacement tree(s), unless the Township Committee requires the planting of additional trees in lieu of a fine.

- 16. The Mannington Township Clerk is directed to give notice of this Ordinance pursuant to N.J.S.A. 40:55D-15 to the Clerks of all municipalities adjoining Mannington Township and to the Salem County Planning Board at least ten (10) days prior to the dated scheduled for hearing on the adoption of this Ordinance.**
- 17. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.**
- 18. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.**
- 19. All amendments to Chapter 70 "Land Use" of the Mannington Township Code as set forth in this Ordinance shall take effect immediately upon filing of this Ordinance with the Salem County Planning Board pursuant to N.J.S.A. 40:55D-16. All other amendments to the Mannington Township Code as set forth in this Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.**

*[remainder of page intentionally left blank]*

**NOTICE**

Notice is hereby given that the foregoing proposed Ordinance No. 24-03 was introduced and passed on first reading by the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, at a regular meeting held on March 7, 2024. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regular meeting to be held on April 4, 2024 at 5:30 p.m., in the Mannington Town Hall, 491 Route 45, Mannington Township, New Jersey, after which the Ordinance will be considered for final passage

ATTEST:

/s/Esther A. Mitchell, Township Clerk

/s/Donald C. Asay, Mayor

**CERTIFICATION**

I hereby certify the above to be a true copy of an Ordinance introduced and passed by the Mannington Township Committee on second reading following a public hearing at a regular meeting held on April 7, 2024.

/s/Esther A. Mitchell, Township Clerk

DATE: April 7, 2024