

AN ORDINANCE PROVIDING FOR THE MANAGEMENT OF
STORMWATER AND STORM SEWER SYSTEMS
INCLUDING A PORTION OF WHICH ADDRESSES PRIVATE
STORM DRAIN INLETS

WHEREAS, the Borough Council is required to adopt and enforce certain ordinances for the renewal of its Tier A Municipal Stormwater General Permit as issued by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Victory Gardens, they being the Governing Body thereof, as follows:

(Numbers to be assigned)

PRIVATE STORM DRAIN INLET RETROFITTING.

(1) Purpose.

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with re-paving, repairing, reconstructing, resurfacing or altering 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 storm sewer system(s) operated by the Borough of Victory Gardens so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(2) Definitions.

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

(a) 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 Borough of Victory Gardens or other public body, and is designed and used for collecting and conveying storm water.

(b) Person means any individual, corporation, company, partnership, firm, association,

or political subdivision of this State subject to municipal jurisdiction.

- (c) 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.
- (d) 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.

(3) Prohibited Conduct.

No person in control of the 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 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 set forth below prior to the completion of the project.

(4) Design Standard.

Storm drain inlets identified in above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets, except as provided in paragraph C below. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

- (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 the surface into a storm drain or surface water body under that grate:
- (b) 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
- (c) 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.

- (e) 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.

(5) This Standard Does Not Apply:

- (a) 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;
- (b) 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:
 - (i) 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
 - (ii) A bar screen having a bar spacing of 0.5 inches.
 - (iii) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - (iv) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2©, 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.

(6) Enforcement.

This ordinance shall be enforced by the State Police Officers, the Borough Engineer, the Department of Public Works, the Health Officer, the Zoning Officer and/or their duly authorized designees.

(7) Conflicts.

All Ordinances and parts of the Ordinances inconsistent herewith are hereby repealed to the

extent of such inconsistency.

(8) Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

(9) Effective Date

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

NOW THEREFORE IT IS RESOLVED that the Mayor and Council of the Borough of Victory Gardens, Morris County, do hereby authorized the adoption of this Ordinance this day of

BETTY SIMMONS, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held at Borough Hall on Tuesday,

DEBORAH EVANS, Borough
Clerk

prepared April 24, 2012

Introduced:

Adopted: