

Ord.#11-2010

An Ordinance of the Township Council of the Township of Mount Olive
Regarding Private Storm Drain Inlet Retrofitting.

CLERK:

Delivered to Mayor:

Date: 4/28/2010

Time: 12:30 pm

Signed: *Ron M. Lashway*
Township Clerk

MAYOR:

Action by Mayor:

Approved: */*

Date: *4/29/10*

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of ordinance, item or part
Thereof.)

Signed: *[Signature]*
Mayor

CLERK:

Returned:

Date: *4/30/2010*

Time: *2 p.m.*

Not returned within the (10) days:

Date: _____

Signed: *Ron M. Lashway*
Township Clerk

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MOUNT OLIVE REGARDING PRIVATE
STORM DRAIN INLET RETROFITTING**

WHEREAS, the Township must amend and updates its ordinances to comply with the requirements of NJDEP relating to storm water discharges relative to private storm drain inlet retrofitting.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, County of Morris, and State of New Jersey:

SECTION 1. The Code of the Township of Mount Olive is hereby amended and supplemented to include the following section:

Section 400-74.1. Private Storm Drain Inlet Retrofitting.

- A. **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 Mount Olive so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. **Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
- (1) **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 the Township of Mount Olive or other public body, and is designed and used for collecting and conveying stormwater. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- (2) **Person.** Any individual, corporation, company, partnership, firm, association or political subdivision of this State subject o municipal jurisdiction.
- (3) **Storm drain inlet.** 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.

- (4) **Waters of the State.** 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.
- C. **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:
- (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.
- D. **Design Standard.** Storm drain inlets identified in Section IV 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 V.3 below.
- (1) 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:
 - (a) 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
 - (b) 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.
 - (2) 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.
 - (3) 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.
- E. **Enforcement.** This ordinance shall be enforced by the Department of Public Works of the Township of Mount Olive.
- F. **Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$200 for each storm drain inlet that is not retrofitted to meet the design standards.

SECTION 2. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.


SECTION 4. This ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take affect in accordance with law.

TOWNSHIP OF MOUNT OLIVE


Phil Tobey, Council President

ATTEST: 4/27/2010


Lisa Lashway, Township Clerk