

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE 2009-14**

An Ordinance to Amend the Revised General Ordinances of the Township of Edgewater Park,
by amending 16.200 Entitled “Stormwater Control Ordinance”
by Creating a New Section 15 “Private Storm Drain Inlet Retrofitting” to Comply with the
NJPDES Municipal Stormwater Regulations Program

WHEREAS, the Township Committee of the Township of Edgewater Park has determined that there is a need to amend the established guidelines for “Private Storm Drain Inlet Retrofitting” to Comply with the NJPDES Municipal Stormwater Regulations; and

WHEREAS, Township Committee wishes to amend Chapter 16.200 by creating Section 15, Titled: Private Storm Drain Inlet Retrofitting

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Code of the Township of Edgewater Park is hereby amended as follows:

Section 15: Private Storm Drain Inlet Retrofitting

§ Section 15.1 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, (except a residential lot with one single family house), 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 operated by the Township of Edgewater Park, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ Section 15.2 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 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.

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 Edgewater Park or other public body, and is designed and used for collecting and conveying stormwater.
2. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to 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 - 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.

§ Section 15.3 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 17-4.4 below, prior to the completion of the project.

§ Section 15.4 Design Standard

Storm drain inlets identified in Section 17-4.3 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 17-4.4, 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) 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
 - 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.
- c) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d) 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(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.

§ Section 15.5 Enforcement.

This section shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Edgewater Park.

§ Section 15.6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Chapter 16.200 Entitled "Stormwater Control Ordinance", Section 11- "Penalties" for each storm drain inlet that is not retrofitted to meet the design standard.

§ Section 15.7 Severability.

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

§ Section 15.8 Effective date.

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

NOTICE

The foregoing ordinance was introduced by the Edgewater Park Township Committee at its meeting held on October 6, 2009. This ordinance will be consider for adoption of final reading and public hearing to be held on November 10, 2009 at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.
Municipal Clerk/Administrator