

ORDINANCE #2074

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, by amending Chapter 17 “Stormwater Management” New Section 4 “Private Storm Drain Inlet Retrofitting” to Comply with the NJPDES Municipal Stormwater Regulations Program

§ 17-4.1 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 Bernards, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 17-4.2. 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 Bernards 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.

§17-4.3. 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.

§17-4.4. 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.

§ 17-4.5. Enforcement.

This section shall be enforced by the Engineering Department of the Township of Bernards.

§ 17-4.6. 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 Section 3-1 of the Revised General Ordinances of the Township of Bernards for each storm drain inlet that is not retrofitted to meet the design standard.

§ 17-4.7 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.

§ 17-4.8. 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.

EXPLANATORY STATEMENT

The Township’s NJPDES General Permit issued by the NJDEP mandates that an ordinance be adopted that requires that storm drain inlets on “private” property, excluding a residential lot with one single family house, be retrofitting 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. This requirement is triggered when the private property owner repaves or resurfaces the pavement that has a direct contact with a storm drain.

Peter Messina, PE, PP, Township Engineer/Planner

Date: 04/03/2009

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2074 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 5/12/09 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 6/9/09, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2074 was introduced and passed on first reading at a meeting of the Township Committee, on 5/12/09, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 6/9/09.

By Order of the Township Committee
Denise Szabo, Municipal Clerk