

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2010 - 14**

**AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR PRIVATE STORM DRAIN INLET
RETROFITTING IN THE BOROUGH OF PENNINGTON**

WHEREAS, the effective management of stormwater has been declared to be the public policy of the State of New Jersey, and various ordinances have been recommended by the New Jersey Department of Environmental Protection for enactment by each municipality in order to further the public policy; and

WHEREAS, the Municipal Stormwater General Permit requires municipalities to adopt and enforce an ordinance adopting rules and regulations for private storm drain retrofitting consistent with the recommendations of the New Jersey Department of Environmental Protection requirements as set forth herein;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, as follows:

1. Definitions

As used in this ordinance, the following terms shall have the meanings indicated, unless a modified definition applicable to stormwater management has been adopted by the New Jersey Department of Environmental Protection as part of the Stormwater Management Rules, in which case the definition enacted by the New Jersey Department of Environmental Protection shall apply.

“Municipality” means the Borough of Pennington.

“Municipal Separate Stormwater 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 Pennington or other public body, and is designed and used for collection and conveyance of 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, curb opening, slotted inlet, and combination inlet.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, 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.

2. 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), reconstruction or altering a surface that is in direct contact with any existing storm drain inlet on that property unless the storm drain is 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 3 below prior to completion of the project.

3. Design Standard

Storm drain inlets identified in Section 2 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 sediments, debris, trash, and other floating, suspended or settleable solids. For exemptions to this standard see Section 3.3 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 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 practically be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through a 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 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 and 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.

4. Enforcement

This ordinance shall be enforced by the Police Department, the Code Enforcement Officer and/or the Superintendent or Foreman of Public Works of the Borough of Pennington.

5. 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 \$1,000.00 for each storm drain inlet that is not retrofitted to meet the design standard.

6. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

7. This ordinance shall take effect after publication and upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

Introduced:	<u>October 4, 2010</u>
Advertised:	<u>October 14, 2010</u>
Public Hearing:	<u>November 1, 2010</u>
Adoption:	<u>November 1, 2010</u>
Final Publication:	<u>November 11, 2010</u>

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor