

## ORDINANCE #2157

### AN ORDINANCE AMENDING CHAPTER VIII, OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED: EXCAVATION AND CONSTRUCTION OF PUBLIC STREETS TO ADD A SECTION ENTITLED: PRIVATE STORM DRAIN INLET RETROFITTING

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter VIII is hereby amended and supplemented as follows:

#### ***Section 8-6 Private Storm Drain Inlet Retrofitting***

##### 8-6.1 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, 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 Ocean so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### 8-6.2 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 plural number include the singular number, and the words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. 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 Ocean or other public body, and is designed and used for collecting and conveying stormwater,
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. 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.
- 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.

##### 8-6.3 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 the 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 in 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 3-20A.4 below prior to the completion of the project.

## 8-6.4 Design Standard

Storm drain inlets identified in Section 8-6.3 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 8-6.4.3 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©, 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.

## 8-6.5 Enforcement

This ordinance shall be enforced by the Township of Ocean Police Department and/or other Municipal Officials of the Township of Ocean

## 8-6.6 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 \$1,250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

## 8-6.7 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.

## **8-7 Adoption, Conflict Violations**

### 8-7.1 Interpretation

In the interpretation and application of the provisions of this chapter, such provisions of this chapter shall be minimum standards, adopted for promoting health, safety and general welfare of the municipality.

### 8-7.2 Conflict with Other Laws

Whenever the requirements of this chapter are in conflict with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

### 8-7.3 Penalty

- a. *Maximum Penalty.* For violations of this chapter or any other ordinance of the Township of Ocean, County of Monmouth, where no specific penalty is provided regarding the section or sections violated, the maximum penalty shall be a fine of one thousand two hundred fifty (\$1,250.00) dollars, or imprisonment for ninety (90) days, or both.
- b. *Separate Violation.* Except as otherwise provided, every day that a violation of any ordinance shall continue shall be deemed a separate violation.
- c. *Application.* The maximum penalty stated in the general clause of this chapter is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or particular violation.

### 8-7.4 Validity

If any section, subsection, paragraph, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional

### 8-7.5 Effective Date

This ordinance shall take effect upon its final passage and publication as required by law.

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

**CERTIFICATION**

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **October 4, 2010**.*

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 Vincent Buttiglieri, RMC/CMC  
 Township Clerk