

TOWNSHIP OF EAST AMWELL  
ORDINANCE NO. 23-17

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ADDING SECTION 92-102 ENTITLED "PRIVATE STORM DRAIN INLET RETROFITTING REQUIREMENT" AND SECTION 92-103 ENTITLED "PROHIBITING ILLICIT CONNECTIONS TO STORM SEWER" OF CHAPTER 92 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, ENTITLED "LAND MANAGEMENT"

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey that the Municipal Code of the Township of East Amwell is hereby amended as follows: Adjustments and new language are underlined thus and deletions are indicated with strikethroughs thus:

**§ 92-102. PRIVATE STORM DRAIN INLET RETROFITTING REQUIREMENT**

**§ 92-102.1. 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 East Amwell so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.**

**§ 92-102.2. 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 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 East Amwell 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.

§ 92-102.3. 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 IV below prior to the completion of the project.

§ 92-102.4. Design Standard: Storm drain inlets identified in Section III 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. 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.

### § 92-103. PROHIBITING ILLICIT CONNECTIONS TO STORM SEWER

§ 92-103.1. Purpose: An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of East Amwell, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 92-103.2. 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 words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic sewage - waste and wastewater from humans or household operations.

b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of East Amwell, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. 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

East Amwell or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 92-103.3. Prohibited Conduct: No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of East Amwell any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 92-104. The balance of this Chapter shall remain unchanged.

§ 92-105. Enforcement. The provisions of this Article shall be enforced by the Police Department and/or other Municipal Officials of the Township of East Amwell.

§ 92-105.1. Violations and Penalty. 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 \$2,000; and/or up to 90 days community service; and/or up to 90 days imprisonment.

§ 92-105.2. 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.

**§ 92-105.3. 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.**

INTRODUCED/PASSED ON FIRST READING: OCTOBER 12, 2023

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
DENDIS	X			
MILLS	X			
RAMSEY	X			
DI PIRRO	X			
CASPER-BLOOM	X			

PUBLISHED: OCTOBER 19, 2023

ADOPTED: *November 9, 2023*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
DENDIS	✓			
MILLS	✓			
RAMSEY	✓			
DI PIRRO	✓			
CASPER-BLOOM	✓			

ATTEST:

*Linda Giliberti*  
 \_\_\_\_\_  
 Linda Giliberti, RMC  
 Township Clerk

*Jenna Casper-Bloom*  
 \_\_\_\_\_  
 Jenna Casper-Bloom  
 Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/ 31, Ringoes, NJ 08551.

\_\_\_\_\_  
 Linda Giliberti, RMC  
 Township Clerk