

CITY OF ESTELL MANOR, NJ

ORDINANCE #06-2024

ORDINANCE CREATING CHAPTER 252 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING PRIVATE STORM DRAIN INLET RETROFITTING; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey's waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

WHEREAS, in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

WHEREAS, the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

WHEREAS, the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

WHEREAS, municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

WHEREAS, it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

SECTION 1. Chapter 252 to be known as “Private Storm Drain Inlet Retrofitting” is hereby created and added to the Code of the City of Estell Manor and shall read as follows:

Chapter 252 Private Storm Drain Inlet Retrofitting

ARTICLE I. Purpose

§ 252-1 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 City of Estell Manor so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE II. Definitions

§ 252-2 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 City of Estell Manor 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.
- E. 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.

ARTICLE III. Prohibited Conduct

§ 252-3 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:

- A. Already meets the design standard below to control passage of solid and floatable materials;
or
- B. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

ARTICLE IV. Design Standard

§ 252-4 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.

A. 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:

1. 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

2. 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.

B. 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.

C. This standard does not apply:

1. 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;

2. 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:

- a. 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
 - b. A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 4. 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.

ARTICLE V. Enforcement

§ 252-5 Enforcement

The provisions of this ordinance shall be enforced by the Code Enforcement Officer and by any other individual authorized by law to enforce the same.

ARTICLE VI. Violations and Penalties

§ 252-6 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as provided

by law.

CITY COUNCIL OF
THE CITY OF ESTELL MANOR,
COUNTY OF ATLANTIC and
STATE OF NEW JERSEY

ATTEST:

Elizabeth Owen, Mayor

Lisa Marcolongo, RMC, CMR
City Clerk

COUNCIL MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GIVENS					
MASKER					
MADDOX					
DILG					
MAYOR OWEN					

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