

ORDINANCE # 2024-09

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER
190, LAND DEVELOPMENT, TO ESTABLISH ARTICLE 1200, "PRIVATE
STORM DRAIN INLET RETROFITTING"**

WHEREAS, on December 1, 2022, the New Jersey Department of Environmental Protection issued a Final Stormwater Discharge Master General Permit Renewal (Permit Number NJ0141852) in accordance with N.J.A.C. 7:14A; and as part of the above referenced permit renewal the Township of Allamuchy was reassigned to Tier A under N.J.A.C. 7:14a-25.3(a)1; and the requirements of the above referenced permit for municipalities assigned to Tier A includes a requirement to adopt certain community-wide ordinances; and the Township is required to adopt and enforce an ordinance requiring the retrofitting of existing storm drain inlets on private property to meet the standard in Attachment B (Design Standard for Storm Drain Inlets); and the NJDEP has created a model Private Storm Drain Inlet Retrofitting Ordinance for adoption by municipalities to comply with the permit requirements; and the Township Council seeks to adopt the model Private Storm Drain Inlet Retrofitting Ordinance order to satisfy the conditions of the NJDEP MS4 permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Allamuchy, Country of Warren, State of New Jersey as follows:

Section I

Chapter 190, Land Development, of General Legislations is hereby amended by adding thereto a new Article 1200 entitled "Private Storm Drain Inet Retrofitting", to meet the requirements of the NJPDES MS4 Permit.

§190-1200 Purpose.

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 Allamuchy Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply. Installation of all new storm drain inlets must include a catch basin or other BMP designed for solids collection in areas which drain to surface waters and that do not have any other downstream BMPS prior to the surface water discharge.

§190-1201 Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Code clearly demonstrates a different meaning. When consistent 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.

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 Allamuchy Township or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET

The point of entry into the storm sewer system.

§190-1202 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-mixed asphalt), reconstructing or altering of 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 the passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in §190-1203 below prior to the completion of the project.

§190-1203 Design Standards.

A. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the Allamuchy Township's Stormwater Control Ordinance:

(1) Privately-owned or operated storm drain inlets (e.g., condominium association) must be retrofitted where the storm drains are:

- (a) In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or
- (b) In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.

B. Grates in pavement or other ground surfaces shall meet either of the following standards:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf); or

(2) A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

- (a) 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 used to collect stormwater from the surface into a storm drain or surface water body.
- (b) For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the 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.

§190-1204 Exemptions.

The following exemptions from the design standard apply:

- A. Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- B. Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- C. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., 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:
 - (1) A rectangular space four and five-eighths inches long and one and one-half inches wide; or
 - (2) A bar screen having a bar spacing of 0.5 inches;
 - (a) Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- D. Where flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- E. Where the Department 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 the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§190-1205 Enforcement.

This Article shall be enforced by the Allamuchy Township Zoning Officer, Superintendent/Supervisor of the Department of Public Works, and the Township Engineer.

§190-1206 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon

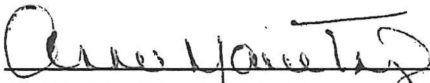
conviction, be liable to the general penalty in Chapter 1, Article II, General Penalty, of the Township Code. A separate fine can be imposed for each storm drain inlet that is not retrofitted to meet the design standard.

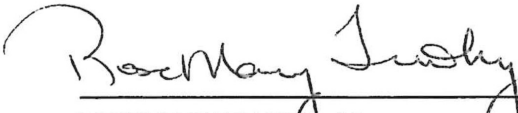
Section II

- 1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
- 2. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
- 3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

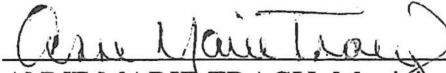
TOWNSHIP OF ALLAMUCHY


 ANNE MARIE TRACY, Municipal Clerk


 ROSEMARY TUOHY, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Allamuchy Township Mayor and Council held on March 27, 2024 and will be considered for final reading and adoption at the meeting of the Allamuchy Township Mayor and Council to be held on April 24, 2024 at 6:30 p.m. at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.


 ANNE MARIE TRACY, Municipal Clerk

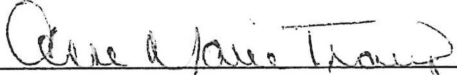
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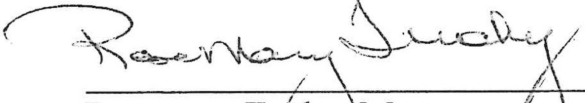
Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on March 27, 2024 at a meeting of said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a meeting of the Allamuchy Township Council held April 24, 2024 at Allamuchy Town Hall, Allamuchy, N.J.

This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

ATTEST:



Anne Marie Tracy, Municipal Clerk



Rosemary Tuohy, Mayor