

**HARDING TOWNSHIP
ORDINANCE 14-2024**

**ORDINANCE OF THE TOWNSHIP OF HARDING TITLED, "PRIVATE STORM DRAIN INLET
RETROFITTING," REQUIRING THE RETROFITTING OF CERTAIN EXISTING STORM WATER
DRAIN INLETS, PURSUANT TO N.J.S.A 40:55D-53, ARTICLE XL, CHAPTER 225-198**

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the "Stormwater Management Regulations"); and

WHEREAS, the DEP's Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

WHEREAS, the DEP's regulations have certain effects upon municipalities, including but not limited to a municipality's planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

WHEREAS, to be in compliance with the DEP's new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

WHEREAS, one of the requirements pursuant to the Stormwater Management Regulations is the requirement of the retrofitting of existing storm drains inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property; and

BE IT ORDAINED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

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 Harding 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.

SECTION I. The Municipal Code, Article XL, Chapter 225-198, "Private Storm Drain Inlet Retrofitting," is hereby created and shall read as follows:

I. 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 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.

A. "Municipal separate storm sewer 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 Harding Township or other public body, and is designed and used for collecting and conveying stormwater. 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.

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

C. "Storm drain inlet" means the point of entry into the storm sewer system.

II. Regulated Activities:

A. 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.

B. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the municipality'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.

C. 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 (noncurb 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

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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.

III. Exemptions: The following standards 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.

IV. Enforcement: This ordinance shall be enforced by the Harding Township Code Officer, with the assistance of the Harding Township Police Department.

V. 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 not to exceed \$100.00 for each storm drain inlet that is not retrofitted to meet the design standard.

VI. 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.

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SECTION 2. This ordinance may be renumbered for the purposes of codification.

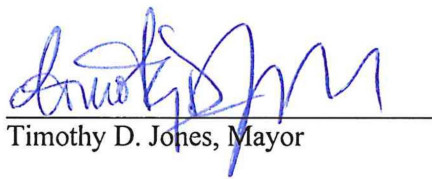
SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF HARDING



Lisa A. Sharp, Township Clerk



Timothy D. Jones, Mayor

INTRODUCED: May 13, 2024
PUBLIC HEARING: June 10, 2024
ADOPTED: June 10, 2024

ADVERTISED: May 16, 2024
ADVERTISED: June 13, 2024

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr.. Lacz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>