

SANDYSTON TOWNSHIP

2024-05

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ADD A NEW CHAPTER ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING”

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Sandyston as follows:

The Code of the Township of Sandyston is hereby amended to add the following new Chapter entitled “Private Storm Drain Inlet Retrofitting”, which shall read as follows:

Section I. Purpose.

An ordinance requiring the retrofitting of existing storm 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 Sandyston Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section II. 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 in the plural number include the singular number, and words 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 Sandyston Township 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. **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.
- 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.

Section III. Prohibited Conduct.

No person in control of private property (except a residential) 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 the 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.

Section IV. 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 .05 inches across the smallest dimension.
 - c. Examples of grates 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 or 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.

Section V. Enforcement.

The provisions of this Article shall be enforced by the Code Enforcement Official of Sandyston Township.

Section VI. Violations and Penalty.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not of not less than \$100.00 and not to exceed \$1,500.00

Section VII. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Sandyston inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

VIII. Severability.

If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to this section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

IX. 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.

Roll Call Vote: Ayes: Harper, Green, Hull (); Nays (); Absent (); Abstain ()

Introduced: March 19, 2024

Adopted: April 19, 2024

George B. Harper, Jr., Mayor

Attest:

Amanda F. Lobban, RMC

Municipal Clerk

NOTICE OF ADOPTION

NOTICE is hereby given that the aforementioned ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Township Committee of the Township of Sandyston, in the County of Sussex, State of New Jersey, held on Tuesday, March 19, 2024 at 7 pm. The same had benefit of second reading and public hearing at which time all interested and present were given the opportunity to be heard during a regular meeting on Tuesday, April 16, 2024 at 7 pm at the Sandyston Township Municipal Building, 133 Route 645, Sandyston, NJ at such time the Ordinance became law.

Amanda F. Lobban, RMC

Municipal Clerk