

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-29**

AN ORDINANCE TO ADD CHAPTER 28, ENTITLED “STORM SEWER SYSTEM” TO THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

BE IT ORDAINED by the Borough Council of the Borough of Sussex in the County of Sussex, as follows:

SECTION 1. The Code of the Borough of Sussex is amended to add a new Chapter 28, entitled “Storm Sewer System” which shall read as follows:

Chapter 28. Storm Sewer System.

§ 28-1. Definitions.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLCIT 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 Sussex Borough, 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.

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)).

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 Borough of Sussex 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.

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.

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 algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

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

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.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

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.

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.

§ 28-2. Improper disposal of waste.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Sussex Borough is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited. Excepted from the prohibitions of this section are:

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- F. Residential car washing water, and residential swimming pool discharges
- G. Sidewalk, driveway and street wash water
- H. Flows from firefighting activities
- I. Flows from rinsing of the following equipment with clean water:
 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
 3. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 28-3. Illicit connections.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by Sussex Borough any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 28-4. Storm Drain Inlet Retrofitting.

- A. **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 standards in Paragraph B of this section to control passage of solid and floatable materials; or
 2. Is retrofitted or replaced to meet the standards in Paragraph B of this section prior to the completion of the project.
- B. **Design Standards.** Storm drain inlets subject to Paragraph A of this section shall comply with the following standards to control passage of solid and floatable materials through storm drain inlets:
 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.
 - c. 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. The design standards set forth in Section 28-4(B) do not apply where:
 - a. 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. 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. Flows are conveyed through a trash rack that has parallel bars with one inch (1”) spacing between the bars; or
 - d. 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.

§ 28-5. Enforcement.

This ordinance shall be enforced by the Sussex Borough Code Enforcement Officer.

§ 28-6. Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided for in Section 3-9.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect after publication and passage according to law.

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-29 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on November 9, 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on December 5, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC