

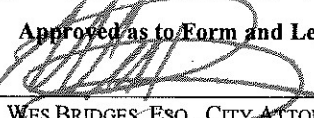
ORDINANCE

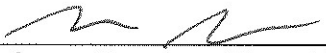
No. 24-037
Date to Mayor MAY 14 2024
Date Returned _____
Date Resubmitted to Council _____

1st Reading APR 18 2024
Public Hearing MAY 09 2024
2nd Reading & Passag. MAY 09 2024
Withdrawn _____
Lost _____

Approved as to Form and Legality

Factual content certified by


WES BRIDGES, ESQ., CITY ATTORNEY


SEAN SEMPLE, DIRECTOR OF WATER & SEWER DEPT.

Councilman /woman  presents the following Ordinance:

AN ORDINANCE OF THE CITY OF TRENTON TO ADOPT NJDEP'S MODEL ORDINANCE REGARDING RETROFITTING OF STORM DRAIN INLETS AND TO AMEND CHAPTER 254 OF THE CODE OF THE CITY OF TRENTON

WHEREAS, the City of Trenton, as a Tier A municipality with respect to Stormwater Quality Management, is required by the New Jersey Department of Environmental Protection ("NJDEP") to periodically adopt certain model ordinances; and

WHEREAS, the City is required to adopt NJDEP's model ordinance regarding retrofitting of storm drain inlets; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, in the County of Mercer, as follows:

Section 1. Chapter 254 ("Stormwater Management"), Article II ("Retrofitting of Storm Drain Outlets") of the Code of the City of Trenton shall be amended as follows (deletions are ~~struck through~~ and additions are underlined):

Article II Retrofitting of Storm Drain Inlets ~~Outlets~~

§ 254-12 Purpose.

The purpose of this article is to require 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 operated by the City of Trenton so as to protect the environment, public health, safety and welfare, and to prescribe penalties for the 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.

§ 254-13 Definitions and word usage.

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 article clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely directory.

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MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Trenton 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.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of the State of New Jersey subject to municipal jurisdiction.

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.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 254-14 Regulated Activities, Prohibited conduct.

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 herein in ~~§ 254-15~~ 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 City'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

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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.

§ 254-15 Exemptions. Design standard; exceptions.

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.

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~~A. Storm drain inlets identified in § 254-14 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.~~

~~(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 square inches or is no greater than 0.5 inch across the smallest dimension.~~

~~(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 square inches or be no greater than two inches across the smallest dimension.~~

~~B. 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 solids and floatable materials that could not pass through one of the following:~~

~~(a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide; or~~

~~(b) A bar screen having a bar spacing of 0.5 inch.~~

§ 254-16 Enforcement.

This article shall be enforced by the City of Trenton Police Department.

§ 254-17 Violations and penalties.

Any person who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$2,000, as stated in Chapter 1, Article III, General Penalty, § 1-17.

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Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Trenton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. 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 the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

INTRODUCTION:	MOTION: <i>Harrison</i>				SECOND: <i>Edwards</i>				ORD. AUTHORED BY:	ADOPTION				MOTION: <i>Frisby</i>				SECOND: <i>Harrison</i>								
	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION				
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	
EDWARDS	✓				✓				GONZALEZ	✓				✓				FELICIANO	✓				✓			
IGUEROA LETTENBURG	✓				✓				HARRISON	✓				✓												
RISBY	✓				✓				WILLIAMS	✓				✓												
IV - NO VOTE	AB - ABSENT																									

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on APR 18 2024

Adopted on second reading after the public hearing on MAY 09 2024

AYE
Mayor
NAY

[Signature]

APPROVED

[Signature]

Reconsidered by Council – Override Vote

[Signature]
President of Council

[Signature]
City Clerk