

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 16-01**

1st Reading 1-12-16

Date to Mayor 1-27-16

2nd Reading &  
Public Hearing 1-26-16

Date Returned \_\_\_\_\_

Date Adopted:  
1-26-16

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form of Legality

Effective Date:  
2-15-16

\_\_\_\_\_  
Township Attorney

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGULATING PRIVATE STORM DRAIN INLETS

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
<b>Baxter</b>	X					
<b>Keyes-Maloney</b>	X					
<b>Steward</b>	X				X	
<b>Wollert</b>	X					X
<b>Schroth</b>	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
<b>Baxter</b>				X		
<b>Keyes-Maloney</b>				X		
<b>Steward</b>	X					X
<b>Wollert</b>	X				X	
<b>Schroth</b>	X					

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

TOWNSHIP OF EWING  
ORDINANCE NO. 16-01

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGULATING PRIVATE STORM DRAIN INLETS

**WHEREAS**, there are currently in Ewing Township numerous private storm drain inlets that are not designed 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 the Township of Ewing, and

**WHEREAS**, an ordinance prescribing a design standard, 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, and prescribing penalties for the failure to comply, will prevent the discharge of such solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Ewing so as to protect public health, safety and welfare, and

**NOW, THEREFORE,**

**BE IT ORDAINED** by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 CHAPTER 215, Article II LAND DEVELOPMENT; DEFINITIONS is hereby amended as follows to revise the definition of "Person" and add the new definitions of "Municipal Separate Storm Sewer System (MS4)," "Storm Drain Inlet" and "Waters of the State":

**§ 215-8 DEFINITIONS.**

**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 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** 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** 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 2 CHAPTER 215, Article IV LAND DEVELOPMENT, DEVELOPMENT DESIGN STANDARDS is hereby amended as follows:

**§ 215-62 DRAINAGE.**

A. Design standards. All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper drainage. The requirements of this section shall not be satisfied with the construction of dry wells.

(1) The system shall be adequate to carry off the stormwater and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates beyond the lot or tract boundaries in their current state of development. The

system shall be extended along the full length of any road improvement. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made to taking care of these conditions. Under the sidewalk drains and through the curb drains for the purpose of disposing sump pump runoff is prohibited. These facilities must outlet into an adequate watercourse or drainage system.

- (2) Techniques for computing water runoff shall be as follows and all submissions shall include drainage calculations and drainage area maps:
  - (a) Collection systems. Rational Method.
  - (b) Detention systems. The routing procedure of computation shall be used and the determination of the "R" factors shall be as contained in the American Society of Civil Engineers Manual No. 37, latest edition.
- (3) Bridges and culverts shall be designed for one-hundred-year-storm minimum flow capacities.
- (4) All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with the specifications of the Standard Specifications for Road and Bridge Construction of the New Jersey Highway Department, current edition, and any supplements, addenda and modifications thereto unless otherwise specified by the reviewing municipal agency. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the Township Engineer after discussion with the reviewing municipal agency.
- (5) Pipe sizes shall be determined by acceptable drainage design procedures, provided that the pipe size in a surface water drainage system shall in no instance be less than 15 inches in diameter.
- (6) Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 400 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum five-hundred-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.
- (7) Lots shall be graded away from the building(s) at a minimum two-percent grade in order to secure proper drainage. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than predevelopment rates.
- (8) Detention or retention basins will be required to hold stormwater runoff such that discharge from the site will not exceed predevelopment rates. A waiver of this provision may be granted only when the applicant shows that the additional runoff resulting from the proposed development will be negligible. When detention or retention basins are required, the outlet from the detention facility must require that 90% of the runoff from 1 1/4 inches of rainfall, falling in two hours, be retained so that not over 90% will be evacuated prior to 36 hours. The following exceptions to this provision will be acceptable in any case:
  - (a) Detention will not be required to an extent which would reduce the outlet size to a diameter less than three inches;
  - (b) Dry basins serving residential projects may allow evacuation of 90% in 18 hours;
  - (c) In cases where runoff is from single-family housing and unimproved areas only, and where the runoff enters detention basins after moving by sheet flow over at least 30 feet of lawn or leaf mulch areas, outlets shall be designed so that retention storage, when full, will be 90% evacuated over 12 hours.

- (9) Approval of drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and offices when applicable. Each applicant shall make application to the State Division of Water Policy and Supply of the Department of Environmental Protection, the Mercer County Engineering Department, the Township Engineer and the D & R Canal Commission. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the secretary of the Planning Board or the secretary of the Zoning Board of Adjustment, as the case may be, with a copy of each letter forwarded to the Township Engineer.
- (10) Drainage right-of-way easement.
- (a) When required by the Township and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream.
- (b) The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted official map or master plan. Such easement shall be expressed on the plat and the grantee named.
- (11) For site plan submission consisting of 50 acres or more and subdivision submissions consisting of 50 lots or more, the applicant shall provide an analysis of any additional water which will drain from the site as a result of the proposed site plan and/or subdivision; such analysis to specifically document the anticipated impact that the increased water flow will have upon existing drainage structures located between the site and the downstream municipal boundary line(s).
- (12) Storm drain inlets 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 (c) below.
- (a) 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:
- [1] 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
- [2] 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.
- 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.
- (b) 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.
- (c) 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 solid and floatable materials that could not pass through one of the following:
  - [a] 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
  - [b] A bar screen having a bar spacing of 0.5 inches.
- [3] Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
- [4] 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 3 CHAPTER 300, Article VI, SEWERS, Illicit Connections, is hereby amended as follows:

#### **§ 300-45 PROHIBITED CONDUCT**

- A. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Ewing any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).
- B. 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 (as such term is defined in Chapter 215, Article I, § 215-8) on that property unless the storm drain inlet either:
  - a. Already meets the design standard set forth in Chapter 215, Article IV, § 215-62 DRAINAGE to control passage of solid and floatable materials; or
  - b. Is retrofitted or replaced to meet the standard in set forth in Chapter 215, Article IV, § 215-62 DRAINAGE prior to the completion of the project.
- C. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Township.

Section 4 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 5 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 6 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: