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TOWN OF MORRISTOWN

ORDINANCE O - 19- 2012

AN ORDINANCE AMENDING CHAPTER XX OF THE CODE OF THE TOWN OF MORRISTOWN ENTITLED "WATER AND SEWER" ARTICLE 1 "USE REGULATIONS"

WHEREAS, as part of the New Jersey Pollutant Discharge Elimination System (NJDPDES) Municipal Stormwater Regulation Program, municipalities are required to adopt various ordinances to protect and improve the water quality; and

WHEREAS, among the ordinances the Town must adopt in order to comply with the program is an ordinance that requires *private property owners to retrofit existing storm drain inlets* which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of storm drainage 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 Town of Morristown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris and State of New Jersey, being the governing body thereof, that Chapter XX Water and Sewer, Article 1 Use Regulations be and is hereby amended to read as follows:

Section I. Chapter XX of the Code of Morristown, entitled "Water and Sewer" is hereby amended as follows:

Section 20-1 "Definitions," the following term is amended to read as follows:

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

Section 20-1 "Definitions," is further amended by adding the following terms:

Solid and Floatable Materials - means 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.

Waters of the State and or Morristown – 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 and or Town of Morristown or subject to its jurisdiction.

Section 20-2 "Prohibited Discharges"

Subsection 20-2.3(a)(2)(a) "Prohibited Conduct," is amended to add the following:

(4) 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:

- i. Already meets the design standard below to control passage of solid and floatable materials; or
- ii. Is retrofitted or replaced to meet the design standard below prior to the completion of the project.

Design Standard:

Storm drain inlets identified in Subsection 20-2.3(a)(2)(a)(4) 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 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 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.

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 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. 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 II. 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 \$250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION III. Severability: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV. Repealer: All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

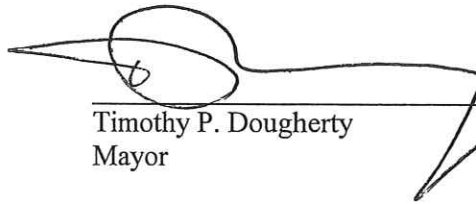
SECTION V. Effective Date: This ordinance shall take effect upon passage and publication as required by law.

ATTEST:



Matthew Stechauner,
Town Clerk

ADOPTED:



Timothy P. Dougherty
Mayor

