

ORDINANCE 2011 - 7
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER

**AN ORDINANCE AMENDING CHAPTER XV, "STREETS
AND SIDEWALKS," OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR,
FOR THE PURPOSE OF REGULATING THE
RETROFITTING OF PRIVATE STORM DRAIN INLETS**

WHEREAS, East Windsor Township has been designated a Tier A community under the State of New Jersey Municipal Stormwater Regulation Program; and

WHEREAS, East Windsor Township applied for and received a Tier A Municipal Stormwater General Permit with an effective date of April 1, 2004; and

WHEREAS, East Windsor Township's Tier A Municipal Stormwater General Permit was renewed on March 1, 2009; and

WHEREAS, East Windsor Township's renewed permit requires the Township to adopt certain ordinances pertaining to the retrofitting of private storm drain inlets.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey that Chapter XV, "Streets and Sidewalks", of the Revised General Ordinances of the Township of East Windsor is hereby amended as follows:

Section 1. Add a new Section as follows:

"15-7 Private Storm Drain Inlet Retrofitting

15-7.1 *Purpose* This ordinance requires 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(s) operated by the Township of East Windsor so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply

15-7.2 *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 used in the plural number include the singular number, and words used in the singular number

include the plural number. The word “shall” is always mandatory and not merely directory.

- a. “*Municipal separate storm sewer system*” shall mean 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 of East Windsor or other public body, and is designed and used for collecting and conveying stormwater.
- b. “*Person*” shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. “*Storm drain inlet*” shall mean 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. “*Waters of the State*” shall mean 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.

15-7.3 *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 standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

15-7.4 *Design Standard:*

Storm drain inlets identified in Section IV 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 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.

15-7.5 *Enforcement.* This Section shall be enforced by the Township Police Department.”

Section 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. This ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

ATTEST:

CINDY A. DYE
Municipal Clerk

JANICE S. MIRONOV
Mayor

Adopted: February 8, 2011