

ORDINANCE #12-24
BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
ORDINANCE ADDRESSING STORMWATER MANAGEMENT
PRIVATE STORM DRAIN INLET RETROFITTING

WHEREAS, the Borough of Sayreville (Borough) seeks to manage the impacts of stormwater within the Borough; and

WHEREAS, the United States Environmental Protection Agency (EPA) has developed model ordinances relating to stormwater, including private storm drain inlet retrofitting;

WHEREAS, the Borough desires to incorporate the EPA model stormwater ordinance relating to private storm drain retrofitting into the Borough's Ordinances in order to manage the effects of stormwater in conformance to EPA standards.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sayreville in the County of Middlesex, State of New Jersey, as follows:

SECTION 1. Chapter XIV of the Code of Ordinances, titled "Water and Sewer", Article I -Water Regulations, is hereby supplemented as follows:

§ 14-25 Private Storm Drain Inlet Retrofitting.

14-25.1 Purpose.

The purpose of this Ordinance 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 or private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the Borough's sewer system so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.

14-25.2 Definitions.

For the purpose of this section, 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 (MS4)" means 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 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.

- b. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. “Storm drain inlet” means an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, and combination inlet.
- d. “Waters of the State” means the Atlantic 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.

14-25.3 Prohibited Conduct.

No person in control of private property within the Borough (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.
- 2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of this project.

14-25.4 Design Standard.

Storm drain inlets identified in Section 14-25.3 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.

- 1. Design engineers shall use either of the following grates whenever the 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, laws, fields, open channels, and stormwater basin doors.

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 more 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 0.55 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.

14-25.5 Enforcement.

This Section shall be enforced by the Borough Department of Public Works.

14-25.6 Penalties

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$1,000.00 for each storm drain inlet that is not retrofitted to meet the design standard. If any paperwork required under this section is not submitted, a fine of not more than \$1,000.00 shall be assessed for each month that said paperwork is not submitted.

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

INTRODUCED/APPROVED ON FIRST READING

DATED: March 25, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Michael Colaci, Councilman
(Public Works Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: April 8, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Michael Colaci, Councilman
(Public Works Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2024.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney