

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2011-02**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 23, STORMWATER MANAGEMENT AND MUNICIPAL STORM SEWERS, BY ADDING SECTION 23-2, PRIVATE STORM DRAIN RETROFITTING

WHEREAS, the Borough of Fair Haven wishes to amend Article XXIII by adding Chapter 23-2 entitled Private Storm Drain Retrofitting of the Code of the Borough of Fair Haven.

BE IT HEREBY ORDAINED by the Township Council of the Borough of Fair Haven that Article XXIII Chapter 23-2 of the Code of the Borough of Fair Haven is hereby amended and supplemented and shall read as follows:

23-2 PRIVATE STORM DRAIN RETROFITTING

23-2.1 Purpose:

An ordinance 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, 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 Borough of Fair Haven so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

23-2.2 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 (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 Fair Haven Borough or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person - any individual, corporation, company, partnership, firm, association or political subdivision of the State subject to municipal jurisdiction.
- c. Storm Drain Inlet - an opening in a storm drain used to collect storm water runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.
- d. 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.

23-2.3 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 23-2.4 below prior to the completion of the project.

23-2.4 Design Standard:

Storm drain inlets identified in the Section above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For the 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 23-2.4(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 storm water from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safety 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 large 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.

23-2.5 Enforcement:

This ordinance shall be enforced by the Code Enforcement Office, Department of Public Works and the Engineering Department of the Borough of Fair Haven.

Section 23-2.6 Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties outlined in Section 1-5 of the Code of Fair Haven Borough.

This Ordinance shall take effect upon its passage and publication according to law.

Introduced: 1/24/2011

Adopted: 2/7/2011

Attest:

Approve:

Allyson M. Cinquegrana, RMC
Borough Clerk

Michael I. Halfacre
Mayor