

**§ 23-1. MUNICIPAL STORM SEWER SYSTEM.**

**§ 23-1.1. Purpose. [Ord. No. 6-26-06A § 1]**

The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) 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.

**§ 23-1.2. Definitions. [Ord. No. 6-26-06A § 2]**

As used in this section:

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Fair Haven 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.

**STORMWATER** — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**§ 23-1.3. Prohibited Conduct. [Ord. No. 6-26-06A § 3]**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Borough of Fair Haven is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

**§ 23-1.4. Exceptions to Prohibition. [Ord. No. 6-26-06A § 4]**

- a. Water line flushing and discharges from potable water sources.
- b. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- c. Air-conditioning condensate (excluding contact and non-contact cooling water).
- d. Irrigation water (including landscape and lawn watering runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential car washing water, and residential swimming pool discharges.
- g. Sidewalk, driveway and street wash water.

- h. Flows from fire fighting activities.
- i. Flows from rinsing of the following equipment with clean water:
  - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
  - 2. Equipment used in the application of salt and de-icing materials immediately following sale and de-icing material applications.

Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**§ 23-1.5. Enforcement. [Ord. No. 6-26-06A § 5]**

This section shall be enforced by the Code Enforcement Officer of the Borough of Fair Haven.

**§ 23-1.6. Penalties. [Ord. No. 6-26-06A § 6]**

Any person who violates any provision of this section shall be liable, upon conviction, to the penalty stated in Chapter 1, Section 1-5.

**§ 23-2. PRIVATE STORM DRAIN RETROFITTING.**

**§ 23-2.1. Purpose. [Ord. No. 2011-02]**

The purpose of this section 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 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. [Ord. No. 2011-02]**

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 section 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch

basins, curbs, gutters, ditches, man-made 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.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of the State subject to municipal jurisdiction.

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.

WATERS OF THE STATE — 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. [Ord. No. 2011-02]**

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:

- a. Already meets the design standard below to control passage of solid and floatable materials; or
- b. Is retrofitted or replaced to meet the standard in subsection 23-2.4 below prior to the completion of the project.

### **§ 23-2.4. Design Standard. [Ord. No. 2011-02]**

Storm drain inlets identified in the subsection 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 subsection 23-2.4c below.

- a. 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:
  1. 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
  2. A different grate, if each individual clear space in that grate has an area of no more than seven 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 square inches, or be no greater than two 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 large 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  $4 \frac{5}{8}$  inches long and  $1 \frac{1}{2}$  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 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.

#### **§ 23-2.5. Enforcement. [Ord. No. 2011-02]**

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

#### **§ 23-2.6. Penalties. [Ord. No. 2011-02]**

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

#### **§ 23-3. DRAINS AND SUMP PUMP DISCHARGES. [Added 11-12-2019 by Ord. No. 2019-13]**

- a. No person will discharge roof drains, area drains, yard drains or sump pump drains into the public right-of-way, connect them to any portion of the stormwater

drainage system, or discharge them outside of the public right-of-way in a manner to cause concentrated flow into the public right-of-way without obtaining a permit.

- b. A permit to discharge roof drains, area drains and other facilities, which do not convey groundwater and only flow during immediately after rainfall, into the public right-of-way or to connect them to the municipal storm drainage system will be issued if the Borough Engineer determines that:
  1. No groundwater will be conveyed; and
  2. No hazard to public health or safety will result; and
  3. No damage to any public infrastructure or to any portion of the right-of-way will result; and/or
  4. All disturbed portions of the public infrastructure will be adequately replaced or repaired.
- c. A permit to discharge sump pump drains or other facilities which convey groundwater into the public right-of-way or connect them to the municipal drainage system is subject to the following:
  1. No permit will be issued if:
    - (a) The Borough Council, on the advice from the Borough Engineer or other Borough official(s), finds that the proposed discharge will create significant, unacceptable public safety or public health issues; or
    - (b) The Borough Engineer determines that a reasonable alternative other than discharge into the public right-of-way exists. Reasonable alternatives include modifications of the system to reduce or eliminate the volume of discharge and/or discharging into ponds, watercourses or landscaped or natural areas on or adjacent to the property.
  2. The Borough Engineer will only issue a permit subject to use of the following options when available:
    - (a) Connection to a stormwater drainage system or adequate receiving piping available or to be made available on or adjacent to any portion of the permittee's property; or
    - (b) Connection to a stormwater drainage system or adequate receiving piping available or to be made available not more than one property away from the permittee's property which can be reached within the public right-of-way without crossing a street; or
    - (c) Any other reasonably available alternative.
  3. When issuing a permit to allow discharges into the public right-of-way or a connection to the stormwater drainage system, the Borough Engineer may designate the location of the discharge or connection.

- d. Drains and sump pump discharges in the public right-of-way legally existing on the date of adoption of this section may be continued without a permit and will not constitute violations of this section until:
  - 1. The property owner is notified by the Borough Engineer that a permit must be obtained for the existing discharge; and
  - 2. One year elapses from the date of notice by the Borough Engineer without the applicant obtaining a permit.
- e. Permit fees shall be paid to the Borough as set forth in Subsection 2-56.4.