

PITTSGROVE TOWNSHIP

ORDINANCE NO: 5-2011

AN ORDINANCE AMENDING CHAPTER 78 OF THE
MUNICIPAL CODE FOR THE TOWNSHIP OF
PITTSGROVE, SALEM COUNTY, NEW JERSEY

WHEREAS, the New Jersey Department of Environmental Protection has mandated additions to the Stormwater Maintenance ordinance included in Chapter 78 of the Municipal Code; and

WHEREAS, the Pittsgrove Township Committee has reviewed the proposed model ordinance and determined that same should be modified and included in Chapter 78 of the Municipal Code.

NOW THEREFORE, BE IT ORDAINED on this 22nd day of June, 2011 by the Mayor and Township Committee for the Township of Pittsgrove, Salem County, New Jersey that Chapter 78 of the Pittsgrove Township Municipal Code entitled SEWERS be amended to add Article III to read as follows:

ARTICLE III

Storm Drain Inlet Retrofitting

§ 78-12. Purpose

This Article requires existing storm drain inlets to be retrofitted when they are in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property in order 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 Pittsgrove Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 78-13. Definitions

For the purpose of this ordinance, the following words and phrases 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – as defined in Articles I and II of this Chapter.

PERSON – as defined in Articles I and II of this Chapter.

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 – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether ...

§ 78-14. 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), or reconstructing 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 in § 78-15 to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in § 78-15 prior to the completion of the project.

§ 78-15. Design Standard

Storm drain inlets identified in § 78-14 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 subsection 3 below.

1. Design engineers shall use either of the following grates 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 the device.

- 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.

§ 78-16. Enforcement

This ordinance shall be enforced by the Pittsgrove Township Public Works Department.

§ 78-17. Penalties

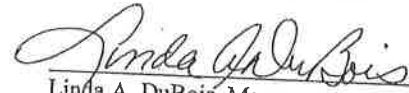
Any person or persons found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted or replaced to meet the design standard.

§ 78-18. Severability

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of the ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

THIS ORDINANCE shall take effect upon adoption and publication according to law.

TOWNSHIP OF PITTSGROVE

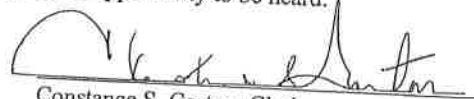

Linda A. DuBois, Mayor

ATTEST:


Constance S. Garton, Clerk

CERTIFICATION


The foregoing ordinance was introduced at a regular meeting of the Pittsgrove Township Committee held on the 25th day of May, 2011 and will be considered for final passage and adoption at a meeting to be held on the 22nd day of June, 2011 at 7:30 p.m. in the Township Municipal Building, 989 Centerton Road, Pittsgrove, NJ, at which time any person interested therein will be given an opportunity to be heard.


Constance S. Garton, Clerk

CERTIFICATION

I hereby certify the attached to be a true copy of Ordinance No. 5-2011 that was adopted by the Pittsgrove Township Committee at its Regular Meeting held on June 22, 2011.

DATE: July 11, 2011


Constance S. Garton, Clerk

TOWNSHIP OF PITTSGROVE

COUNTY OF SALEM

NOTICE OF FINAL PASSAGE OF ORDINANCE

ORDINANCE NO. 05-2011

AN ORDINANCE AMENDING CHAPTER 78 OF THE
MUNICIPAL CODE FOR THE TOWNSHIP OF PITTSGROVE,
SALEM COUNTY, NEW JERSEY

TAKE NOTICE that the above-titled ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Pittsgrove, in the County of Salem, held May 25, 2011, and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at a regular meeting of the Township Committee held June 22, 2011 at which meeting said ordinance was adopted.



Constance S. Garton
Township Clerk