

ORDINANCE NO. 10-01

BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY

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 NORTH PLAINFIELD SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY, THEREBY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 22 OF THE BOROUGH CODE, ENTITLED "WATER RUN-OFF CONTROL"

WHEREAS, the Borough of North Plainfield has applied for a 2009 Stormwater Permit from the New Jersey Department of Environmental Protection; and,

WHEREAS, in order for such Stormwater Permit to be approved, the Borough of North Plainfield must revise its Ordinance with respect to water run-off control.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield, Chapter 22-101, entitled "Water Run-Off Control", is hereby revised, amended and supplemented to add a new Section 22-101.4 as follows:

**"22-101.4 Private Storm Drain Inlet Retrofitting**

**22-101.4.1 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 Borough of North Plainfield so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**22-101.4.2 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 discretionary.

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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined water 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 – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. 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.

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.

#### **22-101.4.3 Prohibited Conduct.**

No person in control of private property (except a residential lot with one (1) 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 Section 22-101.4.4 ("Design Standard") below prior to the completion of the project.

#### **22-101.4.4 Design Standard.**

Storm drain inlets identified in Section 22-101.4.3 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 22-101.4.5 below.

A. 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:

1. 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,
2. 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 one-half (0.5) inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (con-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 (2) 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.

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 larger 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 four and five-eighths (4 5/8<sup>ths</sup>) inches long and one and one-half (1 ½) inches wide (this option does not apply for outfall netting facilities); or,

b. A bar screen having a bar spacing of one-half (0.5) inches.

3. Where flows are conveyed through a trash rack that has parallel bars with one (1) 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.

#### **22-101.4.5 Enforcement**

This Ordinance shall be enforced by any and/or all of the following: the Borough Zoning Officer, the Borough Construction Officer, the Borough Property Maintenance Officer, the Borough Health Officer and/or any member of the Police department of the Borough of North Plainfield, and/or any other official and/or entity designated by the Borough of North Plainfield for such enforcement.

#### **22-101.4.6 Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed One Thousand Two Hundred Fifty Dollars (\$1,250.00) for each storm drain inlet that is not retrofitted to meet the design standard for every day that a violation occurs. Each day of violation shall be considered a separate violation. In addition, violations may be subject to up to ninety (90) days of imprisonment or ninety (90) days of community service, or both, for every day of violation in addition to the fine above.

**NOW, THEREFORE, BE IT FURTHER ORDAINED that:**

1. All ordinances or portions of ordinances which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

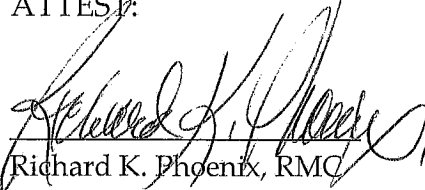
2. If any provision or paragraph of this ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions

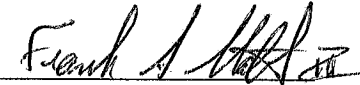
or paragraphs of this ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

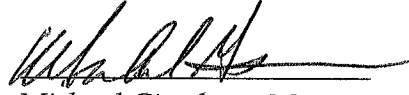
3. This ordinance shall take effect, after final passage, twenty (20) calendar days following action or inaction by the mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.I.S.A. 40:69A-181(b), declaring an emergency and providing that this ordinance shall take effect at an earlier date.

INTRODUCED: March 8, 2010  
PASSED: March 8, 2010  
PUBLISHED: March 12, 2010  
ADOPTED: March 22, 2010  
ROLL CALL: AYES: Forbes, Hitchcock, La Ronde, Merrill, Righetti, Singleterry, Stabile  
NAYS: None  
ABSTAIN: None  
ABSENT: None

ATTEST:

  
Richard K. Phoenix, RMC  
Borough Clerk

  
Skip Stabile, Council President

  
Michael Giordano, Mayor

22 March 2010