

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "ZONING," SECTION 5, ENTITLED "GENERAL REGULATIONS," SO AS TO CREATE A NEW SUBSECTION 24, ENTITLED "PRIVATE STORM DRAIN INLET RETROFITTING"

BE IT ORDAINED by the Township Committee of the Township of Plumsted, County of Ocean and State of New Jersey, as follows:

SECTION 1. That Chapter 15 of the General Ordinances of the Township of Plumsted entitled "Zoning," Section 5, entitled "General Regulations," shall be amended and supplemented so as to create a new Subsection 24, entitled "Private Storm Drain Inlet Retrofitting," which shall read in its entirety as follows:

§ 15-5.24. Private Storm Drain Inlet Retrofitting.

- a. 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 Township of Plumsted so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. 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 subsection 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.
 1. 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 the Township of Plumsted or other public body, 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.
 2. PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. 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.
 4. 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.
- c. Prohibited Conduct. No person in control of private property (except a residential lot with a single or two-family house) shall authorize the paving, 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 d. below prior to the completion of the project.
- d. Design Standard. Storm drain inlets identified in Section c. 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 e.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 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 minimum, to prevent delivery of all solid and floatable materials that could not pass that through one of the following:
 - (1) 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
 - (2) 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.
- e. Enforcement. This ordinance shall be enforced by the Construction Code Official or the Code Enforcement Officer of the Township of Plumsted.
- f. 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 hundred (\$100) dollars for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	11/2/23 12/1/23	11/2/23 12/1/23	11/2/23 12/1/23	12/1/23	11/2/23 12/1/23
ABSTAIN					
NAYS					
ABSENT				11/2/23	

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **2nd** day of **November, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **7th** day of **December, 2023** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to protect public health, safety and welfare by 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 to the municipal separate storm sewer system and to provide penalties for violation of the same.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.

**JENNIFER WITHAM, RMC, CMR
MUNICIPAL CLERK**