

ARTICLE III  
**Private Storm Drain Inlet Retrofitting**  
**[Adopted 9-27-2010 by Ord. No. 2010-12]**

**§ 241-12. Purpose.**

An ordinance requiring 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 Eagleswood so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 241-13. Definitions.**

A. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words 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.

B. Terms defined. As used in this article, the following terms shall have the meanings indicated:

**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 Township of Eagleswood 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.

**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** — The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 241-14. 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), 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 § 241-15 below prior to the completion of the project.

**§ 241-15. Design standard.**

Storm drain inlets identified in § 241-14 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 Subsection C 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 7.0 square inches or is no greater than 0.5 inch 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 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 7.0 square inches or be no greater than 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 4 5/8 inches long and 1 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 inch.
  - (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars.

- (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.

**§ 241-16. Enforcement.**

This article shall be enforced by the Code Enforcement Officer of the Township of Eagleswood.

**§ 241-17. Violations and penalties.**

- A. Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$500, by imprisonment for a term not to exceed 90 days, or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.