

TOWNSHIP OF WALL

ORDINANCE NO. 2-2011

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING SECTION 192 OF THE CODE OF THE TOWNSHIP OF WALL PERTAINING TO RETROFITTING PRIVATE STORM DRAIN INLETS AND THE MAINTENANCE AND OPERATION OF REFUSE CONTAINERS AND DUMPSTERS

Whereas, the Township Committee is required to adopt the following at the direction of the New Jersey Department of Environmental Protection Agency to comply with the Stormwater Regulations; and,

Whereas the Township Committee is desirous of amending Chapter 192 - Storm Sewer System, to include the following by the addition thereto of:

SECTION ONE

ARTICLE II

Private Storm Drain Inlet Retrofitting

192-6. 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 Wall so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

192-7. 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 directory.

- 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 Wall Township or other public body, and is designed and used for collecting and conveying stormwater.

- 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.

192-8. 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 Section 192-9 below prior to the completion of the project.

192-9. Design Standard.

Storm drain inlets identified in Section 192-8 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 192.9.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 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.

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 (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 inches long and one and one-half 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 (1") 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.

192-10. Enforcement.

The Code Enforcement Officer shall be the official responsible for the enforcement of this article and the rules and regulations established hereunder.

192-11. Penalties.

Any person who violates or fails to comply with any provision of this article or of any rule or regulation adopted hereunder shall be subject to the following penalties:

A. A fine of not more than \$1,250; or

- B. Imprisonment for a term of not more than 90 days or community service in the Township's recycling program for a period of not more than 90 days; or
- C. Both a fine and imprisonment or community service.

192-12. 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 this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Article III

Refuse Containers/Dumpsters

192-13. Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Wall and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

192.14. 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 directory.

- 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.
- B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

- D. Stormwater – means 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.
- E. 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.

192-15. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the [insert name of municipality].

192-16. Exceptions to Prohibition.

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

192-17. Enforcement.

The Code Enforcement Officer shall be the official responsible for the enforcement of this article and the rules and regulations established hereunder.

192-18. Penalties.

Any person who violates or fails to comply with any provision of this article or of any rule or regulation adopted hereunder shall be subject to the following penalties:

- A. A fine of not more than \$1,250; or

- B. Imprisonment for a term of not more than 90 days or community service in the Township's recycling program for a period of not more than 90 days; or
- C. Both a fine and imprisonment or community service.

SECTION TWO

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 this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION THREE

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION FOUR

This Ordinance shall take effect upon final passage and publication as provided by law.

Motion made by Committee person _____, seconded by Committee person _____ and adopted on roll call by the following vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor Ann Marie Conte				
Deputy Mayor Jeffrey W. Foster				
Committeeman Clinton C. Hoffman				
Committeeman Todd W. Luttman				
Committeeman George K. Newberry				

TOWNSHIP OF WALL
ORDINANCE 2-2011
NOTICE AND SUMMARY

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING
AND SUPPLEMENTING SECTION 192 OF THE CODE OF THE TOWNSHIP OF WALL
PERTAINING TO RETROFITTING PRIVATE STORM DRAIN INLETS AND THE MAINTENANCE
AND OPERATION OF REFUSE CONTAINERS AND DUMPSTERS**

Ordinance No. 2-2011 is being adopted to comply with New Jersey Department of Environmental Protection Agency pertaining to the retrofitting of Private Storm Drain Inlets and the maintenance and operation of refuse containers and dumpsters.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on January 26, 2011, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on February 9, 2011, at 7:30 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or may be viewed in full on the Township's website www.wallnj.com.

LORRAINE KUBACZ, RMC
Township Clerk