

2011-7

**AN ORDINANCE ESTABLISHING
STANDARDS FOR THE PRIVATE
STORM DRAIN INLET RETROFITTING
AND AMENDING THE "CODE OF THE
TOWNSHIP OF PRINCETON, NEW
JERSEY, 1968".**

BE IT ORDAINED by the Township Committee of the Township of Princeton, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 13 of the "Code of the Township of Princeton, New Jersey, 1968" is amended by adding thereto the following regulations concerning the private storm drain inlet retrofitting and shall read as follows:

Sec.13-21. Private storm drain inlet retrofitting requirements - Purpose.

This section of the Code 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 township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec.13-21.1. Private storm drain inlet retrofitting requirements - Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not consistent 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)* shall mean 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, and is designed and used for collecting and conveying stormwater.

(b) *Person* shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal litigation.

(c) *Storm drain inlet* shall mean 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* shall mean 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.

Sec.13-21.1. Private storm drain inlet retrofitting requirements – 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:

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 13-21.3 below prior to the completion of the project.

Sec.13-21.1. Private storm drain inlet retrofitting requirements – Design Standard.

Storm drain inlets identified in Section 13-21.2 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" shall mean sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see subsection (c) hereinbelow.

(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 (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 (2) or more clear spaces) shall have an area of no more than seven (7.0") inches or be no greater than two (2.0") inches across the smallest dimension.

(c) This standard does not apply:

1. Where the township 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 (1) of the following:

(i) A rectangular space four and five-eighths (4-5/8") inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

(ii) A bar screen having a bar space of one-half (0.5") inches.

(d) Where flows are conveyed through a trash rack that has parallel bars with one (1") inch spacing between the bars; or

(e) 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.

Sec.13-21.1. Private storm drain inlet retrofitting requirements - Enforcement.

This Ordinance shall be enforced by the township engineer of the township.

Sec.13-21.1. Private storm drain inlet retrofitting requirements – Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine for each storm drain inlet that is not retrofitted to meet the design standard pursuant to Sec. 1-6 of this Code.

Section II. 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 III. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

I, Kathleen K. Brzezynski, Deputy Clerk of the Township of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by Township Committee at its meeting held May23, 2011.



Kathleen K. Brzezynski
Deputy Clerk