

Introduced: 07/11/2023
Public Hearing: 08/08/2023
Adopted: 08/08/2023

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 19-2023**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY CREATING TITLE 9, PUBLIC PEACE,
MORALS, AND WELFARE, CHAPTER 9.24, PRIVATE STORM DRAIN
INLET RETROFITTING, OF THE TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that private storm drain inlets present significant pollution hazards to streams and waterways, including those located in the Township of Tewksbury (the “Township”); and

WHEREAS, in August 2022, NJDEP re-classified 101 municipalities, including the Township, Tier B to Tier A; and

WHEREAS, the Township Committee finds and declares that in order to comply with the Tier A MS4 Permit Program requirement, it is in the best interests if the township and its residents to require the retrofitting of existing storm drain inlets.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 9, Public Peace, Morals, and Welfare, Chapter 9.24, Private Storm Drain Inlet Retrofitting, of the Township Code of Ordinances is hereby created as follows:

9.24.010 – Purpose.

To require 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 operated by the Township of Tewksbury so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

9.24.020- Definitions.

The following terms, phrases, words, and their derivations shall have the meaning stated herein.

- 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 the Township of Tewksbury 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 to its jurisdiction.

9.24.030 – 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 standards of this Chapter for the proper to the completion of the project.

9.24.040 – Design Standard.

- 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) square inches, or be no greater than two (2) inches across the smallest dimension.
- C. 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 that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide, however, this option does not apply for outfall netting facilities; or
 - ii. 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 (1) inch 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.

9.24.050 – Enforcement.

The provisions of this chapter may be enforced by any officer of the Township of Tewksbury.

9.24.060 – Violations and Penalties.

Any person who is found to be in violation of the provisions of this chapter shall be subject to the penalties set forth in the General Penalty Chapter of this Code.

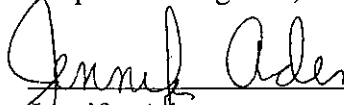
SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on July 11, 2023 and adopted on August 8, 2023.



Jennifer Adler
Township Clerk