

ORDINANCE NO. 10-31
INTRODUCTION DATE: 11-03-10
ADOPTION DATE: 12-15-10

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
"LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MILLSTONE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
BY ADDING NEW SUBSECTION 16-7, "PRIVATE STORM DRAIN INLET RETROFITTING"
AND 16-8 "REFUSE CONTAINERS/DUMPSTERS"**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MILLSTONE** in the County of Monmouth and the State of New Jersey as follows:

SECTION 1. The purpose of this Ordinance is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibit the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers and retrofitting of existing private storm drain inlets which are in direct contact with repaving, repairing or alteration of facilities on private property to prevent the discharge of solids and floatables to the municipal separate storm sewer system operated by the Township of Millstone so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

SECTION 2. Chapter XXXV, Land Use and Development Regulations, Article 16, Stormwater Management, is amended by adding the new sections 16-7 & 16-8 as follows:

16-7 – Private Storm Drain Inlet Retrofitting

16-7.1 Definitions:

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 the Township of Millstone 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.

16-7.2 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 16-7.3 below prior to the completion of the project.

16-7.3 Design Standard:

Storm drain inlets identified in Section 16-7.2 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” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection 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 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 (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-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.

16-7.4 Enforcement:

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in accordance with the New Jersey Rules of Court.

16-7.5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in chapter XXXV, Section 1-5 of this Code.

16-8 REFUSE CONTAINERS/DUMPSTERS

16-8.1 Definitions:

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.

16-8.2 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 Township of Millstone.

16-8.3 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)

16-8.4 Enforcement:

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any law enforcement officer. Alternatively, any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in accordance with the New Jersey Rules of Court.

16-8.5 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in Chapter XXXV, Section 1-5 of this Code.

SECTION 3. All Ordinances and parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT: This Ordinance sets forth prohibited actions relating to stormwater management. Specifically, the ordinance requires all outdoor dumpsters and other refuse containers to be covered, prohibits the spilling and discharge of liquids, semi-liquids or solids from the containers and requires retrofitting of existing private storm drain inlets to prevent the discharge of solids and floatables to the Municipal Separate Storm Sewer System.