

ORDINANCE NO. 17-2011

**AN ORDINANCE OF THE BOROUGH OF HOPATCONG,
COUNTY OF SUSSEX, STATE OF NEW JERSEY
AMENDING CHAPTER 167 OF THE CODE OF THE
BOROUGH OF HOPATCONG AND ADDING CHAPTER
203 ENTITLED REGARDING STORM SEWERS**

BE IT ORDAINED by the Governing Body of the Borough of Hopatcong as follows:

Section 1. Chapter 167 of the Code of the Borough of Hopatcong entitled “Peace and Good Order” shall be amended by deleting “Article II, Supplemental Stormwater Control Standards” in title only.

Section 2. Chapter 167 of the Code of the Borough of Hopatcong shall be amended by deleting §167-29 in its entirety.

Section 3. Chapter 167 of the Code of the Borough of Hopatcong shall be amended by deleting §167-33 in its entirety.

Section 4. Chapter 203 entitled “Storm Sewer System” shall be added as follows:

**Chapter 203
STORM SEWER SYSTEM**

**ARTICLE I
Improper disposal of waste**

§203-1. Purpose.

The purpose of this Article is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Hopatcong, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§203-2. 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 the 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.

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 Borough of Hopatcong 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.

STORMWATER – 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.

§203-3. Prohibited conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm system operated by the Borough of Hopatcong is prohibited. The spilling, dumping, or

disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§203-4. Exceptions to prohibition.

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- C. Air conditioning condensate (excluding contact and non-contact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from fire-fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1.) Beach maintenance equipment immediately following its use for its intended purposes; and
 - (2.) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing materials applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

203-5 Enforcement.

The provisions of this Article shall be enforced by the Zoning Officer, Police Department and/or other Municipal Officials of Borough of Hopatcong.

203-6 Penalties.

Any person violating any provision of this Article shall, upon conviction, be punishable by a fine not exceeding \$1,250 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. Each violation of any of the provisions of this Article and each day that such offense shall continue shall be deemed to be a separate and distinct offense.

**ARTICLE II
Illicit Connection**

203-7 Purpose.

The purpose of this Article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Hopatcong, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

203-8 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 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE – Waste and wastewater from humans or household operations.

ILLICIT CONNECTION – Any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Hopatcong, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE – Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

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 Borough of Hopatcong or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT – A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER – Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PROCESS WASTEWATER – Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER – 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 sewage or drainage facilities, or is conveyed by snow removal equipment.

203-9 Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Hopatcong any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

203-10 Enforcement.

The provisions of this Article shall be enforced by the Zoning Officer, Police Department and/or other Municipal Officials of Borough of Hopatcong.

203-11 Penalties.

Any person violating any provision of this Article shall, upon conviction, be punishable by a fine not exceeding \$1,250 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. Each violation of any of the provisions of this Article and each day that such offense shall continue shall be deemed to be a separate and distinct offense.

Article III Private Storm Drain Inlet Retrofitting

203-12 Purpose.

The purpose of this Article is 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(s) operated by the Borough of Hopatcong so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

203-13. Definitions.

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 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.

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 Borough of Hopatcong or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

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 or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

203-14 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 §203-15 below prior to the completion of the project.

203-15 Design Standard.

Storm drain inlets identified in §203-14 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 §203-15(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.
 - (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.

203-16 Enforcement.

This Chapter shall be enforced by the Police Department and/or other Municipal Officials of Borough of Hopatcong.

203-17 Penalties.

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed **INSERT** for each storm drain inlet that is not retrofitted to meet the design standard.

Section 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 6. If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 7. This Ordinance shall take effect immediately upon final publication as provided by law.

Introduced: June 1, 2011

Adopted: July 6, 2011

Sylvia Petillo, Mayor

Catherine Gleason, RMC

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on June 1, 2011 commencing at 7:30 p.m., and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on July 6, 2011, commencing at 7:30 p.m. or as soon thereafter as the Borough Council may hear this Ordinance, at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Gleason
Borough Clerk