

## Chapter 203

### STORMWATER CONTROL

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Hopatcong 6-5-2024 by Ord. No. 9-2024.<sup>1</sup> Amendments noted where applicable.]**

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1. Editor's Note: This ordinance also repealed former Ch. 203, Storm Sewer System, adopted 7-6-2011 by Ord. No. 17-2011.

ARTICLE I  
**General Provisions**

**§ 203-1. Applicability.**

- A. This chapter shall be applicable to the following major developments:
- (1) Nonresidential major developments and redevelopment projects; and
  - (2) Aspects of residential major developments and redevelopment projects that are not preempted by the residential site improvement standards at N.J.A.C. 5:21 et seq.
- B. This chapter shall also be applicable to all major developments undertaken by the Borough of Hopatcong.
- C. Applicability of this chapter to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

**§ 203-2. Compatibility with other permit and ordinance requirements.**

- A. Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

**§ 203-3. Definitions.**

For the purpose of this chapter, 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 used in this chapter shall be the same as the last amended stormwater management rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

**§ 203-4. Design and performance standards for stormwater management measures.**

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

**§ 203-5. Solids and floatable materials control standards.**

- A. Site design features identified under § 203-4 above, or alternative designs in accordance with § 203-4

above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection A(2) below.

(1) Design engineers shall use one 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; or
- (b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension. Note that the residential site improvement standards at N.J.A.C. 5:21 include requirements for bicycle-safe grates.

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 system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, 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 square inches, or be no greater than two inches across the smallest dimension.

(2) The standard in Subsection A(1) above does not apply:

- (a) Where each individual clear space in the curb opening in an existing curb-opening inlet does not have an area of more than nine square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm, as specified in the last amended stormwater management rules at N.J.A.C. 7:8 et seq., 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:

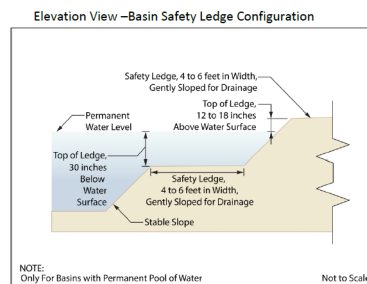
- [1] A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or
- [2] A bar screen having a bar spacing of 0.5 inch. Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle-safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 5:21-7.4(b)1).

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; 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.

#### § 203-6. Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- B. Safety ledge illustration.

#### Elevation View —Basin Safety Ledge Configuration



#### § 203-7. Requirements for a site development stormwater plan.

- A. Submission of site development stormwater plan.
  - (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection C below as part of the submission of the application for approval.
  - (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
  - (3) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C of this chapter.
- B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.
- C. Submission of site development stormwater plan. The following information shall be required:
  - (1) Topographic base map. The reviewing engineer may require upstream tributary drainage system

information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

- (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project description and site plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of § 203-4 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
  - (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
  - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
  - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 203-4 of this chapter.
  - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils

present at the location of the control measure.

- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of this chapter.
- (8) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 203-7C(1) through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**§ 203-8. Maintenance and repair.**

- A. Applicability. Projects subject to review as in § 203-1C of this chapter shall comply with the requirements of § 203-7B and C.
- B. General maintenance.
  - (1) Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
  - (2) The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
    - (a) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
    - (b) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
  - (3) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

ARTICLE II  
**Improper Disposal of Waste**

**§ 203-9. 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.

**§ 203-10. 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 the 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, man-made 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.

**§ 203-11. 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.

**§ 203-12. Exceptions.**

Exceptions to the prohibition are as follows:

- 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 groundwaters).
- C. Air conditioning condensate (excluding contact and noncontact 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 firefighting 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.

**§ 203-13. Enforcement.**

The provisions of this article shall be enforced by the Zoning Officer, Police Department and/or other municipal officials of the Borough of Hopatcong.

**§ 203-14. Violations and 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  
**Illicit Connections**

**§ 203-15. 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.

**§ 203-16. 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. 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, noncontact 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, man-made 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.

**NONCONTACT 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. Noncontact cooling water may, however, contain algacides 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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact 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.

**§ 203-17. 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, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§ 203-18. Enforcement.**

The provisions of this article shall be enforced by the Zoning Officer, Police Department and/or other municipal officials of the Borough of Hopatcong.

**§ 203-19. Violations and 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 IV  
**Private Storm Drain Inlet Retrofitting**

**§ 203-20. 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.

**§ 203-21. 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, man-made 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 water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 203-22. 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 of 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 § 203-23 below prior to the completion of the project.

**§ 203-23. Design standard.**

Storm drain inlets identified in § 203-22 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For

exemptions to this standard, see Subsection C below.

A. Grates.

- (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 square inches, or is no greater than 0.5 inch across the smallest dimension.
- (2) 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 square inches, or be no greater than two 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 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
  - (b) A bar screen having a bar spacing of 0.5 inch.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch 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.

**§ 203-24. Enforcement.**

This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Hopatcong.

**§ 203-25. Violations and 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 \$500 for each storm drain inlet that is not retrofitted to meet the design standard.