

INTRO: 6/22/09
ADOPTED: 7/13/09

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2009-23**

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE
TOWNSHIP OF FAIRFIELD ESTABLISHING PRIVATE STORM DRAIN
INLET RETROFITTING**

WHEREAS, the Township of Fairfield is required to adopt an Ordinance on private storm drain inlet retrofitting to be in compliance with the Stormwater Permit and the New Jersey Department of Environmental Protection, Division of Watershed Management; and

WHEREAS, the Township has determined that adoption of the Ordinance is in the best interests of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of Essex, and State of New Jersey as follows:

1. Chapter 21-5 of the Code of the Township of Fairfield shall be added as a new section to the Code as follows:

21-5 PRIVATE STORM DRAIN INLET RETROFITTING.

21-5.1 Purpose. An Ordinance requiring 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 floatable materials (such as plastic bottles, cans, food wrappers and other little) to the municipal separate storm sewer system(s) operated by the Township of Fairfield so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

21-5.2 Definitions: For the purpose of this Ordinance, 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.

Municipal Separate Storm Sewer System (MS4) shall mean a conveyances 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 Fairfield or other public body, and is designed and used for collecting and conveying stormwater.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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.

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.

21-5.3 Prohibited Conduct. Any 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; and
- b. Is retrofitted or replaced to meet the standard in Section 21-5.4 below prior to the completion of the project.

21-5.4 Design Standard. Storm drain inlets identified in Section 21-5.2 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 Section 21-5.4 c. below.

- a. Design Engineers shall use either of the following grates whenever they use a grate in pavement or other ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. 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
 - ii. 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 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:
 - i. Where the Municipal Engineer agrees that the standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards; or
 - ii. 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:
 - (1) A rectangular space four and five-eighths (4 5/8) inches long and one and one-half (1 1/2) inches wide (this option does not apply for outfall netting facilities); or
 - (2) A bar screen having a bar spacing of 0.5 inches.
 - iii. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars; or
 - iv. Where the New Jersey Department of Environmental Protection (EPA) 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.

21-5.5 Enforcement. This Ordinance shall be enforced by the Engineering and/or Building Departments of the Township of Fairfield.

21-5.6 Penalties. Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

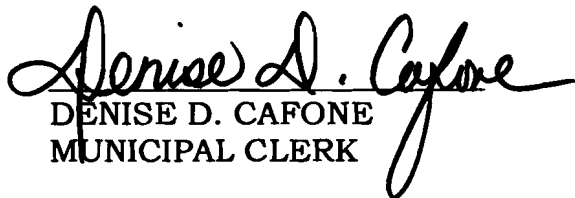
21-5.7 Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

2. All Ordinances of the Township of Fairfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.



JAMES GASPARINI, MAYOR

ATTEST:



DENISE D. CAFONE
MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **June 22, 2009**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **July 13, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk

INTRODUCTION OF ORDINANCE JUNE 22, 2009

ORDINANCE #2009-23, AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD ESTABLISHING PRIVATE STORM DRAIN INLET RETROFITTING

**INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN
SECONDED BY: COUNCILMAN LAFORGIA
PUBLISHED JUNE 25, 2009**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING JULY 13, 2009

**INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN
SECONDED BY: COUNCILMAN CONNINGTON
PUBLISHED: JULY 16, 2009**

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				