



ORDINANCE 2021-7

An Ordinance Amending Chapter 98, Streets and Sidewalks, of the Township Code Implementing Private Storm Drain Inlet Retrofit Requirements

WHEREAS, the Township of South Brunswick maintains Chapter 98, Streets and Sidewalks, of the Township Code regarding the use, care, maintenance and repair of streets, curbs and sidewalks in the Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has advised that the Township is required to amend its Code of Ordinances to implement regulations governing the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of such facilities on private property, to prevent the discharge of solids and floatables to the municipal storm sewer system operated by the Township; and

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of the Township of South Brunswick to amend the Township Code so that it is in compliance with these NJDEP requirements:

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. Chapter 98, Streets and Sidewalks, of the South Brunswick Township Code is hereby amended and supplemented with the addition of the following:

Secs. 98-97 - 98-430110. Reserved.

DIVISION 3. - PRIVATE STORM DRAIN INLET RETROFIT

Sec. 98-111. Purpose.

This Division requires 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 Township of South Brunswick so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 98-112. Definitions.

As used in this Division, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Division 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 South Brunswick 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.

Sec. 98-113. 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 standards set forth in Section 62-2577 to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the design standards set forth in Section 62-2577 prior to the completion of the project.

Sec. 98-114. Enforcement.

The requirements of this Division shall be enforced by the Township Engineer, the Zoning Enforcement Officer and/or the Department of Public Works of the Township of South Brunswick.

Sec. 98-115. Penalties.

Any person(s) who is found to be in violation of the provisions of this Division shall be subject to the penalties set forth in Section 1-13 for each storm drain inlet that is not retrofitted to meet the required design standards.

Secs. 98-116 - 98-130. Reserved.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on February 23, 2021. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on March 9, 2021. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at www.sbtnj.net no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Deputy Mayor
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman, Charlie Carley
ABSENT:	Ken Bierman