

TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY, NEW JERSEY

AN ORDINANCE REQUIRING RETROFITTING OF STORM  
DRAINS ON PRIVATE PROPERTY TO CONTROL FOR LITTER  
ENTERING PARTS OF THE SEWER SYSTEM

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF NORTH BERGEN that:

**Section 1: Background & Findings**

- A. There is a need to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the Township of North Bergen ("Township") sewer system so as to protect public health, safety and welfare.
- B. Various storm sewer grates exist on private property and discharge into the Township sewer system. There is a need to update these storm grates to current standards.
- C. When the owner of private property is performing work or improvements in the area of a storm grate on their property, that is the most efficient and cost-effective manner in which to upgrade the storm grate(s) to current standards.
- D. This Ordinance will require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property.

**Section 2: Definitions**

- A. 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 Ordinance 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.
  - 1. "Municipal separate storm sewer system" or "MS4" means 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 or MUA, 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.
  - 2. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  - 3. "Storm drain inlet" means 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.
  - 4. "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.

**Section 3: Prohibited Conduct**

- A. 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 in Section 4 below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section 4 below prior to the completion of the project.

#### **Section 4: Design Standard**

A. Storm drain inlets identified in Section 3 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 Section 4.A.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

#### **Section 5: Enforcement**

This Ordinance shall be enforced by the North Bergen Building Department.

**Section 6: Violations, Penalties and Fines**

Any violation of the provisions of this Ordinance shall be punishable by a fine of \$750 for each storm drain inlet that is not retrofitted to meet the design standard set forth herein.

**Section 7: Severability**

If any part or parts of this Ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 8: Repealer**

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to the inconsistency thereof.

**Section 9: Effective Date:**

This Ordinance shall take effect 20 days from the time of its final passage.

Introduced: October 9, 2019

Published: October 14 & 28, 2019

Adopted: October 23, 2019

Attest: Erin Barillas  
Township Clerk

<u>Comm. Marengo</u>	<u>YES</u>
<u>Comm. Gargiulo</u>	<u>YES</u>
<u>Comm. Pascual</u>	<u>YES</u>
<u>President Sacco</u>	<u>YES</u>