

Chapter 258

STORM DRAINS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Fanwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 257.

Stormwater control for major developments — See Ch. 255.

Land use — See Ch. 184.

Stormwater control for non-major developments — See Ch. 256.

Sanitary sewers — See Ch. 242.

ARTICLE I

**Retrofitting of Existing Storm Drain Inlets
[Adopted 8-11-2009 by Ord. No. 09-12R]****§ 258-1. Findings and declaration.**

The retrofitting of existing storm drain inlets in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property is necessary to prevent the discharge of solids and floatables, including but not limited to plastic bottles, cans, food, wrappers and other litter, into the Borough storm sewer system, so as to protect the public health, safety, welfare, and to prescribe penalties for failure to comply with this article.

§ 258-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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

§ 258-3. 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. Currently satisfies the design standard set forth below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in § 258-4 prior to the completion of the project.

§ 258-4. Design standards.

Storm drain inlets shall comply with the following standards to control passage of solid and floatable material through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

- A. A person shall use either of the following grates whenever he/she uses 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 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.
 - (3) 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.
 - (4) Examples of ground surfaces include surfaces or roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.
- B. Whenever a person uses a curb-opening inlet, the clear space in the curb opening shall have an area of no more than 7.0 square inches, or be no more than 2.0 inches across the smallest dimension.

§ 258-5. Certain grates prohibited.

A proposed grate, even if it satisfies the above standards, will not be allowed where:

- A. It would cause inadequate hydraulic performance that could, as determined by the Borough Engineer, 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:
 - (1) A rectangular space 4 5/8 inches long and 1 1/2 inches wide; or
 - (2) A bar screen having a bar spacing of 0.5 inch.
- C. Where flows are conveyed through a trash rack that has parallel bars with one-inch 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.

§ 258-6. Enforcement.

This article shall be enforced by the Public Officer of the Borough.

§ 258-7. Violations and penalties.

Any person who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$2,000 for each storm drain inlet that is not retrofitted to meet the design standard.