

#1268

**ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING CHAPTER 202 OF THE CODE OF THE
TOWNSHIP OF HADDON ENTITLED STORMWATER MANAGEMENT**

WHEREAS, the Township of Haddon ("Township") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Township has deemed it in the best interest of the public health, safety and welfare to amend Chapter 202 – Stormwater Management of the Township Code to provide for and establish various regulations and requirements for refuse containers/dumpsters and the retrofitting of private storm drain inlets;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, State of New Jersey, as follows:

SECTION 1: Chapter 202 of the Code of the Township of Haddon is hereby amended by adding a new Article IX, entitled "Refuse Containers/Dumpsters," which shall read as follows:

Article IX
Refuse Containers/Dumpsters

§202-34. Purpose.

The purpose of this Article shall be to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Haddon and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§202-35. 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.

- 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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. Should there be any combined sewer systems within the Township of Haddon, MS4's shall not include such 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.
- B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- D. Stormwater – means 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.
- E. 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.

§202-36. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Haddon.

§202-37. Exceptions to Prohibition.

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION 2: Chapter 202 of the Code of the Township of Haddon is hereby amended by adding a new Article X, entitled "Private Storm Drain Inlet Retrofitting," which shall read as follows:

Article X
Private Storm Drain Inlet Retrofitting

§202-38. Purpose.

The purpose of this Article shall be 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 Township of Haddon so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§202-39. 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.

- 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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. Should there be any combined sewer systems in the Township of Haddon, MS4's shall not include such 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."
- 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.

§202-40. 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. Already meets the design standard set forth in Section 202-41 to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 202-41 prior to the completion of the project.

§202-41. Design Standard.

Storm drain inlets identified in Section 202-40 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 202-41(C) below.

A. 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:

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 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.

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 (7.0) square inches, or be no greater than two (2.0) 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 four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b) A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") 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.

SECTION 3: The Table of Contents of Chapter 202 is hereby amended and revised so as to add the new Article IX entitled, "Refuse Containers/Dumpsters," and Article X entitled, "Private Storm Drain Inlet Retrofitting," to identify Article IX entitled, "Enforcement; Violations and Penalties," as Article XI, and to renumber the sections identified therein as follows:


- §202-34 – Enforcement, shall now be §202-42
- §202-35 – Violations and Penalties, shall now be §202-43
- §202-36 – Severability, shall now be §202-44
- §202-37 – Repealer, shall now be §202-45
- §202-34 – When effective, shall now be §202-46

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

THE TOWNSHIP OF HADDON

BY: 
RANDALL W. TEAGUE, MAYOR

BY: 
PAUL C. DOUGHERTY, COMMISSIONER

BY: 
JOHN FOLEY, COMMISSIONER

Adopted: July 27, 2010

ATTEST:


DENISE P. ADAMS, TOWNSHIP CLERK

The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on June 22, 2010. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 27, 2010 at 7:00 p.m. in the Meeting Room, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

The purpose of this Ordinance is to amend Chapter 202 of the Township Code to provide for and establish various regulations and requirements for refuse containers/dumpsters and the retrofitting of private storm drain inlets. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.