

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 08-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE
BOROUGH CODE ENTITLED “MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4), TIER A COMMUNITY-WIDE ORDINANCES” TO ADD NEW
SECTION 18-6 ENTITLED “PRIVATE STORM DRAIN INLET
RETROFITTING”**

WHEREAS, in July 2022, the New Jersey Department of Environmental Protection (“NJDEP”) reassigned all New Jersey municipalities designated as “Tier B” under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to “Tier A” effectively invalidating the “Tier B” permit program; and

WHEREAS, as a result of Tier A reassignment, the Borough of Ogdensburg (“Borough”) is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System (“NJPDES”) Master General Permit renewed January 1, 2023; and

WHEREAS, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

WHEREAS, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances” is hereby amended to add new Section 18-6 entitled “Private Storm Drain Inlet Retrofitting” as follows:

SECTION 1. Section 18-6 entitled “Private Storm Drain Inlet Retrofitting” is hereby added to Chapter 18 of the Borough Code as follows:

§ 18-6 PRIVATE STORM DRAIN INLET RETROFITTING

18-6.1 Purpose.

The purpose of this Section is to require 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 Borough of Ogdensburg so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.

18-6.2 Definitions.

For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of the 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)

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 Borough of Ogdensburg or other public body, and is designed and used for collecting and conveying stormwater.

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 ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction

18-6.3 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. already meets the design standard below to control passage of solid and floatable materials; or
- b. is retrofitted or replaced to meet the standard in Section 18-6.4 below prior to the completion of the project.

18-6.4 Design Standard.

Storm drain inlets identified in Section 18-6.3 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 18-6.3(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 large 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 (1.0) inch 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.

18-6.5 Enforcement.

The ordinance shall be enforced by Ogdensburg Police Department and/or Municipal Officials of the Borough of Ogdensburg.

18-6.6 Penalties.

Any person(s) who is found to be in violation of the provisions of this Section shall be subject to a fine not less than \$50 nor maximum fine more than \$250 for each and every violation.

SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of

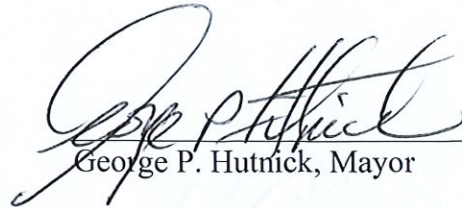
competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

Attest:



 Robin Hough, Borough Clerk



 George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on June 26, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on July 10, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



 Robin Hough, Borough Clerk

Roll call vote for Introduction Ordinance 08-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption Ordinance 08-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 08-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE
ENTITLED “MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A
COMMUNITY-WIDE ORDINANCES” TO ADD NEW SECTION 18-6 ENTITLED
“PRIVATE STORM DRAIN INLET RETROFITTING”**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 26th day of June, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of July, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR