

**“TOWNSHIP OF MORRIS”**  
**MORRIS COUNTY, NEW JERSEY**  
**ORDINANCE NO. 28-09**

**AN ORDINANCE AMENDING CHAPTER 78A OF THE CODE OF THE  
TOWNSHIP OF MORRIS ENTITLED “STORM SEWER SYSTEM,”  
NEW SECTION 78A-7 ENTITLED “STORM DRAIN INLETS ON PRIVATE  
PROPERTY”**

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, they being the governing body of said Township, as follows:

**SECTION ONE:** Chapter 78A is hereby amended to add a new section 7 entitled “Storm Drain Inlets On Private Property” with the following text additions and modifications:

**§ 78A-1 Purpose – *Modified:***

The purpose of this chapter is to prohibit the spilling, dumping, or disposal of materials other than stormwater, as well as illicit connections to, the municipal separate storm sewer system (MS4) operated by the Township of Morris and 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 MS4 so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 78A-2 Definitions – *Modified:***

The following sentence is added to the end of the first paragraph. “The word “shall” is always mandatory and not merely directory.”

The following definitions are added:

**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 –** 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.

**§ 78A-7 Storm Drain Inlets on Private Property – *Added:***

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

B Storm drain inlets 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 (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 two (2.0) inches across the smallest dimension.
- (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 (4) and five-eighths (5/8) inches long and one (1) and one-half (1/2) inches wide (this option does not apply for outfall netting facilities); or
- ii. A bar screen having a bar spacing of two (2.0) inches.

(c.) Where flows are conveyed through a trash rack that has parallel bars with one (1.0) 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.

**SECTION TWO.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION THREE.** All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR.** This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

I, CATHLEEN AMELIO, TOWNSHIP CLERK OF THE TOWNSHIP OF MORRIS, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF AN ORDINANCE AS INTRODUCED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS AT A DULY AUTHORIZED MEETING HELD ON SEPTEMBER 16, 2009 AND UPON WHICH A PUBLIC HEARING AND ADOPTION WAS HELD ON DECEMBER 16, 2009.

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CATHLEEN AMELIO, TOWNSHIP CLERK  
TOWNSHIP OF MORRIS, COUNTY OF MORRIS, STATE OF NEW JERSEY