

Chapter 346
STORMWATER MANAGEMENT

GENERAL REFERENCES

Fill — See Ch. 172.

Littering — See Ch. 247.

Flood damage prevention — See Ch. 188.

Stormwater control — See Ch. 344.

Land development — See Ch. 230.

ARTICLE I
Wildlife Feeding
[Adopted 8-14-2007 by Ord. No. O-16-2007]

§ 346-1. Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 346-2. 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.

FEED — To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated.

§ 346-3. Prohibited conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township of Mantua or other public body in the Township of Mantua, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 346-4. Enforcement.

This article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-5. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and

not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.

- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.
- C. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

ARTICLE II

Yard Waste Collection**[Adopted 8-14-2007 by Ord. No. O-17-2007]****§ 346-6. Purpose.**

The purpose of this article is to establish a yard waste collection and disposal program in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 346-7. 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.

CONTAINERIZED — The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way, which is an existing state, county or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

YARD WASTE — Leaves and grass clippings.

§ 346-8. Prohibited conduct.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this article. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

§ 346-9. Enforcement.

The article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-10. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE III

**Handling of Yard Waste by Landscapers
[Adopted 8-14-2007 by Ord. No. O-18-2007]****§ 346-11. Purpose.**

The purpose of this article is to establish the requirements for the proper handling of yard waste in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 346-12. 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.

CONTAINERIZED — The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

YARD WASTE — Leaves and grass clippings.

§ 346-13. Prohibited conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

§ 346-14. Enforcement.

The article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-15. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE IV

Disposal of Pet Solid Waste**[Adopted 8-14-2007 by Ord. No. O-19-2007]****§ 346-16. Purpose.**

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 346-17. 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.

IMMEDIATE — The pet solid waste is removed at once, without delay.

OWNER/KEEPER — Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

PET — A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designated to convey domestic sewage for proper treatment and disposal.

§ 346-18. Requirement for disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 346-19. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§ 346-20. Enforcement.

The provisions of this article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-21. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE V

Littering**[Adopted 8-14-2007 by Ord. No. O-20-2007]****§ 346-22. Purpose.**

The purpose of this article is to establish requirements to control littering in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 346-23. 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.

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE — A container suitable for the depositing of litter.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

§ 346-24. Prohibited acts and regulated activities.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle or, having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this article, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this article.

§ 346-25. Enforcement.

The article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-26. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE VI

Illicit Connections**[Adopted 8-14-2007 by Ord. No. O-21-2007]****§ 346-27. Purpose.**

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 346-28. 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE — Waste and wastewater from humans or household operations.

ILLICIT CONNECTION — Any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body in the Township of Mantua, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Nondomestic waste, including, but not limited to, those pollutants regulated under Section 207(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. § 1317(a), (b), or (c)).

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 Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body within the Township of Mantua 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.

NJPDES PERMIT — A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

NON-CONTACT COOLING WATER — Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

PROCESS WASTEWATER — Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER — 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.

§ 346-29. Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body in the Township of Mantua, any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 346-30. Enforcement.

The article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-31. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE VII

Use of Storm Sewer System**[Adopted 8-14-2007 by Ord. No. O-22-2007]****§ 346-32. Purpose.**

The purpose of this article is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body in the Township of Mantua, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 346-33. 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.

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 Mantua or other public body 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.

STORMWATER — 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.

§ 346-34. Prohibited conduct.

- A. The spilling, dumping or disposal of materials other than stormwater into the municipal separate storm sewer system operated by the Township of Mantua, the Mantua Township Municipal Utilities Authority, or other public body in the Township of Mantua is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants into the municipal separate storm sewer system is also prohibited.

- B. Over-the-sidewalk, under-the-sidewalk and/or through-the-curb drains for the purpose of disposing sump pump runoff is hereby prohibited. These facilities must outlet into an adequate watercourse or drainage system. **[Added 3-1-2010 by Ord. No. O-02-2010]**

§ 346-35. Exceptions to prohibition.

- A. Waterline flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air-conditioning condensate (excluding contact and non-contact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from fire-fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
- (1) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (2) Equipment used in the application of salt and deicing materials immediately following salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. shoveling and sweeping). Recovered materials are to be returned to storage for reuse or property discarded.
 - (3) Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 346-36. Enforcement.

The article shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Mantua.

§ 346-37. Violations and penalties.

- A. Any person, entity or corporation who or which violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding 90 days or by a fine of not less than \$100 and not more than \$2,000 or by a period of community service up to but not exceeding 90 days, or any combination of the above.
- B. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

ARTICLE VIII

Refuse Containers and Dumpsters
[Adopted 5-3-2010 by Ord. No. O-05-2010]

§ 346-38. Purpose.

This article requires dumpsters and refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharging of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Mantua and/or the waters of the County of Gloucester and State of New Jersey so as to protect the public health, safety and welfare and prescribes penalties for the failure to comply.

§ 346-39. Definitions; word usage.

- A. 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 and or chapter clearly demonstrates a different meaning.
- B. 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, man-made channels, or storm drains) that is owned or operated by the Township of Mantua or other public body 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, if applicable.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER — Any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans and receptacles, garbage pails, and plastic trash bags.

STORMWATER — 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.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface water or ground water, whether natural

or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 346-40. Prohibited conduct.

- A. 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.
- B. 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, semiliquids or solids to the municipal separate storm sewer system operated by the Township of Mantua.

§ 346-41. Exceptions.

Exceptions are:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or 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).

§ 346-42. Enforcement.

This article shall be enforced by the Mantua Township Police Department and/or other municipal official of the Township of Mantua.

§ 346-43. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not exceeding \$2,000.

§ 346-44. Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this article.

§ 346-45. Effective date.

This article shall be in full force and effect from and after its final adoption and any publication as may be required by law.

ARTICLE IX

**Private Storm Drain Inlet Retrofitting
[Adopted 5-3-2010 by Ord. No. O-06-2010]****§ 346-46. Purpose.**

This article requires 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 Mantua so as to protect the public health, safety and welfare and prescribes penalties for the failure to comply.

§ 346-47. Definitions; word usage.

- A. For the purpose of this article, the following terms, phrases, words, and their deviations shall have the meaning stated herein unless their use in the text of this article clearly demonstrates a different meaning.
- B. 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, man-made channels, or storm drains) that is owned or operated by the Township of Mantua or other public body 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, if applicable.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET — An opening in the 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 water or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 346-48. 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 of 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 § 346-49 below prior to the completion of the project.

§ 346-49. Design standard.

Storm drain inlets identified in § 346-48 above shall comply with the following standards 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 Subsection C below.

A. Grates.

- (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 square inches or is no greater than 0.5 inch across the smallest dimension.
 - (2) Examples of grates subject to this standard include grates in the grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch 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 square inches or be no greater than two 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 practically 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 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or
 - (b) A bar screen having a bar spacing of 0.5 inch.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection (NJDEP) determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2 (c), that action meeting this standard is an undertaking that constitutes an encroachment or will damage or destroy the historic property listed on the New Jersey Register.

§ 346-50. Enforcement.

This article shall be enforced by the Mantua Township Police Department and/or other municipal officials of the Township of Mantua.

§ 346-51. 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.

§ 346-52. Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this article.

§ 346-53. Effective date.

This article shall be in full force and effect from and after its final adoption and any publication as may be required by law.