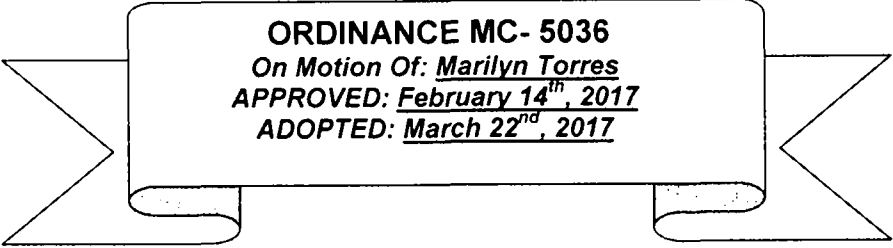


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JJA
02-14-17

**ORDINANCE AMENDING CHAPTER 577 OF THE CITY OF CAMDEN CODE –
 PRIVATE STORM DRAIN INLET RETROFITTING ORDINANCE;
 ILLICIT CONNECTION ORDINANCE; AND STORMWATER CONTROL ORDINANCE**

WHEREAS, the City of Camden (“City”) is currently subject to an Amended Compliance Schedule with the U.S. Environmental Protection Agency (“EPA”) for the City’s Municipal Separate Storm Sewer System (“MS4”), under EPA Administrative Compliance Order (“ACO”), Docket No. CWA-02-2015-3006, NJPDES Permit No. NJG0153338; and

WHEREAS, the City must fully comply with all the Provisions of the MS4 ACO, including with respect to certain stormwater-related ordinances, as detailed in that certain letter from Douglas McKenna, Chief of Water Compliance Branch of the U.S. Environmental Protection Agency to the City dated January 27, 2016; and

WHEREAS, on May 10, 2016, the City Council of the City of Camden referred to the Planning Board of the City of Camden, pursuant to N.J.S.A. 40:55D-26 and 64, the herein amendments to the City’s Land Development Ordinance, adopted by City Council on December 14, 2010, Chapter 577 of the City Code (“Zoning Ordinance), for the Planning Board’s review and, in turn, report on its findings and proposed recommendations to City Council; and

WHEREAS, the proposed amendments to the City’s current Illicit Connection Ordinance and Stormwater Control Ordinance were approved by the Planning Board. The proposed amendments with respect to the Private Storm Drain Inlet Retrofitting Ordinance are anticipated to be acted upon by the Planning Board at its February 9, 2017 meeting; and

WHEREAS, City Council considers it to be in the best interests of the City to adopt and effectuate the herein Zoning Ordinance amendments to be fully compliant the EPA MS4 ACO; now, therefore

BE IT ORDAINED, by the City Council of the City of Camden that, for all the reasons set forth above, the City’s Zoning Ordinance, Chapter 577 of the City Code, be, and hereby is amended as follows:

SECTION 1: Subject to the City Planning Board action at its February 9, 2017 meeting, the attached EXHIBIT A, “Proposed Ordinance – Private Storm Drain Inlet Retrofitting Ordinance (Based on NJDEP Model Ordinance),” shall be inserted in its entirety into Chapter 577 of the City’s Municipal Code.

SECTION 2: Section IV, Enforcement, p. 376 of “Illicit Connection Ordinance,” under Section 577-229, Stormwater Collection and Management-Sanitary/Combined Sewer of the City Code (“Code Section 577-229”), is hereby deleted in its entirety and replaced with the following new Section IV, Enforcement:

This ordinance shall be enforced by the Department of Public Works of the City of Camden and all other pertinent City departments, their officials, employees, and authorized representatives.

SECTION 3: Section 3 (Stormwater Management Requirements for Major Development), Subsection G.8.d, p. 388 of “Stormwater Control Ordinance,” under Code Section 577-229, is hereby corrected to delete reference to “Section 2.G(8)” and replace with the correct reference to “Section 3.G(8)”.

SECTION 4: Section 8 (Requirements for a Site Development Stormwater Plan), Subsection A.3, p. 393 of “Stormwater Control Ordinance,” under Code Section 577-229, is hereby amended to delete “(specify number) copies” and replace with “the City-specified number of copies”.

SECTION 5: Section 12, definition of "Pollutant", p. 399 of "Stormwater Control Ordinance," under Code Section 577-229, is hereby corrected to replace typo "incinerator reside" with "incinerator residue".

SECTION 6: "Stormwater Control Ordinance," under Code Section 577-229 of the City's Municipal Code, is hereby supplemented to add the following new section:

Section 13: Enforcement

This ordinance shall be enforced by the Department of Public Works of the City of Camden and all other pertinent City departments, their officials, employees, and authorized representatives.

SECTION 7: Any portion of the City Code not herein amended and supplemented shall remain in full force and effect.

SECTION 8: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 9: If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 10: This ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.


BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: February 14, 2017


The above has been reviewed and approved as to form.



MARC A. RIONDINO
City Attorney



FRANCISCO MORAN
President, City Council



DANA L. REDD
Mayor

ATTEST: 

LUIS PASTORIZA
Municipal Clerk

EXHIBIT A

Proposed Ordinance – Private Storm Drain Inlet Retrofitting Ordinance (Based on NJDEP Model Ordinance)

SECTION I. Purpose:

An ordinance requiring 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 **[insert name of municipality]** so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

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

- 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. **NOTE:** In municipalities with combined sewer systems, add the following: "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."
- 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.

SECTION III. 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:

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 IV below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section III 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 IV.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 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.

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 and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") 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 V. Enforcement:

This ordinance shall be enforced by the Department of Public Works of the City of Camden and all other pertinent City departments, their officials, employees, and authorized representatives.

SECTION VI. Penalties:

Unless otherwise provided in this Chapter, penalties against persons violating the provisions of this article shall be imposed in accordance with the provisions of §1-16A.

SECTION VII. Severability:

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

SECTION VIII. Effective date:

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

Francisco Moran
President
Councilperson, 3rd Ward

Dana M. Burley
Councilperson, 1st Ward

Brian K. Coleman
Councilperson, 2nd Ward

Luis A. Lopez
Councilperson, 4th Ward



MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY

Curtis Jenkins
Vice-President
Councilperson-at-Large

Marilyn Torres
Councilperson-at-Large

Angel Fuentes
Councilperson-at-Large

Jason Asuncion, Esq.
Counsel-To-Council

Luis Pastoriza, R.M.C.
Municipal Clerk

PO Box 95120
Room 105, City Hall
Camden, NJ 08101
Tele: (856) 757-7223 / Fax: (856) 757-7220
Email: clerk@ci.camden.nj.us Website: www.ci.camden.nj.us

MEMORANDUM

DATE: March 29, 2017
TO: Dana L. Redd, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: Ordinance Final Passage – (MC-5036)

Ordinance amending Chapter 577 of the City of Camden Code-Private Storm Drain Inlet Retrofitting Ordinance; Illicit connection Ordinance; and Stormwater Control Ordinance

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **3-22-17**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR	
Received by: <u><i>Luis Pastoriza</i></u>	Date: <u>3/29/17</u>
Date of Approval: <u>4/4/17</u>	