

CHAPTER XVI

STREETS AND SIDEWALKS

16-1 EXCAVATIONS IN STREETS.

16-1.1 Permit Required; Conditions.

- a. No person shall open or excavate in any street under the control of the Township, or otherwise endanger or obstruct the normal flow of traffic by the placing of any barricade, structure, material or equipment not normally designed to be operated on the public street without first obtaining a written permit signed by the Township Clerk. Application for a permit is to be made in writing and generally describe the contemplated operation. The permit shall indicate the date upon which the operation will start and the date upon which it will be completed. The provisions of this Section 16-1, Excavation in Streets, apply to sidewalks only when the sidewalk is disturbed in connection with street excavation.
- b. If the operation is to completely obstruct or make inaccessible to vehicular traffic a length of more than two hundred (200') feet of any thoroughfare, for a period in excess of twenty-four (24) hours, then a period of not less than seventy-two (72) hours shall elapse after the issuing of the permit before the operation may be started. The person to whom the permit is granted shall post conspicuous signs in not less than two (2) places on or near the site of the operation, setting forth that the thoroughfare will be closed and the date, reason for and duration of such closing. No work may commence until at least forty-eight (48) hours after the posting of such notices.

(Code 1971 § 76-1; Ord. #06-31 § 1)

16-1.2 Permit Fee.

A fee of twenty-five (\$25.00) dollars shall be charged for a street opening permit.

(Code 1971 § 76-2; Ord. 301083; Ord. #03-31 § 1)

16-1.3 Deposit or Bond Required.

- a. No person shall be granted a permit to open any street until payment is made to the Township Clerk in an amount sufficient to pay the expenses of repairing and replacing the public street surface. The amount is to be calculated and determined by the Director of Public Works in accordance with the fees set forth below, which work shall be done by the Township Department of Public Works, Division of

Roads. Should the area restored remain in satisfactory condition as determined by the Director of Public Works, the Director of Public Works may release any remaining deposit monies after a minimum of one (1) year from the date of the restoration. The amount deemed sufficient to pay the expenses of repairing and replacing the surface of the public street shall be as follows:

1. Unimproved roads, unpaved shoulders, and lawn areas: ten (\$10.) dollars per square yard, one hundred (\$100.00) dollars minimum.
 2. Paved roads and paved sidewalks: twenty-five (\$25.00) dollars per square yard, two hundred fifty (\$250.00) dollars minimum.
 3. Curbing: fifteen (\$15.00) dollars per linear foot, one hundred fifty (\$150.00) dollars minimum.
- b. In lieu of making the payment as provided above, any person may file a bond with the Township Clerk, satisfactory to the Township in form, amount and surety. The bond shall be conditioned upon replacing any such opening(s) in the manner required, and the work shall be performed subject to inspection and approval by the Director of Public Works and paid for by the person obtaining the permit. Should the area restored remain in satisfactory condition as determined by the Director of Public Works, the Township may release the bond upon the recommendation of the Director of Public Works and after a minimum one one (1) year from the date of the restoration.
- c. The filing of the bond shall not relieve any person of the necessity of securing a permit and complying with all of the terms and conditions of this section.

(Code 1971, § 76-4; Ord. #03-31 §§ 2,3)

16-1.4 Emergencies.

Street openings may be made without the necessity of a written application provided for in Section 16-1 in emergencies such as broken or frozen water mains or other happenings which would endanger public life, health and safety; provided notice shall be immediately given verbally to the Chief of Police or Township Clerk and written applications for a permit are made to the Township as soon thereafter as conveniently can be done and not exceeding forty-eight (48) hours, in accordance with subsection 16-1.1 of this section.

(Code 1971 § 76-3)

16-1.5 Backfill.

All backfill shall be puddled with sufficient water or tamped with an automatic air hammer to insure minimum further settlement. The person opening such street shall cause to be removed from the site all material not suitable for backfill, all excess backfill, and shall provide sufficient suitable backfill to maintain the original grade.
(Code 1971 § 76-5)

16-1.6 Obstructing and Endangering Vehicular Traffic; Protection.

It shall be the responsibility of any person upon opening any public thoroughfare or otherwise endangering or obstructing the normal flow of traffic, to fully protect both vehicular and pedestrian traffic from possible accident or injury by the placing of suitable barriers, notices and warnings by day and warning lights by night. The Chief of Police shall be the judge as to the adequacy of such protection.
(Code 1971 § 76-6)

16-1.7 Construction Requirements.

16-1.7 Construction Requirements.

Materials and methods of construction shall conform to the NJDOT “Standard Specifications for Road and Bridge Construction”, latest edition, as amended. The Director of Public Works may as needed, modify the requirements herein.

a. Pavement Restoration within any Existing Paved Right-of-Way

1. During any Utility Installation or Trench Opening. At the end of each workday, all trenches located in the paved road right-of-way shall be appropriately backfilled as follows or backfilled as determined by the Director of Public Works or their designee:

a. Six inches around the equipment or type of utility installed shall be filled with the each Utilities required backfill (example: sand, or 1/4inch stone).

b. The remaining trench shall be backfilled to within six (6)

inches of grade with approved Dense Grade Aggregate (DGA) no larger than 3/4inch in size. All trenches shall be compacted in twelve (12) inch lifts maximum. Each successive layer shall be thoroughly compacted to 95% of maximum standard density by use of mechanical vibrating, tamping, or rolling equipment within 2-3% of the optimum moisture content.

c. The remaining six (6) inches shall temporarily be filled with Hot Mixed Asphalt I-2 (HMA,I-2). The Hot Mix Asphalt shall be compacted in three (3) inch lifts maximum.

2. Permanent Restoration. Final restoration shall not be permitted prior to sixty (60) calendar days, but no longer than six (6) months; all utility and trench openings shall be restored as follows or as determined by the Director of Public Works or their designee:

a. Eighteen (18) inches each side of the largest width of any utility or trench opening shall be saw cut or milled to a depth of two (2) inches to create neat straight edge(s) and the two (2) inches of material shall be milled out.

b. The excavated width and depth shall be re-paved with a minimum two (2) inch Hot Mixed Asphalt, I-5 (HMA,I-5) with Tack Coat applied and compacted by mechanical roller to provide an even and smooth transition with the existing pavement. No hand tamping or hand rollers will be allowed.

c. Openings that are made diagonal or perpendicular to the road shall be milled to a minimum of two (2) inches in depth, and the width of the entire paved surface, and ten (10) feet beyond the sides of the utility opening and repaved with Hot Mixed Asphalt, I-5 (HMA,I-5) and compacted by mechanical roller to provide for an even and smooth transition of pavement. No hand tamping or hand rollers will be approved.

3. New Sub-Division Road Openings. All new sub-division that require utility or trench openings in any existing Paved Right-of-Way being disturb shall require the following or approved as determined by the Township Engineer or

their designee:

a. During any Utility or Trench opening. At the end of each workday, all trenches located in the paved road right-of-way shall be appropriately backfilled as outlined in 16-1.7a.1.

b. Within six (6) months of the last certificate of occupancy or as directed by a developers agreement or Township Engineer or their designee all road openings in existing paved right-of-ways shall be milled and paved across the entire paved Right-of-Way at a minimum 10 feet beyond the excavation and paved as part of the sub-division to provide for an even and smooth transition of pavement.

4. No Utility or trench openings will be permitted after any roadway has been overlaid or re-constructed for a period of three (3) years, unless the entire roadway is milled and repaved ten (10) feet beyond the utility or trench opening to provide for a smooth transition between the newly paved asphalt and existing asphalt.

5. All excavations, that involve shoulders and non-paved areas immediate adjacent to utility or trench openings shall be restored and/or replaced with approved DGA, topsoil as approved by the Director of Public Works or their designee and compacted the same as 4(a).

6. Unless otherwise provided, for a period of twelve (12) months following the completion of the permanent restoration of the road or right-of-way, the contracting party shall be responsible for the condition of the excavation or trenched area. All necessary steps shall be taken to ensure that the road or right-of-way remains in good condition without settlement or defective pavement. Should the excavation settle or the pavement breakdown during this time period, it is the responsibility of the applicant to bring the road or right-of-way back to its original condition. Acceptance or approval by the Township of any excavation work and replacement thereof and resurfacing, if any, shall not prevent the Township from asserting a claim against the applicant for incomplete or defective work, if

discovered within twelve (12) months from the permanent restoration.

7. All excavations by the Township shall be backfilled and compacted as determined by the Director of Public Works or their designee.

(Ord. O-13-18)

a. *Sidewalk and Curb.*

1. **During Utility Installation.** At the end of each workday, open area must be backfilled with compacted quarry process stone flush with the existing sidewalk or curb surface, respectively.
2. **Permanent Curb Restoration.** Within fourteen (14) calendar days of completion of the permitted utility installation, the curb shall be restored as described in Chapter LIV, subsection 54-29.5.
3. **Permanent Sidewalk Restoration.** Within fourteen (14) calendar days of completion of the permitted utility installation, the sidewalk shall be restored as described in Chapter LIV, subsection 54-29.6.
4. **Temporary Restoration.** If the weather precludes permanent restoration, then the open surface shall be stabilized with a minimum four (4") inch thickness of compacted temporary pavement. The area shall be maintained as needed to provide a stable surface.

b. *Lawn Area.*

1. **During Utility Installation.** At the end of each workday, open area must be backfilled with suitable fill material flush with the existing lawn.
2. **Permanent Restoration.** Within fourteen (14) calendar days of completion of the permitted utility installation, the lawn shall be restored with a six (6") inch thickness of topsoil, seed, fertilizer and mulch.
3. **Temporary Restoration.** If weather precludes permanent restoration, then the lawn area shall be mulched to prevent soil erosion.

(Ord. #05-29 § 1)

16-2 OBSTRUCTION OF STREETS.

16-2.1 Obstruction of Streets and Public Ways.

No person shall unnecessarily obstruct any street or public place with any kind of vehicle(s) or box(es), lumber, wood or any other thing; but the provisions of this subsection shall not prevent persons who are building from occupying, until notified by any Township official to cease such occupancy, one-half (1/2) of the street in front of the place where they are so building, unless another person is building on the opposite side of the street, in which case neither shall occupy more than one-quarter (1/4) of the street; no person who is building shall continue such occupancy of any street after notice from any Police Officer to discontinue the same.

(Code 1971 § 63-19)

16-3 DRIVEWAYS AND PRIVATE ROADS.

16-3.1 Permit for Connection with Municipal Road.

- a. *Required.* The construction of any driveway or private road at its connection with a municipal road is prohibited unless a permit therefor has first been obtained from the Township Construction Department or Code Enforcement Officer/Building Inspector/Zoning Officer. The fee for each driveway permit shall be fifty (\$50.00) dollars.
- b. *Application for Permit; Cash Deposit or Bond.* The application for the permit shall be accompanied by a performance guarantee in an amount determined to be appropriate by the Township Engineer or Supervisor of Roads. Ten (10%) percent of the required performance guarantee shall be by way of cash, with the balance of ninety (90%) percent to be either by way or a surety bond, an irrevocable letter of credit, or at the choice of the applicant, cash. The performance guarantees, i.e. cash and surety bond or irrevocable letter of credit, shall be refunded to the permittee upon approval of the installation of the driveway by either the Township Engineer or the Supervisor of Roads, that the work has been satisfactorily completed in accordance with the terms of the permit.
- c. *Contents of Permit.* The permit shall specify the location of the driveway or private road and shall contain such other specifications and conditions as the Township Engineer or the Supervisor of Roads may require affecting drainage and juncture with the municipal road Land Use Chapter 54, Article 102 et seq. (maximum width of driveway shall not exceed twenty-two (22') feet.

(Code 1971, §§ 39-1, 39-2; Ord. 3-1-83; Ord. #92-3 §§ 1, 2)

16-3.2 Safeguards Required; Liability of Permittee.

It shall be the duty of the permittee to properly guard the construction by erecting suitable barriers, warning signs and lanterns, and the permittee shall be liable for any neglect to safeguard the traveling public.
(Code 1971 § 39-5)

16-3.3 Prevention of Drainage Into Driveway or Road.

Any driveway or private road shall be constructed at its connection with a municipal street so as to prevent water from draining into the driveway or across a municipal road. (per Land Use Chapter 54-102 et seq.)
(Code 1971 § 39-4)

16-4 CLEAR VIEW AT INTERSECTIONS.

16-4.1 Cutting Brush or Hedges Near Roadways or Intersections; Notice to Owner or Tenant.

The owner or tenant of any lands lying within the limits of the Township shall keep all brush, hedges and other plant life growing within ten (10') feet of any roadway and within twenty-five (25') feet of the intersection of two (2) roadways cut to a height of not more than two and one-half (2 ½') feet where it shall be determined necessary and expedient for the preservation of the public safety, within ten (10) days after notice to cut and remove the same.
(Code 1971 § 32-1)

16-4.2 Determination of Need for Cutting.

The Council shall from time to time determine by resolution as to whom such notice shall be given pursuant to this section.
(Code 1971, § 32-3)

16-4.3 Service of Notice.

Notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Township Clerk to the owner or tenant by registered mail to the last known post office address.
(Code 1971, § 32-2)

16-4.4 Removal by Township.

In the event of the failure of any owner or tenant to keep all brush, hedges and other plant life, growing within ten (10') feet of any roadway and within twenty-five (25') feet of the intersection of two (2) roadways, cut to a height of not more than two and one-half (2 ½') feet after written notice, the

Township may proceed to cause the cutting and removal of such brush, hedges and other plant life under the direction of the Director of Public Works.
(Code 1971 § 32-4)

16-4.5 Lien for Costs.

In any case where the Township has cut and removed brush, hedges and other plant life, the Director of Public Works shall certify to the Council the cost, and if the amount so certified is by resolution of the Council determined to be correct and reasonable, the Township Clerk shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon the lands from which the brush, hedges and other plant life were cut and removed, and shall be added to, become, and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40: 48.2-26 and 40:48.2-27.

(Code 1971 § 32-5)

16-4.6 Violations and Penalties.

Any person who shall refuse or neglect, after written notice, to comply with the demands made with respect to the cutting of the foregoing for the preservation of the public safety of the citizens of the Township, within the period of time set forth, shall upon conviction, be liable to the penalty not to exceed fifty (\$50.00) dollars. Each and every day in which the owner or tenant shall refuse or neglect to cut the matter shall be and constitute a separate offense. (The imposition and collection of any fine or penalty prescribed by this subsection shall not bar the right of the Township to collect the cost of the cutting of the brush, hedges and other plant life, as hereinbefore specified; and the remedies shall be cumulative.)

(Code 1971 § 32-6)

16-5 REMOVAL OF SNOW AND ICE.

16-5.1 Removal of Snow and Ice from Sidewalks.

The owner, tenant, occupant or other person having charge of a dwelling, store, building or lot in the Township shall, within twenty-four (24) hours after the cessation of every fall or snow, slush or sleet, or formation of ice upon the sidewalk abutting any dwelling, store, building or lot, cause the snow, slush, sleet or ice to be removed from the sidewalk to a width of at least eighteen (18") inches.

In the event that the formation of ice cannot be removed within the penalty time, sand or a “non-corrosive ice and snow melter” shall be spread on the icy surface to make the sidewalk safe for pedestrian traffic.
(Ord. #04-30 § 1)

16-5.2 Depositing Snow on Public Streets Prohibited.

No person, firm, corporation, owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice into or upon any sidewalk or street in the Township. It is the intent and purpose of this provision to prohibit all persons from throwing, casting, placing, plowing or depositing snow and ice upon sidewalks or streets of the Township.
(Ord. #91-15 § I; Ord. #93-19 § 1; Ord. #04-30 § 2)

16-5.3 Removal of Snow and Ice from Garden Apartments.

The owner of any garden apartment in the Township shall, within twenty-four (24) hours after the cessation of every fall of snow, slush or sleet, or formation of ice upon the sidewalk abutting any dwelling, store, building or lot, cause the snow, slush, sleet, or ice to be removed from the sidewalk to a width of at least eighteen (18”) inches.

In the event that the formation of ice cannot be removed within the penalty time, sand or a “non-corrosive ice and snow melter” shall be spread on the icy surface to make the sidewalk safe for pedestrian traffic.
(Ord. #91-15 § I; Ord. #93-19 § 1; Ord. #04-30 § 3)

16-5.4 Removal of Snow and/or Ice From Private Roads.

Upon the installation of street improvements by a developer and prior to acceptance by the Township, the developer shall be responsible for the maintenance of the streets including, but not limited to, maintaining the streets free of snow and ice. In the opinion of the Director of Public Works or his designee, if a developer has not kept any streets in his control free and clear of ice and snow within a reasonable time after any storm, then the Township shall be authorized to plow or treat the streets for snow and ice and the plowing or treatment shall not be considered an acceptance of the roadways. If the Township shall plow or treat the snow and ice, the developer shall pay to the Township fees which are hereby established at the rate of twenty-five (\$0.25) cents per running foot of street for each application of salt and/or sand which fee shall be paid by the developer within ten (10) days of the submission of a statement to the developer.
(Ord. #91-15 § I; Ord. #93-19 § 1)

16-5.5 Removal by Township.

Upon the failure of the owner or tenant to remove or provide for the removal of snow and ice, the Township may remove the same and the cost thereof shall be chargeable and assessable against the lands abutting upon the public highways in the Township on such garden apartment complex from which the snow and ice is removed as follows:

- a. The officer or employee of the Township in charge of the removal thereof shall certify the cost thereof to the Township Council.
- b. The Township Council shall examine such certificate and if found to be correct shall cause the cost to be charged against the lands after affording the owner a reasonable opportunity to appear before the Council or its designated agent.
- c. The amount so charged shall thereupon become alien and a tax upon such real estate and be added to and be part of the taxes next to be levied and assessed thereon and enforced and collected with interest by the same officer and in the same manner as other taxes.

(Ord. #91-15 § I; Ord. #93-19 § 1)

16-5.6 Violations and Penalties.

Any person, firm or corporation who violates any provision of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (Ord. #91-15 § I; Ord. #93-19 § 1)

16-6 MAINTENANCE AND UPKEEP OF SIDEWALKS.

16-6.1 Responsibility of Owner.

The owner of any lands lying within the limits of the Township shall maintain and be responsible for the proper upkeep of that part of the street between the property line and the curb abutting his or her property, including corner areas adjacent to corner lots either within or without the property lines. Such upkeep shall include the proper maintenance and repair of the sidewalk in places where such sidewalk exists.

(Ord. #99-28 § 1)

16-6.2 Notice to Owner.

In case any owner shall suffer or permit any such sidewalk to fall into such disrepair as to constitute a condition which is dangerous or hazardous to the safety of the public, such owner shall repair the same within thirty (30) days after notice to repair.

(Ord. #99-28 § 1)

16-6.3 Determination of Need for Repair.

The Township Engineer or Director of the Department of Public Works shall determine to whom such notice shall be given of a dangerous or hazardous sidewalk condition.

(Ord. #99-28 § 1; Ord. #02-04 § 1)

16-6.4 Service of Notice to Owner or Occupant.

Notice to repair sidewalks shall be given by the Township Clerk to the owner or occupant by registered mail to the last known post office address of the affected property owner.

(Ord. #99-28 § 1; Ord. #02-04 § 2)

16-6.5 Repair by Township.

In the event of the failure of any property owner to repair the sidewalk after sixty (60) days of receiving written notice, pursuant to subsection 16-6.2, the Township Council may determine, by resolution, that the Township proceed to repair said sidewalk under the direction of the Director of the Department of Public Works.

(Ord. #99-28 § 1; Ord. #02-04 § 3)

16-6.6 Lien for Costs.

In any case where the Township has repaired the sidewalk, the Director of Public Works shall certify to the Council the cost, and if the amount to be certified is by resolution of the Council determined to be correct and reasonable, the Township Clerk shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon the lands abutting the sidewalk which was repair, and shall be added to, become, and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48-2.26 and 40:48-2.27.

(Ord. #99-28 § 1)

16-6.7 Violations and Penalties.

Any person who shall refuse or neglect, after written notice, to comply with the demands made with respect to the repair of the sidewalk for the preservation of public safety of the citizens of the Township, within the period of time set forth, shall, upon conviction be liable to a penalty stated in Chapter I, Section 1-5 of the Rockaway Township Code. Each and every day in which the owner shall refuse or neglect to repair the sidewalk shall be and constitute a separate offense. (The imposition and collection of any fine or penalty

prescribed by this subsection shall not bar the right of the Township to collect the cost of the repair to the sidewalk, as hereinbefore specified; and the remedies shall be cumulative.)
(Ord. #99-28 § 1)

16-6.8 Removal of Sidewalks Prohibited.

In those developments where sidewalks are present, property owners are prohibited from removing the sidewalk. For those properties where the sidewalk has been removed after the date of publication of the adoption of this subsection* despite the existence of sidewalks within the development, sidewalks must be installed at the sole cost and expense of the property owner. In the event the sidewalk is removed or damaged during construction or pavement of a driveway occurring after the date of publication of the adoption of this subsection,* the sidewalk must be repaired or reinstalled at the sole cost and expense of the property owner.

For those properties where the sidewalk has been removed prior to the date of publication of the adoption of this subsection,* despite the existence of sidewalks within the development, sidewalks must be installed at the sole cost and expense of the property owner upon removal and replacement of the existing driveway. Upon replacement of any existing driveway that does not have sidewalks despite the existence of sidewalks within the development, sidewalks within the development, sidewalks must be installed at the sole cost and expense of the property owner.

Nothing in this subsection shall alter a property owner's responsibilities to maintain the sidewalk in accordance with Section 16-6, Maintenance and Upkeep of Sidewalks.

(Ord. #04-28 § 1)

*Ordinance No. 04-28, was adopted September 7, 2004.

16-7 DRIVEWAY APRON REQUIREMENTS.

16-7.1 Definitions.

Driveway apron shall mean the area between the sidewalk and the edge of the paved portion of the roadway.

Existing driveway apron shall mean driveway aprons that exist as of the effective date of this section.*

(Ord. #05-4 § 1)

*Ordinance No. 05-4 was adopted February 1, 2005.

16-7.2 Driveway Aprons.

For all driveways that service a residential dwelling, where sidewalks exist or are to be constructed, the driveway apron shall be constructed of concrete in accordance with Section 54-29, Design Guidelines, Standards and Construction Specifications.

Existing driveway aprons only have to be replaced with concrete at such time as the adjacent sidewalk is being removed and replaced whether at the option of the property owner, pursuant to Section 16-6, Maintenance and Upkeep of Sidewalks, or other Township ordinance.
(Ord. #05-4 § 1)

16-8 PRIVATE STORM DRAIN INLET RETROFITTING.

16-8.1 Purpose.

The purpose of this section is 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 Rockaway so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
(Ord. #10-19)

16-8.2 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 this section 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) shall mean 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 Township of Rockaway 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 shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Storm drain inlet shall mean 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 shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State of New Jersey or subject to its jurisdiction. (Ord. #10-19)

16-8.3 Prohibited Conduct.

No person in control of private property (except a residential lot with one (1) 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 stated in subsection 16-8.4 herein to control passage of solid and floatable materials; or
- b. Is retrofitted or replaced to meet the standard in subsection 16-8.4 herein prior to the completion of the project.

(Ord. #10-19)

16-8.4 Design Standard.

Storm drain inlets identified in this section 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 paragraph 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 road (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 (2) 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 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 (4 5/8") inches long and one and one-half (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 inches.
 3. Where flows are conveyed through a trash rack that has parallel bars with one (1") inch spacing between the bars; or
 4. Where the New Jersey Department of Environment 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.

(Ord. #10-19)

16-8.5 Enforcement.

This section shall be enforced by the Engineering Department and/or Department of Public Works of the Township of Rockaway.
(Ord. #10-19)

16-8.6 Penalties.

Any person violating this section shall be subject, upon conviction, to one (1) or more of the following at the discretion of the Court: a fine not to exceed one thousand two hundred fifty (\$1,250.00) dollars or imprisonment in the County Jail for a term not to exceed ninety (90) days or community service not to exceed ninety (90) days.
(Ord. #10-19)