

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #11-2020

ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, PROHIBITING THE DISCHARGE OF WATER INTO PUBLIC SIDEWALKS AND STREETS

BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 190, Streets and Sidewalks, § 190-4 Street drainage, is hereby amended to read as indicated below in its entirety. Subsequent sections shall be renumbered accordingly.

§ 190-4 Street drainage.

- A. Adequate drainage, both lateral and longitudinal, shall be installed. In cases where drainage will cause surface waters to be discharged upon the lands of adjoining owners or others, easements must be obtained in favor of the Borough of Mendham. In cases where drainage might cause surface water to be discharged upon the lands of adjoining owners or others and no easement is obtained, no approval shall be granted until notice is given and a hearing held in accordance with N.J.S.A. 40:55-1.7[1] of the Municipal Planning Act. If, as the result of said hearing, it shall be established that surface waters will discharge upon lands of others, no approval shall be granted until an easement is obtained by the applicant in favor of the Borough of Mendham. Any such easement must be approved as to its form by the Borough Attorney.
- B. The purpose of this subsection is to prohibit the discharge of sump pump or other intentional discharge of any stormwater onto any Borough street or sidewalk when such a discharge would create an unsafe condition, such as icing or flooding.

There shall be no sump-pump discharge or mechanical discharge of any stormwater, leader drain discharge or other manmade diversions of stormwater directly or indirectly onto any Borough street or sidewalk, if in the opinion of the Borough Engineer, Zoning Officer, Public Works Director or their designees, that said discharge would create any unsafe conditions. If a discharge is determined to create an unsafe condition, the property owner shall mitigate the condition to the satisfaction of the Borough Engineer, Zoning Officer or Public Works Director. Ground and surface water discharges that are directed towards the street shall be connected to the storm drain system in the road. In the event that a storm drain inlet or pipe is not accessible along the property frontage, an appropriate means of controlling the discharge shall be required. Alternatives may include drywells, infiltration trenches, etc. as may be approved by the Borough Engineer. Road opening permits shall be required for all connections to the Borough stormwater system. Connections are not permitted to the sanitary sewer system.

SECTION 2. This Ordinance may be renumbered for the purpose of codification.

SECTION 3. All ordinances of the Borough of Mendham that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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Introduced: October 14, 2020
Public Hearing: October 26, 2020