

ORDINANCE 05-15

BOROUGH OF DUNELLEN

AN ORDINANCE ENTITLED: AN ORDINANCE TO ADOPT A STORMWATER REGULATION ORDINANCE BY THE BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, pursuant to the Municipal Land Use Law, NJSA 40:55D-1, *et. seq.*, the Water Quality Planning Act, NJSA 58:11A-1, *ET. seq.*, the Water Pollution Control Act, NJSA 12:5-3, *et. seq.*, and the Flood Hazard Area Control Act, NJSA 58:16A-50, *et. seq.*, the State of New Jersey and local municipalities are required to establish Stormwater management plans and Stormwater control ordinances, as well as content requirements and procedures for the adoption and implementation of regional Stormwater management plans and municipal Stormwater management plans; and

WHEREAS, the Borough Council of the Borough of Dunellen has determined that the adoption of a Stormwater regulation Ordinance is in the best interests of the Borough of Dunellen;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

IMPROPER DISPOSAL OF WASTE

Purpose. An ordinance to prohibit the spilling, dumping, or disposal of materials other than Stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Dunellen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning stated herein unless their use in the text of the 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) shall mean a conveyance or system of conveyance (including roads with drainage systems, municipal streets, catch basing, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Dunellen or other public body, and is designed and used for collecting and conveying Stormwater.
- B. Person shall mean any individual corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. Stormwater shall mean 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.

Prohibited Conduct. The spilling, dumping, or disposal of materials other than Stormwater to the municipal separate storm sewer system operated by the Borough of Dunellen is prohibited.

The spilling, dumping, or disposal of materials other than stormwater is such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

Exceptions to Prohibition. There shall exist the following exceptions to the conduct prohibited under the above sections:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- 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 the following equipment with clean water: beach maintenance equipment immediately following their use for their intended purposes; and equipment used in the application of salt and deicing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing 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 properly discarded. 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.

Enforcement. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Dunellen.

ILLICIT CONNECTION

Purpose. An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Dunellen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

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

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical 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 Borough of Dunellen, unless that discharge is authorized under a NJPDDES permit other than the Tier A Municipal Stormwater General Permit (NJPDDES Permit Number NJG0150649). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. 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.
- e. NJPDDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDDES) rules at N.J.A.C. 7:14A
- f. 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.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. 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, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. 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.

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 Borough of Dunellen any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

Enforcement. This ordinance shall be enforced by the Dunellen Police Department and/or Code Enforcement Officer

Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall

be subject to a fine not to exceed [amount to be inserted].

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.

Wildlife Feeding

Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Dunellen so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

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. 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.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

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

Enforcement.

- a. This ordinance shall be enforced by the Dunellen Police Department and/or Code Enforcement Officer.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed [amount to be inserted].

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.

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.