

ORDINANCE NO. 21 OF 2005

**ORDINANCE OF THE BOROUGH OF TUCKERTON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 57 OF THE BOROUGH CODE OF
THE BOROUGH OF TUCKERTON ENTITLED "DISPOSAL
OF WASTE, IMPROPER"**

BE IT ORDAINED by the Borough Council of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Tuckerton is hereby amended and supplemented so as to establish Chapter 57 entitled "Disposal of Waste, Improper" which shall read as follows:

Chapter 57

Disposal of Waste, Improper

§ 57-1. Purpose.

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 Tuckerton so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 57-2. Definitions.

For the purpose of this Chapter, 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. 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 Tuckerton, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NPPDES Permit Number NJ0141852). 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 the Borough of Tuckerton or other public body, and is designed and used for collecting and conveying stormwater.
- E. 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.
- 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 algacides, 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 water 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.

§ 57-3. Prohibited Conduct.

- A. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Tuckerton is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.
- B. 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 Tuckerton any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 57-4. Exceptions to Prohibition.

- 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 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 de-icing 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.

- (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.

§ 57-5. Enforcement.

The ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of the Borough of Tuckerton.

§ 57-6. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.


SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 7th day of Sept., 2005, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 31st day of October, 2005, at 7:00 p.m. at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.


GRACE DiELMO, RMC/CMC
Borough Clerk, Borough of Tuckerton

PASSAGE ON FIRST READING:

MOVED BY: Foglia

SECOND BY: Marshall

VOTE: VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

FINAL PASSAGE:

MOVED BY: Ventresca

SECOND BY: Foglia

VOTE: VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

APPROVED:




KEVIN S. QUINLAN, MAYOR

ORDINANCE NO. 21 OF 2005

**ORDINANCE OF THE BOROUGH OF TUCKERTON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ESTABLISHING CHAPTER 57 OF THE BOROUGH CODE OF
THE BOROUGH OF TUCKERTON ENTITLED "DISPOSAL
OF WASTE, IMPROPER"**

The Borough of Tuckerton introduced the above ordinance at its 9/7, 2005 meeting. The Ordinance establishes Chapter 57 of the Borough Code of the Borough of Tuckerton entitled "Disposal of Waste, Improper" so as to regulate the disposal of materials other than stormwater into the stormwater system. The Ordinance will be considered on second and final reading at the 10/3, 2005 meeting of the governing body. All meetings are held at the Municipal Building located at 140 E. Main Street, Tuckerton, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 140 East Main Street, Tuckerton, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.


GRACE Di ELMO, RMC/CMC
Municipal Clerk, Borough of Tuckerton

PUBLIC NOTICE

PLEASE TAKE NOTICE that Ordinance #21 of 2005, an ordinance entitled, "ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 57 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED "DISPOSAL OF WASTE, IMPROPER", was adopted by the Mayor and Borough Council at a meeting held on October 3, 2005.



**GRACE DI ELMO, RMC/CMC
BOROUGH CLERK**