

**BOROUGH OF GARWOOD**

**ORDINANCE NO. 05-15**

**AN ORDINANCE TO AMEND CHAPTER 134 (SEWERS) OF THE CODE OF THE BOROUGH OF GARWOOD TO PROHIBIT ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF GARWOOD:

SECTION 1. Chapter 134 (Sewers) of the Code of the Borough of Garwood is hereby amended by adding Article VI (Illicit Connections) to read as follows:

**ARTICLE VI  
ILLICIT CONNECTIONS**

§134-21. Purpose.

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

§134-22. 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 (NJPDES) 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 Garwood, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJO141 852). 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 Garwood 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 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.

#### §134-23. 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 Garwood any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

#### §134-24. Enforcement.

This ordinance shall be enforced by the Police Department and the Department of Public Works of the Borough of Garwood.

§134-25. 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 \$1,500.00. Each day that a violation continues after notification shall constitute a separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

**INTRODUCED: May 24, 2005**

**ADOPTED: June 14, 2005**

*APPROVED:*

---

*DENNIS J. McCARTHY, Mayor*

*ATTEST:*

---

*CHRISTINA M. ARIEMMA, Municipal Clerk*

<b>RECORDED VOTE</b>	<b>INTRODUCTION</b>	<b>ADOPTED</b>
<b>COUNCIL PRESIDENT TUCKER</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN DeFILIPPO</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN LOMBARDO</b>	<b>AYE</b>	<b>ABSENT</b>
<b>COUNCILMAN MITCHELL</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILMAN SCHADEWALD</b>	<b>AYE</b>	<b>AYE</b>
<b>COUNCILWOMAN VILLAGGIO</b>	<b>AYE</b>	<b>AYE</b>