

BOROUGH OF GARWOOD

ORDINANCE NO. 05-16

AN ORDINANCE TO AMEND CHAPTER 134 (SEWERS) OF THE CODE OF THE BOROUGH OF GARWOOD TO PROHIBIT THE SPILLING, DUMPING OR DISPOSAL OF MATERIALS OTHER THAN STORMWATER 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 VII (Storm Sewer System – Improper Disposal of Waste) to read as follows:

**ARTICLE VII
STORM SEWER SYSTEM – IMPROPER DISPOSAL OF WASTE**

§134-26. 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 Garwood so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§134-27. 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. 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.
- b. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- c. 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.

§134-28. Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Garwood 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.

§134-29. 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:
 - (a) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (b) 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.

- (c) 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.

§134-30. Enforcement.

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

§134-31. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$1,500. 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

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