

Borough of Mountainside

FIRST READING

SECOND READING

Introduced by: Councilman Lane
Seconded by: Councilman Mirabelli
Roll call vote: Ayes: 5 Nays: 0
Absent: Councilman Schon
Date: October 18, 2005

Councilman Lane
Councilman Mortimer
Ayes: 5 Nays: 0
Councilman Schon
November 29, 2005

ORDINANCE 1101-2005

AN ORDINANCE PROHIBITING THE DISPOSAL OF ANYTHING OTHER THAN STORM WATER IN THE MUNICIPAL STORM SEWER SYSTEM IN COMPLIANCE WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORM WATER REGULATIONS

WHEREAS, The Borough of Mountainside has been designated a Tier A municipality under the NJDEP's Stormwater Regulation Program and, therefore, as part of the Borough's NJPDES permit requirements for its stormwater system the Borough is required to implement certain best management practices through the passage of municipal ordinances including this ordinance prohibiting disposal of anything other than stormwater in to the storm system; and

WHEREAS, It is understood that stormwater/nonpoint sources are a significant source of pollution in the waters of our state and the Borough desires to do its part to protect the waters of this state.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside, County of Union State of New Jersey as follows:

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

SECTION II. 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 [insert name of municipality] 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.

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SECTION III. Prohibited Conduct:

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

SECTION IV. 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:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - 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.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.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department of Borough of Mountainside.

SECTION VI. Penalties:

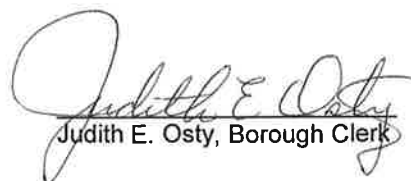
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as provided for in N.J.S.A. 40: 49-5.

SECTION VII. 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.

SECTION VIII. Effective date:

This Ordinance shall take effect upon final passage and publication as provided by law.


Judith E. Osty, Borough Clerk


Robert F. Viglianti, Mayor