

## Borough of Mountainside

### FIRST READING

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

### SECOND READING

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

## ORDINANCE 1099-2005

### AN ORDINANCE PROHIBITING ILLICIT CONNECTIONS TO THE STORM WATER 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 on illicit connections; 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 illicit connections to the municipal separate storm sewer system(s) 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. 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 Mountainside, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES 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 Mountainside 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.

**SECTION III. 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 Mountainside any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**SECTION IV. Enforcement:**

The provisions of this ordinance shall be enforced by Department of Public Works and Police Department of the Borough.

**SECTION V. Violations and Penalties:**

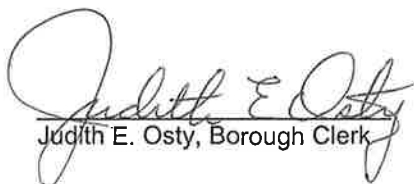
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as provided for in N.J.S.A. 40: 49-5.

**SECTION VI. 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 VII. 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