

ORDINANCE #1755

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 17 “Stormwater Management” by Creating a New Section 2 “Improper Disposal of Wastes” to Comply with the NJPDES Municipal Stormwater Regulations Program

SECTION I. Purpose:

The purpose of this ordinance is to add a new Section 17-2, entitled “Improper Disposal of Wastes,” to Chapter 17 of the Revised General Ordinances of the Township of Bernards in order to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Bernards, in compliance with the NJPDES Municipal Stormwater Regulations Program so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 17-2.1. Definitions.

For the purpose of this section, 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) shall mean 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 Township of Bernards or other public body and is designed and used for collecting and conveying stormwater.

PERSON shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STORMWATER shall mean 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.

§ 17-2.2. Prohibited Conduct.

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

§ 17-2.3. Exceptions to Prohibition.

The following are exceptions to the prohibitions in § 17-2.2 above:

- a. Waterline flushing and discharges from potable water sources.
- b. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- 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. 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.
 - 2. 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.

§ 17-2.4. Enforcement.

This section shall be enforced by the Zoning Enforcement Officer of the Township of Bernards.

§ 17-2.5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

SECTION II. 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 III.. Effective date:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Publication by Summary Pursuant to N.J.S.A.40:49-2

This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. It is based on the model ordinances provided by the NJDEP and has been amended to include the appropriate enforcement agency in Bernards Township. It prohibits the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Bernards 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.

Note: On 8/10/04 ordinance was tabled to a worksession discussion.

Ordinance #1755, was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 9/14/04 and then ordered to be published according to law/ It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 10/26/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

TOWNSHIP OF BERNARDS
Public Notice

Notice is hereby given that Bernards Township Ordinance #1755, was introduced and passed on first reading at a meeting of the Township Committee, on 9/14/04, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 10/26/04.

Denise Szabo
Municipal Clerk