

**TOWNSHIP OF BURLINGTON**

**ORDINANCE  
05-OR-030**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,  
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,  
ESTABLISHING REGULATIONS PROHIBITING  
THE IMPROPER DISPOSAL OF WASTE INTO THE  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), AND  
SPECIFICALLY TO ADD A NEW SECTION ENTITLED 8:5 (IMPROPER  
DISPOSAL OF WASTE INTO MS4 PROHIBITED)**

**WHEREAS**, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit, to prohibit the improper spilling, dumping, or disposal of materials other than stormwater, or those discharges specifically permitted by said Permit as noted in Section IV of this Ordinance, into the municipal separate storm sewer system; and

**WHEREAS**, the NJDEP, in order to insure uniformity and consistency, has provided model Ordinances for use by Municipalities; and

**WHEREAS**, this Ordinance is consistent with the model ordinance supplied by the NJDEP for improper waste disposal;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW  
JERSEY, AS FOLLOWS:**

**8:5-1 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 Township of Burlington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**8:5-2 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 Ordinance 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 Township of Burlington 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.

**8:5-3 PROHIBITED CONDUCT:**

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

**8:5-4 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 including the washing of fire fighting vehicles.
- i. Vehicle and equipment washwater from municipal operations pursuant to Part I, Section F.8.e of the Municipal Stormwater General Permit.
- j. 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 the engines or other exposed machinery.

**8:5-5 ENFORCEMENT:**

This Ordinance shall be enforced by the Police Department of the Township of Burlington.

**8:5-6 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 \$500.00.

**8:5-7 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.

**8:5-8 CONSISTENCY:**

All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

**8:5-9 EFFECTIVE DATE:**

This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.

  
 ANTHONY J. CARNIVALE, JR., RMC  
 Municipal Clerk

  
 SANDRA V. STEWART  
 President of Council