

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-031**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
PROHIBITING ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4), AND SPECIFICALLY TO ADD A NEW
SECTION ENTITLED 8:6 (ILLICIT CONNECTIONS TO MS4 PROHIBITED)**

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit and to the extent allowable under State Law, to effectively prohibit through Ordinance, illicit connections to the Municipality's MS4, and implement appropriate enforcement procedures and actions; 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 illicit connections;

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

8:6-1 PURPOSE:

An Ordinance to prohibit illicit connections to the municipal separate storm sewer system operated by the Township of Burlington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

8:6-2 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. 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 Township of Burlington, unless that discharge is authorized under an 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 Township of Burlington 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-1.2.
- 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 algaecides, 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.

8:6-3 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 Township of Burlington any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

8:6-4 ENFORCEMENT:

This Ordinance shall be enforced by the Chief Plant Operator of the Sewer Department of the Township of Burlington.

8:6-5 PENALTIES:

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$500.00.

8:6-6 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.

8:6-7 CONSISTENCY:


All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

8:6-8 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