

## Chapter 51A ILLICIT CONNECTIONS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wenonah 3-23-2006 by Ord. No. O-06-07. Amendments noted where applicable.]

Be it ordained by the Mayor and Borough Council of the Borough of Wenonah, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

### § 51A-1. Purpose.

The purpose of this ordinance is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Wenonah, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### § 51A-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 chapter clearly demonstrated 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.

DOMESTIC SEWAGE Ñ Waste and wastewater from humans or household operations.

ILLICIT CONNECTION Ñ Any physical or nonphysical 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 Wenonah, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE Ñ Nondomestic 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))

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) Ñ 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 Wenonah or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

**NJPDES PERMIT Ñ** 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.

**NON-CONTACT COOLING WATER Ñ** 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.

**PERSON Ñ** Any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

**PROCESS WASTEWATER Ñ** 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.

**STORMWATER Ñ** 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.

### § 51A-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 Borough of Wenonah any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).

### § 51A-4. Exceptions to prohibition.

The following are exceptions to the prohibitions of Section 51A-3 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 condensation (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 firefighting activities.
- I. Flows from rising 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 property 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.

### § 51A-5. Enforcement.

This ordinance shall be enforced by the Borough of Wenonah Police Department; the Public Works Supervisor; or any official person authorized by Borough Council.

**§ 51A-6. Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to penalties as set forth:

- A. **Maximum penalty** Ñ For a violation of this chapter, the maximum penalty, upon conviction, shall be a fine not exceeding \$1,250. or imprisonment for a period not exceeding ninety (90) days, or both; or a period of community service not exceeding ninety (90) days.
- B. **Separate violations** Ñ Except as otherwise provided, every day in which a violation of any provision of this chapter shall constitute a separate violation.
- C. **Application** Ñ The maximum penalty stated in this chapter is not intended to state an appropriate penalty for every violation. Any lesser penalty, involving a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.
- D. **Minimum penalty** Ñ The governing body may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100. (N.J.S.A. 40:49-5).

**§ 51A-7. Severability.**

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**§ 51A-8. Repealer.**

All prior ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**§ 51A-9. When effective.**

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

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