

Chapter 51B IMPROPER DISPOSAL OF WASTE

- § 51B-1. Purpose.
- § 51B-2. Definitions.
- § 51B-3. Prohibited conduct.
- § 51B-4. Exceptions to prohibition.
- § 51B-5. Enforcement.
- § 51B-6. Violations and penalties.
- § 51B-7. Attorney's fees and other costs.
- § 51B-8. Severability.
- § 51B-9. Repealer.
- § 51B-10. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Wenonah 3-23-06 by Ord. No. O-06-06. 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:

§ 51B-1. Purpose.

The purpose of this ordinance is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Wenonah, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 51B-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 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) 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.

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

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.

§ 51B-3. Prohibited conduct.

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

§ 51B-4. Exceptions to prohibition.

- A. Water line 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 firefighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (2) Equipment used in 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 engines or other enclosed machinery.

§ 51B-5. Enforcement.

This ordinance shall be enforced by the Public Works Superintendent, Police Department of the Borough of Wenonah or other designated Municipal Officials of the Borough of Wenonah.

§ 51B-6. Violations and penalties.

- A. Any person violating this chapter shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the County jail or any place provided by the Borough for the detention of prisoners, for any term not exceeding ninety (90) days; by a period of community service not exceeding ninety (90) days; by a fine of not less than \$100. or more than \$1,250., at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this chapter within one (1) year of the date of pervious violation of the same chapter and who was fined for the previous violation shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this chapter, but shall be calculated separately from the fine imposed for the original violation of this chapter.

§ 51B-7. Attorney's fees and other costs.

In addition to the above, the person responsible shall be liable for all reasonable attorney's fees and costs incurred in connection with cleanup and removal costs and all costs associated with the collection of costs for unpaid reimbursable items.

§ 51B-8. 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.

§ 51B-9. 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.

§ 51B-10. When effective.

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

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