

05-13-615

**ORDINANCE OF THE BOROUGH OF PINE BEACH,**

**COUNTY OF OCEAN, STATE OF NEW JERSEY,**

**ESTABLISHING A PROCEDURE FOR**

**ILLICIT CONNECTIONS**

**BE IT ORDAINED** by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Chapter 138 of the Code of the Borough of Pine Beach entitled "Sewers," § 138-16 entitled "Illegal Connection; Violation and Penalties," shall be deleted in its entirety and replaced as follows:

**PURPOSE.** To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Pine Beach, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**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. 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* - waste and wastewater from humans or household operations.

*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 Borough of Pine Beach, unless that discharge is authorized under a 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.

*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)).

*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 Borough of Pine Beach 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* - 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* - 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 algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

*Person* - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

*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.

*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.

**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 Pine Beach any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**ENFORCEMENT.** This ordinance shall be enforced by the Code Enforcement Officer and/or the Police Department of the Borough of Pine Beach.

**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 \$1,000.00 and/or incarceration in the County Jail for up to ninety days for each and every violation.

**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 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

This ordinance shall be in full force and effect from and after its adoption and any publication as required. ALL OF WHICH IS ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE 2005, by the governing body of the Borough of Pine Beach.