

**AN ORDINANCE ESTABLISHING CHAPTER 95,
STORMWATER MANAGEMENT, IN THE BOROUGH OF
WESTVILLE, COUNTY OF GLOUCESTER, STATE OF NEW
JERSEY.**

WHEREAS, the Borough of Westville deems it in the best interest of the Municipality to establish Chapter 95 of the Code of the Borough of Westville, entitled "Stormwater Management";

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westville, in the County of Gloucester and State of New Jersey, with the Mayor concurring as follows:

SECTION 95-1 – ILLICIT STORM SEWER CONNECTIONS.

95-1.1. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated therein 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 the 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** – shall mean waste and wastewater from humans or household operations.
- B. **ILLICIT CONNECTION** – shall mean any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Westville, unless that discharge is authorized under a NJPDES permit other than a 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.
- C. **INDUSTRIAL WASTE** – shall mean nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(1), (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)** – shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the Borough of Westville or other public body, and is designed and used for collecting and conveying stormwater.
- E. **NJPDES PERMIT** – shall mean 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.
- F. **NONCONTACT COOLING WATER** – shall mean 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. Noncontact cooling water may, however, contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.
- G. **PERSON** – shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.
- H. **PROCESS WASTEWATER** – shall mean 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 noncontact cooling water.

- I. **STORMWATER** – shall mean 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.

95-1.2. 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 Westville any domestic sewage, noncontact cooling water, process wastewater or other industrial waste (other than stormwater).

95-1.3. Enforcement. This section shall be enforced by the Zoning Enforcement Officer of the Borough of Westville.

95-1.4. Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth:

- A. **Maximum Penalty** – For a violation of this Section, the maximum penalty, upon conviction, shall be a fine not exceeding \$1,250.00, or imprisonment for a period not exceeding 90 days, or both; or a period of community service not exceeding 90 days.
- B. **Separate Violations** – Except as otherwise provided, every day in which a violation of any provision of this Section shall constitute a separate violation.
- C. **Application** – The maximum penalty stated in this Section 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** – 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 \$100.00 (N.J.S.A. 40:49-5).

SECTION 95-2 – IMPROPER DISPOSAL OF WASTES.

95-2.1. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated therein 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 the 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)** – shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the Borough of Westville or other public body, and is designed and used for collecting and conveying stormwater.
- B. **PERSON** – shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.
- C. **STORMWATER** – shall mean 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.

95-2.2. Prohibited Conduct. The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Westville 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.

95-2.3. Exceptions to Prohibition. The following are exceptions to the prohibitions of § 95-2.2 above:

- A. Waterline flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g., infiltration, craw space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air-conditioning condensation (excluding contact and noncontact 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.
- 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 properly 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.

95-2.4. Enforcement. This section shall be enforced by the Zoning Enforcement Officer of the Borough of Westville.

95-2.5. Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth:

- A. Maximum Penalty – For a violation of this Section, the maximum penalty, upon conviction, shall be a fine not exceeding \$1,250.00, or imprisonment for a period not exceeding 90 days, or both; or a period of community service not exceeding 90 days.
- B. Separate Violations – Except as otherwise provided, every day in which a violation of any provision of this Section shall constitute a separate violation.
- C. Application – The maximum penalty stated in this Section 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 – 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 \$100.00 (N.J.S.A. 40:49-5).

Introduced: March 23, 2005
 Adopted: April 13, 2005

BOROUGH OF WESTVILLE

BY: William C. Packer III
 WILLIAM C. PACKER, III, Mayor

ATTEST:

Richard M. Burr
 RICHARD M. BURR, Clerk
 (SEAL)