

Agenda Item
XI - 2

10-05

Explanation: This Ordinance prohibits the improper disposal of materials other than Stormwater into the storm sewer system.

**TOWNSHIP OF BERKELEY HEIGHTS
ORDINANCE NO. 10-05**

“INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 13 PUBLIC SERVICES TO ESTABLISH A NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION 13.17.020 PROHIBITING THE IMPROPER DISPOSAL OF WASTE INTO THE STORMWATER SEWER SYSTEM OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS”

BE IT ORDAINED by the Township Committee of the Township of Berkeley that Section 13.17.020 of Chapter 13.17 of the Municipal Code of the Township of Berkeley entitled “Stormwater Control”, be and is hereby amended as follows:

1. Title 13 is revised as follows:

Title 13.17.020 IMPROPER DISPOSAL OF WASTE

SECTION 1. 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.

- a. 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 Berkeley Heights or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “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.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. 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.

SECTION 2. PROHIBITED CONDUCT

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

SECTION 3.

EXCEPTIONS TO PROHIBITION

- a. Water line flushing and discharges from potable water sources.
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- 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 fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - 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.

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.

SECTION 4.

ENFORCEMENT

This ordinance shall be enforced by the Director of Public Works of the Township of Berkeley Heights.

SECTION 5.

PENALTIES

Any person or persons, firm or corporation, who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) and upon default in the payment thereof to imprisonment in the county jail for a period not exceeding thirty (30) days or both, in the discretion of the magistrate before whom such conviction may be had.

2. All Ordinances of the Township of Berkeley Heights that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the remaining portion of this Ordinance.

4. This Ordinance shall take effect after final hearing and publication according to law.

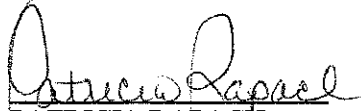
INTRODUCED the 8th day of March, 2005.

ADOPTED the 22nd day of March, 2005.



DAVID A. COHEN
Chairman (Mayor) Township Committee

ATTEST:

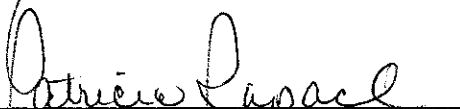


PATRICIA RAPACH
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Committee of the Township of Berkeley Heights, County of Union and State of New Jersey, on 3/8/05 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 22, 2005, at 8:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.


Patricia A. Rapach, RMC/CMC
Township Clerk

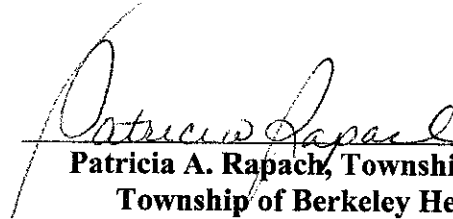
**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON MARCH 8, 2005:**

**“AN ORDINANCE TO AMEND TITLE 13 PUBLIC SERVICES TO ESTABLISH A
NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION
13.17.020 PROHIBITING THE IMPROPER DISPOSAL OF WASTE INTO THE
STORMWATER SEWER SYSTEM OF THE CODE OF THE TOWNSHIP OF
BERKELEY HEIGHTS”** (Explanation: This Ordinance prohibits the improper disposal of
materials other than Stormwater into the storm sewer system.)

I, Patricia A. Rapach, Township Clerk of the Township of Berkeley Heights, County of
Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on
Final Passage by the Township Committee of the Township of Berkeley Heights at its
meeting held on March 22, 2005.



**Patricia A. Rapach, Township Clerk
Township of Berkeley Heights**