

ORDINANCE NO. 05-48

INTRODUCTION DATE: 10-19-05

ADOPTION DATE: 12-07-05

AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS) BY CREATING ARTICLE 16 (STORMWATER MANAGEMENT), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

BE IT ORDAINED by the Mayor and Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey as follows:

I

Chapter XXXV, Land Use and Development Regulations,

Article 35-16.1 is hereby created to read as follows:

35-16. STORMWATER MANAGEMENT

35-16.1 Containerized Yard Waste.

In the event non-containerized yard waste is found on any person's property within the Township, a rebuttable presumption shall arise that the owner and/or occupant of the property in front of which said non-containerized yard waste is located has improperly disposed of yard waste contrary to the provisions of this chapter.

35-16.1.1 Definitions.

The following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely discretionary.

- (a) Containerized – the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and

coming into contact with stormwater.

(b) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

(c) Street - any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

(d) Yard Waste – leaves and grass clippings.

35-16.1.2 Prohibited Conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, into the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

35-16.1.3 Enforcement.

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any law enforcement officer. Alternatively, any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in accordance with the New Jersey Rules of Court.

In the event non-containerized yard waste is found in the street along any person's property within the Township, a rebuttable presumption shall arise that the owner and/or occupant of the property in front of which said non-containerized yard waste is located has

improperly disposed of yard waste contrary to the provisions of this chapter.

35-16.1.4 Violations and Penalties.

Any person who violates or neglects to comply with any provision of this section shall be liable to the penalty stated in Chapter I, Section 1-5. Any person issued a first or second violation hereunder within a year and who intends to plead guilty to the charge shall not be required to make a court appearance, but shall pay a fine of fifty dollars (\$50.00) for a first offense and one hundred dollars (\$100.00) for a second offense. Third and subsequent offenses within a year require a court appearance and it is the intention that he/she be punished severely, within the discretion of the Municipal Court Judge.

35-16.2 Illicit Connection.

35-16.2.1 Definitions.

The following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. The word “shall” is always mandatory and not merely discretionary. 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 - waste and wastewater from humans or household operations.
- (b) 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 Township of Millstone, 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.

(c) 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)).

(d) 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 Millstone or other public body, and is designed and used for collecting and conveying stormwater.

(e) 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.

(f) 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 algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

(g) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

(h) 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.

(i) 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.

35-16.2.2 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 Township of Millstone any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

35-16.2.3 Enforcement.

This ordinance shall be enforced by the Code Enforcement Officer of the Township of Millstone.

35-16.2.4 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in Chapter I, Section 1-5, of this Code.

35-16.3 Improper Disposal of Waste.

35-16.3.1 Definitions.

The following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. The word “shall” is always mandatory and not merely discretionary.

(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 Millstone or other public body, and is designed and used for collecting and conveying stormwater.

(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.

35-16.3.2 Prohibited Conduct.

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

35-16.3.3 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:

(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.

35-16.3.4 Enforcement.

This ordinance shall be enforced by the Code Enforcement Officer of the Township of Millstone.

35-16.3.5 Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to the penalties set forth in Chapter I, Section 1-5, of this Code.

35-16.4 Litter Control.

35-16.4.1 Definitions.

The following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely discretionary.

(a) Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

(b) Litter Receptacle – a container suitable for the depositing of litter.

(c) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

35-16.4.2 Prohibited acts and regulated activities.

(a) It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

(b) Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

35-16.4.3 Enforcement.

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any law enforcement officer. Alternatively, any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in

accordance with the New Jersey Rules of Court.

35-16.4.4 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in Chapter I, Section 1-5 of this Code.

35-16.5 Pet Waste.

35-16.5.1 Definitions.

The following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. The word “shall” is always mandatory and not merely discretionary.

- (a) Immediate – removal of pet solid waste at once, without delay.
- (b) Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- (c) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- (d) Pet – any animal (other than a disability assistance animal) kept for any period of time at any residence located within Millstone Township.
- (e) Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- (f) Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

35-16.5.2 Requirements for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their

pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

35-16.5.3 Exemptions.

Any owner of keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

35-16.5.4 Enforcement.

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any law enforcement officer. Alternatively, any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in accordance with the New Jersey Rules of Court.

35-16.5.5 Violations and Penalty.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in Chapter I, Section 1-5 of this Code.

36-16.6 Wildlife Feeding.

35-16.6.1 Definitions.

The following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely discretionary.

(a) Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

(b) Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

(c) Domesticated – animals that are housed in or at a residence located within or beyond the Township of Millstone.

(d) Wildlife – all animals that are not domesticated.

35-16.6.2 Prohibited Conduct.

(a) No person shall feed, in any public park or on any other property owned or operated by the Township of Millstone, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, stables, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

35-16.6.3 Enforcement.

A summons alleging a violation of this section may be issued by the Millstone Township Code Enforcement Officer or by any law enforcement officer. Alternatively, any individual may file a Complaint with the Millstone Township Municipal Court, which shall issue a summons in accordance with the New Jersey Rules of Court.

35-16.6.4 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in Chapter I, Section 1-5, of this Code.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT

This Ordinance sets forth prohibited actions relating to stormwater management and provides the penalties for engaging in such actions.

Synopsis

This Ordinance sets forth prohibited actions and penalties relating to stormwater management. Specifically, the Ordinance regulates the proper disposal of yard waste, connections to the municipal separate storm sewer system operated by the Township, improper disposal of waste, litter control, disposal of pet waste and wildlife feeding.