

# TOWNSHIP OF LUMBERTON

## ORDINANCE NO. 2005-10

### AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LUMBERTON CREATING A NEW CHAPTER ENTITLED “STORMWATER MANAGEMENT”

#### ARTICLE I

##### Improper Disposal of Waste

###### §248-1. Purpose:

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

###### §248-2. 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.

- 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 Lumberton, 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.

###### §248-3. Prohibited Conduct:

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

###### §248-4. Exceptions to Prohibition:

The following activities are exempt from the Prohibitions in §248-3:

- 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 condensation (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. Non-commercial motor vehicle (including motorcycles, recreational vehicles, boats, personal water craft and the like), washing water, and residential swimming pool discharges;
- g. Wash water from the washing of sidewalks, driveways and streets, houses/decks and deck furniture, sheds, fences, and similar power washing activities;
- h. Flows from fire fighting activities;
- i. Flows from rinsing of the following equipment with clean water:
  - (i) 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; and
  - (ii) 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.

## **ARTICLE II**

### **Wildlife Feeding**

#### **§248-9. Purpose:**

This Article shall prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Lumberton, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

#### **§248-10. 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. 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. Wildlife – all animals that are neither human nor domesticated.

#### **§248-11. Prohibited Conduct:**

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

### **ARTICLE III**

#### **Illicit Connection Ordinance**

##### **§248-15. Purpose:**

This Article shall prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Lumberton, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### **§248-16. 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.

- 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 Lumberton, 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 basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lumberton 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.

**§248-17. 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 Lumberton any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**ARTICLE IV**

**Enforcement and Penalties**

**§248-18. Enforcement:**

This ordinance shall be enforced by Lumberton Township Code Enforcement Officer, and by the Lumberton Township Police Department and/or other Municipal Officials of the Township of Lumberton.

**§248-19. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each said violation. Each incident and day of violation shall constitute a separate offense.

**SECTION ONE. 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 TWO. Inconsistency.**

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION THREE. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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DEWITT K. PENNYPACKER, Mayor

ATTEST:

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LINDA S. WILLS, Acting Municipal Clerk

Adopted: May 2, 2005