

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER
PROHIBITING IMPROPER DISPOSAL OF WASTE**

SECTION 1: Purpose

An ordinance to prohibit the spilling, dumping, or disposal of materials other than storm water to the municipal separate storm sewer system (MS4) operated by the Borough of South River, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 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 Borough of South River or other public body, and is designed and used for collecting and conveying storm water.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm water – 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 3: Prohibited Conduct

The spilling, dumping, or disposal of materials other than storm water to the municipal separate storm sewer system operated by the Borough of South River is prohibited. The spilling, dumping, or disposal of materials other than storm water in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

SECTION 4: 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 5: Enforcement

This ordinance shall be enforced by the Borough of South River Police Department and/or the South River Code Enforcement Officer.

SECTION 6: 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 one thousand dollars (\$1,000.00).

SECTION 7: 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 8: Partial Invalidity

All ordinances or part of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9:

This ordinance shall take effect upon passage, approval and publication as required by law.

APPROVED AS TO FORM

/s/ _____
Frederick D. Roselli
Borough Attorney

APPROVED:

/s/ _____
Robert P. Szegeti, Mayor

ATTEST:

/s/ _____
Albert M. Seaman
Borough Clerk

cc: USDED
Midd City
Boro Eng
Police
DPW
CFO