

Ordinance # 16-5.1 – Illicit Connection

16-5.1 SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the **Borough of Victory Gardens**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

16-5.1 SECTION II. 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 inconstant 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 (NJDES) 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 operated by the **Borough of Victory Gardens**, 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 **Borough of Victory Gardens**, or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combine 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."

- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJDES) 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 produce (other than heat) or finished produce. 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 sewage or drainage facilities, or is conveyed by snow removal equipment.

16-5.1 SECTION III. 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 Victory**

Gardens any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

16-5.1 SECTION IV. Enforcement:

The provisions of this ordinance shall be enforced by the **Municipal Officials** of the **Borough of Victory Gardens**.

16-5.1 SECTION V. Violations and 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 \$ 1,250.00.

16-5.1 SECTION VI. 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 the Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

16-5.1 SECTION VII. 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.

ALL OF WHICH IS ADOPTED this 27th day of Sept, 2005, by the **Borough of Victory Gardens**.

BOROUGH OF VICTORY GARDENS


Nanette Courtine, Mayor

ATTEST:


Deborah Evans, Borough Clerk

INTRODUCED:

I hereby certify that the above is a true copy of the ordinance passed by the Mayor and Council of the Borough of Victory Gardens, Morris County, at a regular meeting held on the day of Sept. 27, 2005.

Deborah Evans
Deborah Evans, Borough Clerk

ADOPTED:

9/27/05

Introduced: 8/23/05