

**"AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XVI OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
JERSEY, ENTITLED SEWER AND WATER"**

05-07

16-3 MUNICIPAL STORM WATER SYSTEM MS-4

16-3.1 Purpose.

An ordinance to prohibit:

- a. the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system(s) MS4 operated by the Borough of Lakehurst or other public entity within the Borough of Lakehurst.
- b. illicit connections to the municipal separate storm sewer system(s) MS-4, operated by the Borough of Lakehurst, or other public entity, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

16-3.2 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.

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.

Domestic sewage - waste and wastewater from humans or household operations.

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 Borough of Lakehurst, 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.

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)).

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 Lakehurst or other public body, and is designed and used for collecting and conveying stormwater. 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."

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

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.

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

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.

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.

16-3.3 Prohibited Conduct

- a. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Lakehurst or other public entity 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.
- b. 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 Lakehurst any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

16-3.4 Exceptions to Prohibition 16-3.3a.

Water line flushing and discharges from potable water sources
uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
Air conditioning condensate (excluding contact and non-contact cooling water)
Irrigation water (including landscape and lawn watering runoff)

Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

Residential car washing water and residential swimming pool discharges

Sidewalk, driveway and street wash water

Flows from fire fighting activities

Flows from rinsing of the following equipment with clean water:

Beach maintenance equipment immediately following their use for their intended purposes

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.

16-3.4 Enforcement.

This ordinance shall be enforced by the police department and other municipal officials of Borough of Lakehurst.

16-3.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not less than \$ 500.00 and not to exceed \$ 1,250.00.

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.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-07 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED WATER AND SEWER" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventeenth day of March, 2005,

Bernadette Dugan, RMC
Municipal Clerk