

BOROUGH OF LONGPORT
Ordinance 2017-21
AN ORDINANCE AMENDING CHAPTER 144 SEWERS AND WATER
OF THE CODE OF THE BOROUGH OF LONGPORT
BY INSERTING A NEW ARTICLE DEALING WITH ILLICIT CONNECTIONS

Purpose:

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

SECTION I. The following is added after Article VI of Chapter 144:

ARTICLE VII
Illicit Connections

144-36. 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 irregular 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 Borough of Longport, 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 in 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), (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 Borough of Longport 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.

144-37. 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 LONGPORT any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

144-38. Enforcement

It shall be the duty of either the Longport Police Department, Public Works Supervisor, or Construction Code Official or his designee to enforce the provisions of this Article.

144-39. Penalties.

- A. Any person violating this chapter shall, upon conviction thereof, be punishable by one or more of the following: a period of community service not exceeding 90 days; a fine of not less than \$100 nor more than \$500.00 at the discretion of the presiding Judge.
- B. Any person who is convicted of violating the provisions of this chapter within one year of the date of the previous violation of the same chapter and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this chapter, but shall be calculated separately from the fine imposed for the original violation of this chapter. Whenever such person shall have been officially notified of by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's occurrence shall constitute a separate offense, punishable by a fine or penalty.

SECTION II: All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION III: This Ordinance shall take effect immediately upon passage and publication as required by Law.

1 ST READING/INTRODUCTION 9-20-2017 PUBLICATION: 9-23-2017						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON INTRODUCTION						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			✓			
Leeds		X	✓			
Lawler	X		✓			
X-indicates vote NV-not voting AB. – Absent						

2 ND READING/PUBLIC COMMENT 10-18-2017 PUBLICATION:						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 2 ND READING/PUBLIC COMMENT						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. - Absent						

This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk’s Office.

DATE OF ADOPTION: _____