TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2020-07

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 10; ILLICIT CONNECTION

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 10; ILLICIT CONNECTION

SECTION 1. Purpose: An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Lower, 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. 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 Lower Township Municipal Utilities Authority , 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 the Township of Lower 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."

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.

SECTION 3. 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 Lower any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION 4. Enforcement: This ordinance shall be enforced by the Public Works Department, Code Enforcement, Police Department and/or other Municipal Officials of the Township of Lower

SECTION 5. Violations and Penalty:
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding $100 or imprisonment for a period not exceeding 90 days, or both.

SECTION 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 7. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 12, 2020

Adopted: March 16, 2020

Julie A Picard, Township Clerk

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor