

CITY OF ESTELL MANOR, NJ

ORDINANCE #09-2024

ORDINANCE CREATING CHAPTER 255 IN THE CODE OF THE CITY OF ESTELL MANOR CONCERNING IMPROPER DISPOSAL OF WASTE; AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey's waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

WHEREAS, in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

WHEREAS, the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a MS4 Tier A Permit; and

WHEREAS, the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

WHEREAS, municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

WHEREAS, it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

SECTION 1. Chapter 255 to be known as “Improper Disposal of Waste” is hereby created

and added to the Code of the City of Estell Manor and shall read as follows:

Chapter 255 Improper Disposal of Waste

ARTICLE I. Purpose

§ 255-1 Purpose

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

ARTICLE II. Definitions

§ 255-2 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 City of Estell Manor or other public body, and is designed and used for collecting and conveying stormwater.
- B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. 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.

ARTICLE III. Prohibited Conduct

§ 255-3 Prohibited Conduct

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the City of Estell Manor 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.

ARTICLE IV. Exceptions to Prohibition

§ 255-4 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 firefighting 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.

ARTICLE V. Enforcement
§ 255-5 Enforcement

The provisions of this ordinance shall be enforced by the Code Enforcement Officer and by any other individual authorized by law to enforce the same.

ARTICLE VI. Violations and Penalties

§ 255-6 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 and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as provided by law.

CITY COUNCIL OF
THE CITY OF ESTELL MANOR,
COUNTY OF ATLANTIC and
STATE OF NEW JERSEY

ATTEST:

Elizabeth Owen, Mayor

Lisa Marcolongo, RMC, CMR
City Clerk

COUNCIL MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GIVENS					
MASKER					
MADDOX					
DILG					
MAYOR OWEN					

FIRST READING: **March 5, 2024**
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