

ORDINANCE # 2024-05

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 296, WATER AND SEWERS, TO ESTABLISH ARTICLE XIV, "ILLICIT CONNECTIONS"

WHEREAS, on December 1, 2022, the New Jersey Department of Environmental Protection issued a Final Stormwater Discharge Master General Permit Renewal (Permit Number NJ0141852) in accordance with N.J.A.C. 7:14A; and as part of the above referenced permit renewal the Township of Allamuchy was reassigned to Tier A under N.J.A.C. 7:14a-25.3(a)1; and the requirements of the above referenced permit for municipalities assigned to Tier A includes a requirement to adopt certain community-wide ordinances; and the Township is required to adopt and enforce an ordinance that prohibits illicit connections to the municipal separate storm sewer system (MS4) owned or operated by the Township; and the NJDEP has created a model Illicit Connections ordinance for adoption by municipalities to comply with the permit requirements; and the Township Council seeks to adopt the model Illicit Connections Ordinance order to satisfy the conditions of the NJDEP MS4 permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Allamuchy, Country of Warren, State of New Jersey as follows:

Section I

Chapter 296, Water and Sewers, of the General Legislation is hereby amended by adding thereto a new Articles XIV entitled "Illicit Connections", to meet requirements of the NJPDES MS4 Permit.

§296-56 Purpose.

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Allamuchy Township to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

§296-57 Definitions.

For this Article, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Code clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes 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. DOMESTIC SEWAGE

Waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

B. ILLICIT CONNECTION

Any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other t the NJPDES permit for discharges from that system):

- (1) Domestic sewage;
- (2) Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
- (3) Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).
- (4) Non-physical connection 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.

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 Allamuchy Township 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.

§296-58 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 Allamuchy Township a domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§296-59 Enforcement.

This Article shall be enforced by the Township Engineer, Health Official, Zoning Official or Superintendent/Supervisor of Public Works of the Township of Allamuchy or designee.

§296-60 Violations and Penalties.

- A. For any and every violation of the provisions of this Article, the owner, contractor or other person or person interested as lessee, tenant or otherwise in any building or premises where such violation has been committed or shall exist and who refuses to abate such violation within five (5) days after written notice has been served upon him or her, either by registered mail or by personal service, shall for each and every violation be liable to the general penalty in Chapter 1, Article II, General Penalty, of the Township Code.

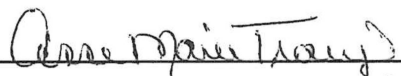
- B. If a violation of the same provisions of this Article reoccurs, further notice to abate need not be issued, and a Municipal Court complaint from the Township Engineer, Health Official, Zoning Officer, or Superintendent/Supervisor of Public Works of the Township of Allamuchy or designee may be issued immediately.
- C. Any person who has been found guilty or who has pleaded guilty to any violation or violations of this Article and who thereafter again violates the same provision(s) of this Article to which the person was found guilty or pleaded guilty shall receive a Municipal Court complaint from the Township Engineer, Health Official, Zoning Officer, or Superintendent/Supervisor of Public Works of the Township of Allamuchy or designee without prior written notice being required.
- D. The Township Engineer, Health Official, Zoning Officer, or Superintendent/Supervisor of Public Works of the Township of Allamuchy or designee may issue in one complaint as separate and specific violations of this Article the dates for each and every day the violations occurred.
- E. Imposition of a fine shall not impair or be deemed a waiver of the Township's right to seek an injunction, take corrective action, impose a lien on the land or to take any other action allowed by law.


Section II

1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
2. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
3. This Ordinance shall take effect twenty days after final passage, approval and publication in accordance with law.

ATTEST:

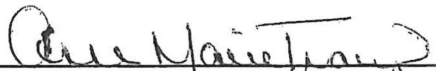
TOWNSHIP OF ALLAMUCHY


 ANNE MARIE TRACY, Municipal Clerk


 ROSEMARY TUOHY, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Allamuchy Township Mayor and Council held on March 27, 2024 and will be considered for final reading and adoption at the meeting of the Allamuchy Township Mayor and Council to be held on April 24, 2024 at 6:30 p.m. at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.


ANNE MARIE TRACY, Municipal Clerk


ORDINANCE # 2024-05

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 296, WATER AND SEWERS, TO ESTABLISH ARTICLE XIV, "ILLCIT CONNECTIONS"

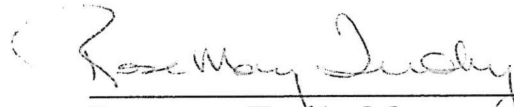
Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on March 27, 2024 at a meeting of said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a meeting of the Allamuchy Township Council held April 24, 2024 at Allamuchy Town Hall, Allamuchy, N.J.

This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

ATTEST:



Anne Marie Tracy, Municipal Clerk



Rosemary Tuohy, Mayor