

ORDINANCE 2024-10

**AN ORDINANCE OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, AMENDING CHAPTER 200 OF THE CODE OF THE
TOWNSHIP OF MULLICA CAPTIONED "STORMWATER MANAGEMENT"**

WHEREAS, due to recent regulations established by the New Jersey Department of Protection and the New Jersey Pinelands Commission controlling Stormwater Management issues, it is necessary to amend Chapter 200 of the Code of the Township of Mullica captioned "Stormwater Management."

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey, as follows:

ARTICLE I

Illicit Storm Sewer Connections

Section 1. Purpose:

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system (MS4) operated by the Township of Mullica, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 2. Definitions:

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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 use of the word "shall" is always mandatory and not merely directory.

DOMESTIC SEWAGE – Waste and wastewater from humans or household operations.

ILLICIT CONNECTION – Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, processed wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Mullica, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Nondomestic 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, man-made channels, or storm drains) that is owned or operated by the Township of Mullica or other public body, and is designed and used for collecting and conveying stormwater.

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 et seq.

NONCONTACT 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. Noncontact cooling water may, however, contain algacides, 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.

PROCESSED 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. Processed wastewater includes, but is not limited to, leachate and cooling water other than noncontact 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 or 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 Mullica any domestic sewage, noncontact cooling water, processed wastewater, or other industrial waste (other than stormwater).

Section 4. Enforcement.

This article shall be enforced by the Code Enforcement Office and the Police Department and/or other designated municipal officials of the Township of Mullica.

Section 5. Violations and penalties.

Any person, entity or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, before the Municipal Court of the Township of Mullica, be subject to a fine not exceeding \$1,250.00 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Municipal Court Judge before whom such defendant shall be

convicted. A separate offense may be deemed committed on each day that a violation occurs or continues.

ARTICLE II

Prohibited Storm Sewer Discharges

Section 6. Purpose.

The purpose of this article is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Mullica, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 7. Definitions and word usage.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Mullica or other public body, and is designed and used for collecting and conveying stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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 or equipment.

Section 8. Prohibited conduct.

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

Section 9. Exceptions to prohibition.

Exceptions to prohibition includes:

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air-conditioning condensate (excluding contact and noncontact 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 fire-fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes; and
 - (2) 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.

Section 10. Enforcement.

This article shall be enforced by the Code Enforcement Office, the Police Department and/or other designated municipal officials of the Township of Mullica.

Section 11. Violations and penalties.

Any person, entity or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, before the Municipal Court of the Township of Mullica, be subject to a fine not exceeding \$1,250.00 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Municipal Court Judge before whom such defendant shall be convicted. A separate offense may be deemed committed on each day that a violation occurs or continues.

ARTICLE III

Private Storm Drain Inlet Retrofitting

Section 12. Purpose.

This article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Mullica Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 13. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by Mullica Township or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: "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."

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET — An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Section 14. Prohibited conduct.

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen),

reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in § 237-15 below prior to the completion of the project.

Section 15. Design standard.

Storm drain inlets identified in § 237-14 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection C below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inches across the smallest dimension.
 - (3) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.
- C. This standard does not apply:
 - (1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- (2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New-Jersey-Register-listed historic property.

Section 16. Enforcement.

This article shall be enforced by the Code Enforcement Office, the Police Department and/or other designated municipal officials of Mullica Township.

Section 17. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall, upon conviction thereof, before the Municipal Court of the Township of Mullica, be subject to a fine not to exceed \$1,250.00 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Municipal Court Judge before whom such defendant shall be convicted for each storm drain inlet that is not retrofitted to meet the design standard.

Section 18.

All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 19.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 20.

This Ordinance shall only take effect after final adoption and publication as required by law and approval by the New Jersey Pinelands Commission.

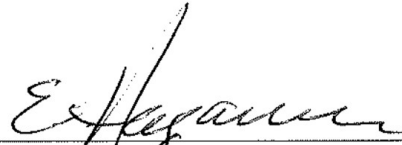
INTRODUCTION: May 21, 2024

PUBLICATION: May 29, 2024

ADOPTION: June 25, 2024

PUBLICATION: June 26, 2024

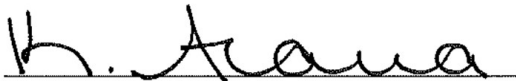
EFFECTIVE: June 26, 2024



Edward Hagaman
Mayor

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-10 was introduced by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, May 21, 2024.



Krystel M. Arana
Municipal Clerk

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-10 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, June 25, 2024.



Krystel M. Arana
Municipal Clerk