

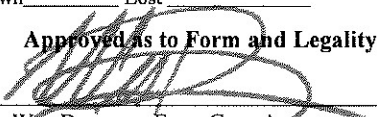
ORDINANCE

No. 24-029
Date to Mayor MAY 14 2024
Date Returned _____
Date Resubmitted to Council _____


1st Reading APR 18 2024
Public Hearing MAY 8 2024
2nd Reading & Passage MAY 09 2024
Withdrawn _____ Lost _____

Approved as to Form and Legality

Factual content certified by


WES BRIDGES, ESQ., CITY ATTORNEY


SEAN SEMPLE, DIRECTOR OF WATER & SEWER DEPT.

Councilman /woman  presents the following Ordinance:

AN ORDINANCE OF THE CITY OF TRENTON TO ADOPT NJDEP'S MODEL ORDINANCE REGARDING ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO AMEND CHAPTER 254 OF THE CODE OF THE CITY OF TRENTON

WHEREAS, the City of Trenton, as a Tier A municipality with respect to Stormwater Quality Management, is required by the New Jersey Department of Environmental Protection ("NJDEP") to periodically adopt certain model ordinances; and

WHEREAS, the City is required to adopt NJDEP's model ordinance regarding illicit connections to the municipal separate storm sewer system; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, in the County of Mercer, as follows:

Section 1. Chapter 254 ("Stormwater Management"), Article V ("Illicit Connections") of the Code of the City of Trenton shall be amended as follows (deletions are ~~struck through~~ and additions are underlined):

§ 254-30 Purpose.

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

§ 254-31 Definitions.

- A. 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.
- B. The word "shall" is always mandatory and not merely directory.
- C. 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.

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ILLICIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the City of Trenton, 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), (c))].

MUNICIPAL SEPARATE STORM SEWER SYSEM (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 City of Trenton 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.

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.

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 the State of New Jersey subject to municipal jurisdiction.

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 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 equipment.

DOMESTIC SEWAGE

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

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§ 254-32 Regulated Activity 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 City of Trenton any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater). There are no exemptions.

§ 254-33 Enforcement.

This article shall be enforced by the City of Trenton Police Department.

§ 254-34 Violations and penalties.

Any person who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$2,000, as stated in Chapter 1, Article III (General Penalty), § 1-17, and such other penalties as prescribed thereunder.

§ 254-35 Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Trenton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

INTRODUCTION:	MOTION: <i>Feliciano</i>				SECOND: <i>Harrison</i>				ORD. AUTHORED BY:	ADOPTION				MOTION: <i>Williams</i>				SECOND: <i>Argyle</i>								
	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION				
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	
EDWARDS	✓				✓				GONZALEZ	✓				✓				FELICIANO	✓				✓			
FIGUEROA KETTENBURG	✓				✓				HARRISON	✓				✓												
FRISBY	✓				✓				WILLIAMS	✓				✓												
NV - NO VOTE	AB - ABSENT																									

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on APR 18 2024

Adopted on second reading after the public hearing on MAY 09 2024

[Signature]
 Mayor
[Signature]
 President of Council



Reconsidered by Council – Override Vote
[Signature]
 City Clerk