

ORDINANCE

No. 24-035

1st Reading APR 18 2024

Date to Mayor MAY 14 2024

Public Hearing MAY 09 2024

Date Returned _____

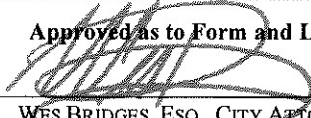
2nd Reading & Passage MAY 09 2024


Date Resubmitted to Council _____

Withdrawn _____ Lost _____

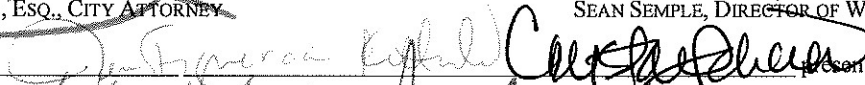
Approved as to Form and Legality

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 SPILLING, DUMPING OR DISPOSAL OF MATERIALS OTHER THAN STORMWATER 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 spilling, dumping or disposal of materials other than stormwater; 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 VI ("Spilling, Dumping or Disposal of Materials other than Stormwater") of the Code of the City of Trenton shall be amended as follows (deletions are ~~struck through~~ and additions are underlined):

§ 254-36 Purpose.

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

§ 254-37 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. 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 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.

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PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of the State of New Jersey 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 equipment.

§ 254-38 Regulated Activities Prohibited conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the City of Trenton is prohibited. The spilling, dumping, or disposal of materials other than storm water in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 254-39 Exceptions to prohibition.

A. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly. 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 non-contact cooling water; and industrial refrigerant condensate) including landscape and lawn watering runoff).

D. Irrigation water (including landscape and lawn watering runoff). (excluding contact and noncontact cooling water).

E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.

F. Residential car-washing water, and dechlorinated residential swimming pool discharges from single-family residential homes.

G. Sidewalk, driveway and street wash water.

H. Flows from firefighting activities including the washing of fire-fighting vehicles.

I. Flows from rinsing of the following equipment with clean water:

(1) Beach maintenance equipment immediately following their use for their intended purposes, such that rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery; and

(2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications.

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(a) Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from the 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.

(b) 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.

§ 254-40 Enforcement

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

B. Any person found to be in violation shall be ordered to cease the prohibited activity immediately.

§ 254-41 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.

§ 254-42 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

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Section 3. 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 4. 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 5. Effective date. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

INTRODUCTION:	MOTION: <i>Harrison</i>				SECOND: <i>Gonzalez</i>				ORD. AUTHORED BY:	ADOPTION				MOTION: <i>Fristby</i>				SECOND: <i>Harrison</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	✓				✓			
IGUEROA JETTENBURG	✓				✓				HARRISON	✓				✓												
RISBY	✓				✓				WILLIAMS	✓				✓												
IV - 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]
 AYE
 Mayor
 NAY

APPROVED
 REJECTED

Reconsidered by Council – Override Vote

[Signature]
 President of Council

[Signature]
 City Clerk