

ORDINANCE NO. 05-01

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 404 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY, ENTITLED, "SEWER CONNECTIONS," SO AS TO AMEND VARIOUS SECTIONS REGARDING ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS OPERATED BY THE TOWNSHIP OF LACEY

BE IT ORDAINED, by the governing body of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 404 of the Township Code of the Township of Lacey, entitled, "Sewer Connections," is hereby amended and supplemented so as to amend Section 404-1, entitled, "Definitions," so that the Section shall read in its entirety as follows:

§ 404-1. Definitions.

For the purpose of this Chapter, 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.

BUILDING -- Any building or structure heretofore or hereafter constructed, designed or used for use or occupancy by persons, be it temporary or permanent.

CONNECTION DATE:

- A. Where used with respect to a building constructed prior to the date of initial operation of any sewer available to service said building, the 90th day next ensuing the date of initial operation of such sewer as part of the sewage treatment or collection systems owned or operated by the Lacey Municipal Utilities Authority.

B. When used with respect to a building constructed subsequent to the date of such initial operation, the 90th day next ensuing the date of completion of construction or date of occupancy of such building, whichever date shall first occur.

SEWER -- Any sewer or main designed or used for collection or disposal of sanitary sewage or wastewater and located in any public street in the township.

(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.)

DOMESTIC SEWAGE -- waste and wastewater from humans or household operations.

ILLCIT CONNECTION -- any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Lacey, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE -- non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or © 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, manmade channels, or storm drains) that is owned or operated by the Township of Lacey 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.

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.

PERSON -- any individual, corporation, company, partnership, firm, association, or political subdivision of this State 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 non-contact 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.

SECTION 2. Chapter 404 of the Township Code of the Township of Lacey, entitled, "Sewer Connections," is hereby amended and supplemented so as to amend Section 404-8, entitled, "Prohibited discharges," so as to amend Subsection B so that the Subsection shall read in its entirety as follows:

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet.

SECTION 3. Chapter 404 of the Township Code of the Township of Lacey, entitled, "Sewer Connections," is hereby amended and supplemented so as to amend Section 404-13, entitled, "Violations and penalties," so that the Section shall read in its entirety as follows:

- A. Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by

community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

- B. The violation of any provision of this Chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 4. Chapter 404 of the Township Code of the Township of Lacey, entitled, "Sewer Connections," is hereby amended and supplemented so as to create Section 404-14, entitled, "Purpose; prohibited conduct; enforcement; violations and penalties," so that the Section shall read in its entirety as follows:

§ 404-14. Purpose; prohibited conduct; enforcement; violations and penalties.

- A. The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Lacey, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. 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 Lacey any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).
- C. This Section shall be enforced by the Lacey Township Police Department and the Lacey Township Code Enforcement Officer.
- D. The following shall apply to persons violating or failing to comply with this section:

- (1) Any person violating or failing to comply with any of the provisions of this Section shall, upon conviction

thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge; except that, in the Pinelands Area, the maximum penalty shall be \$500 for each offense, as provided in N.J.S.A. 13:18A-24. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

- (2) The violation of any provision of this Section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Health of the Township of Lacey on first reading at a meeting of the Board of Health of the Township of Lacey held on the **4th** day of **April, 2005**, and will be considered for second reading and final passage at a regular meeting of the Board of Health to be held on the **2nd** day of **May, 2005**, at 7:30 p.m., at the Municipal Building located on Lacey Road in Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


PATRICIA REAGAN, Secretary
Lacey Township Board of Health