

ORDINANCE NO. 05-02

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 353 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY, ENTITLED, "DUMPS AND DUMPING," SO AS TO CREATE A NEW ARTICLE REGARDING 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 353 of the Township Code of the Township of Lacey, entitled, "Dumps and Dumping," is hereby amended and supplemented so as to place Sections 353-1 through 353-7 into a new article, Article I, entitled, "General Prohibitions and Regulations."

**SECTION 2.** Chapter 353 of the Township Code of the Township of Lacey, entitled, "Dumps and Dumping," is hereby amended and supplemented so as to amend Section 353-7, 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 Article 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 Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 3.** Chapter 353 of the Township Code of the Township of Lacey, entitled, "Dumps and Dumping," is hereby amended and supplemented so as to create a new article, Article II, entitled, "Municipal Separate Storm Sewer System Regulations," so that the Article shall read in its entirety as follows:

**§ 353-8. 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 Lacey, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 353-9. 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, manmade channels, or storm drains) that is owned or operated by Township of Lacey 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 equipment.*

**§ 353-10. Prohibited conduct.**

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

**§ 353-11. Exceptions to prohibited conduct.**

Following are exceptions to the above prohibited conduct:

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- C. Air conditioning condensate (excluding contact and non-contact 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.

**§ 353-12. Enforcement.**

This ordinance shall be enforced by the Lacey Township Police Department and the Lacey Township Code Enforcement Officer.

**§ 353-13. Violations and Penalties.**

- A. Any person violating or failing to comply with any of the provisions of this Article 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.
  
- B. The violation of any provision of this Article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


**SECTION 5.** 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 6.** 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