

**BOROUGH OF LONGPORT
ORDINANCE 2017-22**

**AN ORDINANCE AMENDING CHAPTER 145 STORM SEWERS
OF THE CODE OF THE BOROUGH OF LONGPORT
AS IT PERTAINS TO IMPROPER DISPOSAL OF WASTE
TO STORM SEWERS**

Purpose.

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

SECTION I. The following Article is added to Chapter 145:

**ARTICLE II
Improper Disposal of Waste to Storm Sewers.**

145-7. Definitions.

For the purpose of this ordinance, 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.

- a. 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 **BOROUGH OF LONGPORT** or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. 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.

145-8. Prohibited Conduct:

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

145-9. Exceptions to Prohibition.

- 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:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - 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.

145-10. Enforcement:

It shall be the duty of either the Longport Police Department, Public Works Supervisor, or Construction Code Official or his designee to enforce the provisions of this chapter..

145-11. Penalties

- A. Any person violating this chapter shall, upon conviction thereof, be punishable by one or more of the following: a period of community service not exceeding 90 days; a fine of not less than \$100 nor more than \$500.00 at the discretion of the presiding Judge.
- B. Any person who is convicted of violating the provisions of this chapter within one year of the date of the previous violation of the same chapter and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this chapter, but shall be calculated separately from the fine imposed for the original violation of this chapter. Whenever such person shall have been officially notified of by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's occurrence shall constitute a separate offense, punishable by a fine or penalty.

SECTION II: All other Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION III: This Ordinance shall take effect immediately upon passage and publication as required by Law.

1 st READING/INTRODUCTION		9-20-2017	PUBLICATION: 9-23-2017			
OFFICIAL RECORD OF GOVERNING BODY VOTING ON INTRODUCTION						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo			✓			
Leeds		X	✓			
Lawler	X		✓			
X-indicates vote		NV-not voting	AB. - Absent			
2 nd Reading/Public Comment :		10-18-2017	PUBLICATION:			
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote		NV-not voting	AB. - Absent			