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ORDINANCE NO. 06-26

**AN ORDINANCE, SUPPLEMENTING CHAPTER 28, HEALTH
AND ENVIRONMENT, OF THE REVISED ORDINANCES OF THE
TOWNSHIP OF ROCKAWAY WITH THE ADDITION OF SECTION
28-20A, IMPROPER DISPOSAL OF WASTE**

WHEREAS, pursuant to N.J.A.C. 7:8-4.1, et seq., a municipality shall adopt a storm water management plan and storm water control ordinances consistent with state regulations; and

WHEREAS, the Council of the Township of Rockaway desires to create a new section, Section 28-20A, entitled Improper Disposal of Waste, within Chapter 28, Health and Environment.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Rockaway, County of Morris, State of New Jersey, as follows:

SECTION ONE. Chapter 28, Health and Environment, of the Revised General Ordinances of the Township of Rockaway is hereby supplemented with the addition of Section 28-20A, Improper Disposal of Waste, which shall read as follows:

28-20A IMPROPER DISPOSAL OF WASTE

28-20A.1 Purpose of Article. The purpose of this Section 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 Rockaway, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

28-20A.2 Definitions.

Municipal separate storm sewer system (MS4) means 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 Rockaway or other public body, and is designed and used for collecting and conveying stormwater.

Person means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Stormwater means 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.

28-20A.3 Prohibited Conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Rockaway 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.

28-20A.4 Exceptions to Prohibition:

- a. Waterline flushing and discharge from potable water sources.
- b. Uncontaminated ground water (i.e. 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 activity
- 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 water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (i.e. 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.

28-20A.5 Enforcement. This Article shall be enforced by the Health Department of the Township of Rockaway.

28-20A.6 Penalties. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished in accordance with Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION TWO. All Ordinances of the Township of Rockaway that are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

C E R T I F I C A T I O N

I, Mary C. Cilurso, Township Clerk, Township of Rockaway County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Rockaway Township Council held on June 7, 2006 and adopted by the Governing Body at a regular meeting of the Township held on July 5, 2006.

Mary C. Cilurso
Mary C. Cilurso, RMC/CMC, Township Clerk

Approved By:

Louis S. Sceusi

Louis S. Sceusi
Mayor