ORDINANCE - 2005-31

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 188 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "SANITARY CODE"

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

1. That Section 188 "Sanitary Code" is herby amended and supplement to add new Section 188-2.1 entitled "Illicit Connection" as follows:

§188-2.1 Illicit Connection:

A. Purpose:

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Colts Neck, so as to protect pubic health, safety and welfare and to prescribe penalties for the failure to comply.

B. 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 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.

1. Domestic sewage – waste and wastewater from humans or household operations

2. Illicit 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 Colts Neck, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJG0151564). Non-physical connections may include, but are not limited to, leaks, flows or overflows into the municipal separate storm sewer system.

3. Industrial waste – nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b) or (c)).

4. 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 Colts Neck or other public body, and is designed and used for collecting and conveying stormwater.

5. 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

6. 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.

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

8. 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.

9. 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.

C. Prohibited Conduct:

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 Colts Neck any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

2. That Section 188-3 "Enforcement, Violations and Penalties" of Chapter 188 "Sanitary Code" is hereby amended and supplemented in the following parts only:

§188-3 Enforcement; violations and penalties:

A. The Code Enforcement ~~Zoning~~ Officer, ~~members of the Board of~~ Health Officer and members of the Police Department of the township shall have the power to enforce ~~inspect and reinspect the premises upon which any individual sewage disposal system, swimming pool and/or alleged nuisance exists, and to advise and make complaints for~~ any violations ~~hereunder~~ of this Chapter.

B. Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than $50 nor more than $1,000 for each violation. In the event that a defendant refuses or neglects to pay the amount of a judgment rendered against him or her and all costs, he or she may be committed to the County Jail for a period not exceeding 90 days. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense. In case a defendant shall have been twice convicted, within the space of six months, of the violation of these codes and ordinance, or due proof of such fact is made, the court may, in addition to the imposition of a fine, cause the defendant to be imprisoned in the County Jail or County Workhouse, with or without hard labor, for any number of days not exceeding one for each $1 of the penalty.

3. Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged 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.

4. Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

5. Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

6. This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of the Township of Colts Neck on the 21st day of December, 2005

Benjamin T. Forester, Mayor

Robert Bowden, Township Clerk

ORDINANCE READING	DATE
1ST READING BY TITLE:	November 30, 2005
2ND READING BY TITLE:	December 21, 2005

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
Motion To Approve					X
Motion Seconded			X		
Approve	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					