

ORDINANCE NO. 319

**AN ORDINANCE TO PROHIBIT THE SPILLING, DUMPING OR DISPOSAL OF MATERIALS
OTHER THAN STORMWATER INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM
IN THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY
AND PRESCRIBING PENALTIES FOR THE FAILURE TO COMPLY**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH ARBOUR AS FOLLOWS:

SECTION I. Purpose:

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Village of Loch Arbour, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. 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 Village of Loch Arbour 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.

SECTION III. Prohibited Conduct:

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

SECTION IV. 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.

SECTION V. Enforcement:

This Ordinance shall be enforced by the Police Department pursuant to the current Interlocal Services Agreement, the Zoning Official or the Sewer System Operator (C-4) of the Village of Loch Arbour.

SECTION VI. Penalties:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty (\$1,250.00) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of this Ordinance shall exist shall constitute a separate violation.

SECTION VI. Severability:

A. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

B. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 1st day of March 2006.

LORRAINE CARAFA, R.M.C.
Village Clerk

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First publication: February 9, 2006
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Attorney: Kenneth B. Fitzsimmons, Esq.