

ORDINANCE NO. 3632

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 201, SEWERS AND SEWAGE DISPOSAL BY ADDING NEW ARTICLE V, ILLICIT CONNECTIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM(S).

SUMMARY

This ordinance amends Chapter 201, Sewers and Sewage Disposal with the addition of Article V, Illicit Connections to Municipal Separate Storm Sewer Systems(s) which provides for the prohibition of illicit connections to the municipal separate storm sewer system(s) operated by the Township of Franklin, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin is hereby amended and supplemented as follows:

SECTION I

Chapter 201, Sewers and Sewage Disposal is hereby supplemented by the addition of the following:

ARTICLE V, ILLICIT CONNECTIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM(S)

§201-29. Purpose.

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Franklin, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

§201-30. Definitions.

For the purpose of this ordinance, the following terms, phrases, words or 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 text, words used in the present tense include the future, words 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE – Waste and wastewater from humans or household operations.

PERSON – Any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

ILLICIT CONNECTION – Any physical or non-physical connection that discharges domestic waste, 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 Franklin, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General permit (NJPDES Permit number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system of conveyances (including roads with drainage system, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by

the Township of Franklin or other public body, and is designed and used for collecting or conveying stormwater.

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.

INDUSTRIAL WASTE - Non-domestic 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. Subsection 1317 (a), (b) or (c)).

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.

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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

NON-CONTACT COOLING WATER – Water used to reduce temperature for the purposes 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 algacides, biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

§201-31. Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal sewage separate storm sewer system operated by the Township of Franklin any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§201-32. Enforcement.

The Franklin Township Police Department, Engineering Department and Zoning Department shall enforce the provisions of this Article.

§201-33. Violations and Penalties.

Any person(s) who is found to be in violations of the provisions of this ordinance shall be subject to a fine not to exceed one thousand dollars (\$1,000). Everyday that a violation continues after the due notice has been served shall be deemed to be a separate violation.

SECTION II

Each clause, 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 the ordinance.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3632

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

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| Introduced: | August 8, 2006 |
| Public Hearing: | September 12, 2006 |
| Adoption: | September 12, 2006 |
| Published: | September 18, 2006 |
| Effective Date: | October 2, 2006 |

Ann M. McCarthy, Township Clerk