

ARTICLE II
[Added 10-17-2023 by Ord. No. 2023-09]

Improper Disposal of Waste Ordinance

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 Lower Alloways Creek so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

135.21 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.

1. 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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. 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.

135.22. Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by [insert name of municipality] 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.

135.23. Exceptions to Prohibition:

1. Water line flushing and discharges from potable water sources
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
3. Air conditioning condensate (excluding contact and non-contact cooling water)
4. Irrigation water (including landscape and lawn watering runoff)
5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
6. Residential car washing water, and residential swimming pool discharges
7. Sidewalk, driveway and street wash water
8. Flows from fire fighting activities
9. 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.

135.24. Enforcement:

This ordinance shall be enforced by the Lower Alloways Creek Township Police Department.

§ 135-25. Violations and penalties.

A. For each and every violation of any provision of this chapter, the owner, building contractor or other person interested as general agent, plumber, tenant or any other person or corporation who commit, take part or assist in any violation of this chapter or who maintain any building or premises in which any violation of this chapter shall exist, shall for each and every violation be imprisoned in the county jail for a period of not exceeding ninety (90) days or be fined in an amount not exceeding five hundred dollars (\$500), or both, at the discretion of the court before which a conviction may be had. Each and every day that such violation continues shall be considered a separate and distinct violation of this chapter.

B. In addition to the penalty prescribed above, any person, company or corporation violating this chapter or any provision or section thereof may be proceeded against by the Township of Lower Alloways Creek by appropriate action or by proceeding in equity or otherwise to enjoin any violation of this chapter or to prevent and enjoin any threatened violation of this chapter.