

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED "ZONING," SECTION 5, ENTITLED "GENERAL REGULATIONS," SO AS TO CREATE A NEW SUBSECTION 22, ENTITLED "IMPROPER DISPOSAL OF WASTE"**

**BE IT ORDAINED** by the Township Committee of the Township of Plumsted, County of Ocean and State of New Jersey, as follows:

**SECTION 1.** Chapter 15 of the General Ordinances of the Township of Plumsted entitled "Zoning," Section 5, entitled "General Regulations," shall be amended and supplemented so as to create a new Subsection 22, entitled "Improper Disposal of Waste," which shall read in its entirety as follows:

**§ 15-5.22. Improper Disposal of Waste.**

- a. 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 Township of Plumsted so as to protect 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 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.

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 Plumsted or other public body, and is designed and used for collecting and conveying stormwater. 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.

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

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

Township of Plumsted 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.

d. Exceptions to Prohibition.

- (1) Water line flushing or 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:
  - a. Beach maintenance equipment immediately following their use for their intended purposes; and
  - b. 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 drying cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
  - c. Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to the engines or other enclosed machinery.

(10) Township-approved events.

- e. Enforcement. This ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Township of Plumsted.
- f. Penalties. Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine of not less than one hundred (\$100) dollars nor more than one thousand (\$1000) dollars per day.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

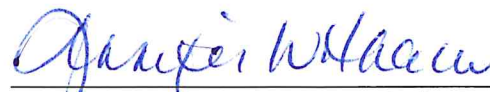
NAME	CALABRESE	CUOZZO	GRILLETTO	MARINARI	BOWEN
AYES	11/31/22	11/31/22 12/1/22	11/31/22 12/1/22	11/31/22 12/1/22	11/31/22 12/1/22
ABSTAIN					
NAYS					
ABSENT	12/1/22				

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **3<sup>rd</sup>** day of **November, 2022** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **1<sup>st</sup>** day of **December, 2022** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to protect public health, safety and welfare by prohibiting the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Plumsted, and to provide penalties for violation of the same.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



**JENNIFER WITHAM, RMC, CMR**  
**MUNICIPAL CLERK**