

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2006-11

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR
THE PREVENTION OF STORMWATER POLLUTION

WHEREAS, the State of New Jersey, through the Department of Environmental Protection, has mandated new Pollution Prevention measures applicable to all Tier A municipalities through their New Jersey Pollution Discharge Elimination System Permits, and the need for each municipality to adopt Ordinances regulating and implementing municipal Pollution Prevention measures; and

WHEREAS, the Lebanon Borough Council is desirous of implementing such municipal Pollution Prevention Ordinances as part of its General Regulations applicable to all use zones within the Borough.

NOW THEREFORE BE IT ORDAINED by the Common Council of the Borough of Lebanon, County of Hunterdon, State of New Jersey that the Development Regulations of the Borough shall be amended to implement Pollution Prevention measures as outlined in the Borough's Stormwater Pollution Prevention Plan.

SECTION I: PURPOSE:

The purpose of this ordinance is to prevent Stormwater pollution by establishing a Yard Waste Collection and Disposal Program by establishing requirements for the proper handling of yard waste and the proper disposal of pet solid waste, and to control litter, and prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system, to prohibit illicit connections to the municipal separate storm sewer system, and to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Lebanon so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. YARD WASTE COLLECTION PROGRAM:

1. 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. Containerized - means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

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

C. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

D. Yard Waste - means leaves and grass clippings.

2. Yard Waste Collection:

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION III: CONTAINERIZED YARD WASTE:

1. 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. Containerized - means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

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

C. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

D. Yard Waste - means leaves and grass clippings.

2. Prohibited Conduct:

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV: PET WASTE:

1. 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. Immediate - shall mean that the pet solid waste is removed at once, without delay.
- B. Owner/Keeper - any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- C. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- D. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- E. Pet solid waste - waste matter expelled from the bowels of the pet; excrement.
- F. Proper disposal placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

2. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

3. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION V: LITTER CONTROL:

1. 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. Litter-any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

B. Litter Receptacle - a container suitable for the depositing of litter.

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

2. Prohibited acts and regulated activities:

A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

B Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION VI: IMPROPER DISPOSAL OF WASTE:

1. 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 Borough of Lebanon 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.

2. Prohibited Conduct:

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

3. 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 VII: ILLICIT CONNECTION:

1. 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. 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.

- A. Domestic sewage - waste and wastewater from humans or household operations.
- B. 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 Borough of Lebanon, 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.
- C. 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. §1317(a), (b), or (c)).

D. 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 Borough of Lebanon or other public body, and is designed and used for collecting and conveying stormwater.

E. 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

F. 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 algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

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

H. 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.

I. 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.

2. 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 Borough of Lebanon any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION VIII: WILDLIFE FEEDING:

1. 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. Feed - to give, place, expose, deposit, distribute or scatter any edible material with the

intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

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

C. Wildlife - all animals that are neither human nor domesticated.

2. Prohibited Conduct:

A. No person shall feed, in any public park or on any other property owned or operated by the Borough of Lebanon any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

SECTION IX: VIOLATIONS AND PENALTIES:

Any person, firm, corporation or other entity, violating any of the provisions hereof shall be subject to one or more of the following penalties: a fine not exceeding \$1,250.; or a period of community service not exceeding ninety (90) days; or a jail term not exceeding ninety (90) days; in the discretion of the Municipal Court.

SECTION X: ENFORCEMENT:

This section of ordinance shall be enforced by the Zoning Officer; Code Enforcement Officer, or other person(s) designated by Resolution of the Borough Council.

SECTION XI: SEVERABILITY:

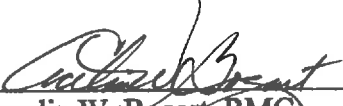
If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION XII: EFFECTIVE DATE:

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

ATTEST:

LEBANON BOROUGH COUNCIL:


Cecelia W. Bogart, RMC
Borough Municipal Clerk


Mark Paradis
Council President

Vote after public hearing and upon final adoption:

| | |
|-------------------|-----|
| R. Gary Quick | Yes |
| Frank Clark | Yes |
| Mark Paradis | Yes |
| Mary B. Logan | Yes |
| Christopher Foley | Yes |
| Michael Reino | Yes |

Ordinance approved by the Governing Body and presented to the Mayor on April 19, 2006.

Veto in Whole or Part:

Approved By:

Lisa Uchrin, Mayor



Lisa Uchrin, Mayor

Return to Borough Clerk with statement
attached on April 19, 2006.

First Reading:
Second Reading, Public Hearing, and Adoption:

April 3, 2006
April 19, 2006

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