

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #12-05

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO AMEND
CHAPTER 129, LITTERING, TO PROHIBIT THE IMPROPER
DISPOSAL OF WASTE**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 129, Littering, Section 129-5, Sweeping litter into gutters prohibited, is hereby amended to read as follows:

"Section 129-5. Improper disposal of waste.

A. Purpose. The purpose of this ordinance is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Mendham so as to protect public 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 ordinance 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) and is designed and used for collecting and conveying stormwater.

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.** No person shall spill, dump, or dispose of materials other than stormwater to the municipal separate storm sewer system; or spill, dump or dispose of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system.

D. Exceptions.

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:
 - (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 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 2. Chapter 129, Littering, Section 129-15, Violations and penalties, is hereby amended to read as follows:

"Section 129-15, Enforcement, violations and penalties.

A. Enforcement. All police officers of the Borough, the Department of Public Works Superintendent or his/her duly authorized designee and the Zoning Officer or his/her duly authorized designee, are hereby given full power and authority and are charged with the duty to enforce all provisions of this chapter.

B. Penalties. Any person or persons, firm, association or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to any one or more of the following penalties: a fine not exceeding \$1,250, but in no event less than \$100, imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days."

SECTION 3. All Ordinances of the Borough of Mendham which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: April 4, 2005

Adopted: May 2, 2005

ATTEST:

APPROVED:

Maureen Massey, RMC, CMC
Borough Clerk

Neil Henry, Council President