

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE 1139 -2024 IMPROPER DISPOSAL OF WASTE

SECTION I. 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 Borough of Demarest to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II. 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 consistent 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)” means 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 Demarest 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.”

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

C. “Stormwater” means 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.

SECTION III. Regulated Activities: The spilling, dumping, or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by the Borough of Demarest is prohibited.

SECTION IV. Exemptions:

A. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a

minimum of three times the volume of the well water column, shall be handled and disposed of properly;

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; and industrial refrigerant condensate);

D. Irrigation water (including landscape and lawn watering runoff);

E. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;

F. Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;

G. Sidewalk, driveway, and street wash water;

H. Flows from firefighting activities including the washing of fire fighting vehicles;

I. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;

J. Rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

K. Flows from clean water rinsing of equipment and vehicles used in the application of salt and deicing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and

L. Rinsing of deicing equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

SECTION V. Enforcement: This ordinance shall be enforced by the Code Enforcement Officer.

SECTION VI. Violations and Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine no less than \$100 and not to exceed \$500 for each incident.

SECTION VII. Severability: Each 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 this Ordinance.

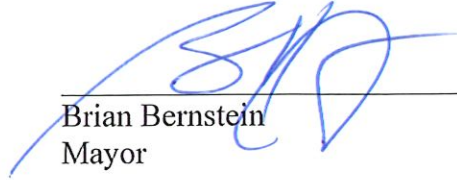
SECTION VIII. Effective Date: This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Attest:

Approved:



Julie Falkenstern
Acting Municipal Clerk



Brian Bernstein
Mayor

Introduced: 6/24/24

Adopted: 7/8/24