

Introduced: 06/13/2023
Public Hearing: 07/11/2023
Adopted: 07/11/2023

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 16-2023**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY CREATING TITLE 9, PUBLIC PEACE, MORALS, AND
WELFARE, CHAPTER 9.20, IMPROPER DISPOSAL OF WASTE, OF THE
TOWNSHIP CODE OF ORDINANCES**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that improper disposal of waste presents significant pollution hazards to streams and waterways, including those located in the Township of Tewksbury (the "Township"); and

WHEREAS, in August 2022, NJDEP re-classified 101 municipalities, including the Township, from MS4 Permit Program Tier B to Tier A; and

WHEREAS, the Township Committee finds and declares that in order to comply with the Tier A MS4 Permit Program requirement, it is in the best interests of the Township and its residents to regulate the disposal of waste.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 9, Public Peace, Morals, and Welfare, Chapter 9.20, Improper Disposal of Waste, of the Township Code of Ordinances is hereby created as follows:

9.20.010 – Purpose.

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

9.20.020- Definitions.

The following terms, phrases, words, and their derivations shall have the meanings stated herein.

- 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 the Township of Tewksbury, 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."

- 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.

9.20.030 – Disposal of Waste.

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

9.20.040 – Exceptions.

The following shall be exempt from the prohibitions of this Chapter.

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water, including 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 firefighting activities.
- I. Flows from rinsing of 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.

9.20.050 – Enforcement.

These provisions of this chapter may be enforced by any officer of the Township of Tewksbury.

9.20.060 – Violations and Penalty.

Any person who is found to be in violation of the provisions of this chapter shall be subject to the penalties set forth in the General Penalty Chapter of this Code.

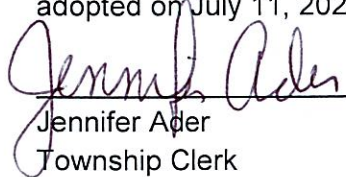
SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on June 13, 2023 and adopted on July 11, 2023.



Jennifer Ader
Township Clerk

