

**§ 241-1. Purpose.**

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 241-2. Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

**DOMESTIC SEWAGE** — Waste and wastewater from humans or household operations.

**ILLICIT CONNECTION** — Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Essex Fells, unless that discharge is authorized under an NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit No. NJ0148792). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE** — Nondomestic 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)].

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Essex Fells or other public body and is designed and used for collecting and conveying stormwater.

**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.

**NONCONTACT 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. Noncontact cooling water may, however, contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

**PERSON** — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

**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.

**§ 241-3. 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 Essex Fells any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§ 241-4. Enforcement.**

This article shall be enforced by the Police Department of Essex Fells.

**§ 241-5. Violations and penalties. [Amended 11-17-2009 by Ord. No. 2009-878]**

Any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article III, General Penalty, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.