

**§ 241-6. Purpose.**

The purpose of this article is 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 Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 241-7. 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.

**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.

**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.

**§ 241-8. Prohibited conduct.**

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

**§ 241-9. Exceptions to prohibition. [Amended 11-17-2009 by Ord. No. 2009-878]**

Exceptions to the prohibition on improper disposal of waste to the municipal separate storm sewer system shall be as follows:

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air-conditioning condensate (excluding contact and noncontact 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:
  - (1) Beach maintenance equipment immediately following its use for its intended purposes; and
  - (2) Equipment used in the application of salt and deicing materials immediately following salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing 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. The 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.

**§ 241-10. Enforcement.**

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

**§ 241-11. 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.