

## ORDINANCE NO. 28-2005

### ORDINANCE OF THE TOWNSHIP OF LIVINGSTON ADDING A NEW CHAPTER 179 “IMPROPER DISPOSAL OF WASTE” TO THE GENERAL CODE OF THE TOWNSHIP OF LIVINGSTON

#### **Section 1. 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 Township of Livingston, so as to protect public health, safety and welfare.

#### **Section 2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

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 Livingston 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.

#### **Section 3. Prohibited Conduct.**

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

#### **Section 4. Exceptions to Prohibition**

- A. Water line flushing and discharges from potable water sources
- 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)
- 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 their use for their intended purposes; and
  2. 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 5. Violations and penalties.**

Unless another penalty is expressly provided herein, any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 6.** Except as hereby amended, the General Code of the township of Livingston shall remain in full force and effect.

**Section 7.** This Ordinance shall take effect upon final passage and publication in accordance with the law.

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DAVID B. KATZ, Mayor

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GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

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SHARON L. WEINER, Township Attorney  
 Adopted: 9/19/05