

Ordinance #	05-2666
Introduction Date:	7/12/05
Hearing Date:	9/7/05 (<i>Wed.</i>)
Final Consideration <i>Postponed to:</i>	9/20/05
Passage Date:	9/20/05

AN ORDINANCE AMENDING THE CODE, CHAPTER XXVI, STORM WATER MANAGEMENT REGULATIONS. (*Pet Waste, Improper Disposal of Waste, Wildlife Feeding and Illicit Connection*)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT as follows:

Section 1. That The Code be and it is hereby amended to add **CHAPTER XXVI, STORM WATER MANAGEMENT REGULATIONS** as follows:

26.1 STORM WATER MANAGEMENT - RESERVED

26.3 PET WASTE

26.3-1 PURPOSE

To establish requirements for the proper disposal of pet solid waste in City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

26.3-1.2 DEFINITIONS

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

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.

- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

26.3-3 REQUIREMENT FOR DISPOSAL

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

26.3-4 EXEMPTIONS

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

26.4 LITTER CONTROL

(See Chapter 3, POLICE REGULATIONS, Section 3-7, LITTER PREVENTION REGULATIONS)

26.5 IMPROPER DISPOSAL OF WASTE

26.5-1 PURPOSE

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

26.5-2 DEFINITIONS

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

Section 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.

- 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 City of Summit or other public body, and is designed and used for collecting and conveying stormwater.
- 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 removal equipment.

26.5-3 PROHIBITED CONDUCT

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

26.5-4 EXCEPTIONS TO PROHIBITIONS

- 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 or hot tub 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: Beach maintenance equipment immediately following their use for their intended purposes; and - 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.

26.6 WILDLIFE FEEDING

26.6-1 PURPOSE

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

26.6-2 DEFINITIONS

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

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

26.6-3 PROHIBITED CONDUCT

No person shall feed, in any public park or on any other property owned or operated by the City of Summit, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

26.6-4 ENFORCEMENT

With respect to this section, any person found to be in violation of this section shall be ordered to cease the feeding immediately.

26.7 CONTAINERIZED YARD WASTE

26.7-1 PURPOSE

To establish requirements for the proper handling of yard waste in the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

26.7-2 DEFINITION

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

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

26.7-3 PROHIBITED CONDUCT

- a. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street.
- b. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

26.8 YARD WASTE COLLECTION PROGRAM (See Chapter 23, SOLID WASTE MANAGEMENT)

26.9 ILLICIT CONNECTION

26.9-1 PURPOSE

To prohibit illicit connections to the municipal separate storm sewer system(s) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

26.9-2 DEFINITIONS

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

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number

- NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic 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)).
 - d. 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 City of Summit or other public body, and is designed and used for collecting and conveying stormwater.
 - e. 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.
 - f. Non-contact 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. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
 - g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - h. 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, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
 - i. 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.

26.9-3 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 City of Summit any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

Section 3. ENFORCEMENT

The provisions of this Chapter shall be enforced by an prompt investigation made by the appropriate personnel of the City of Summit of any person or entity believed to be in violation of this Chapter. Nothing in this Chapter shall be construed to preclude the City's right, pursuant to any applicable statute, to initiate legal proceedings under this Chapter in Municipal Court. The violation of any section or subsection of this Chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order pursuant to this Chapter. Each day a violation continues shall be considered a separate offense.

Section 4. VIOLATIONS AND PENALTY

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to an initial fine of \$100.00 per violation, which shall increase by \$100.00 for each subsequent violation.

Section 5. SEVERABILITY

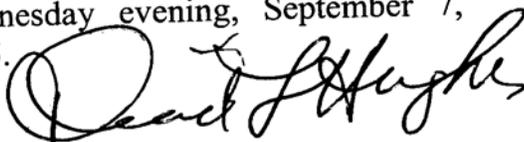
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 6. 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.

Dated: September 7, 2005

I, David L. Hughes, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Wednesday evening, September 7, 2005.



City Clerk

Approved:



Mayor