

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 06-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE
BOROUGH CODE ENTITLED "MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4), TIER A COMMUNITY-WIDE ORDINANCES" TO ADD NEW
SECTION 18-4 ENTITLED "IMPROPER DISPOSAL OF WASTE"**

WHEREAS, in July 2022, the New Jersey Department of Environmental Protection ("NJDEP") reassigned all New Jersey municipalities designated as "Tier B" under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to "Tier A" effectively invalidating the "Tier B" permit program; and

WHEREAS, as a result of Tier A reassignment, the Borough of Ogdensburg ("Borough") is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System ("NJPDES") Master General Permit renewed January 1, 2023; and

WHEREAS, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

WHEREAS, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in Chapter 18 of the Borough Code entitled "Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances."

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 of the Borough Code entitled "Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances" is hereby amended to add new Section 18-4 entitled "Improper Disposal of Waste" as follows:

SECTION 1. Section 18-4 entitled "Improper Disposal of Waste" is hereby added to Chapter 18 of the Borough Code as follows:

§ 18-4 IMPROPER DISPOSAL OF WASTE

18-4.1 Purpose.

The purpose of this Section 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 Ogdensburg, so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.

18-4.2 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 Chapter 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 (MS-4)

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 Borough of Ogdensburg 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.

18-4.3 Prohibited Conduct.

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

18-4.4 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 firefighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - 1. Beach maintenance equipment immediately following their use for their intended purposes.
 - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing 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.
 - 3. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines other enclosed machinery.

18-4.5 Enforcement.

This ordinance shall be enforced by the Ogdensburg Police Department and/or other Municipal Officials of the Borough of Ogdensburg

18-4.6 Penalties.

Any person(s) who is found to be in violation of this Section shall be subject to a

minimum fine of not less than \$50 nor maximum fine more than \$250 for each and every violation.


SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

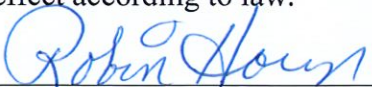
Attest:


Robin Hough, Borough Clerk


George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on June 12, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on June 26, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.


Robin Hough, Borough Clerk

Roll call vote for Introduction Ordinance 06-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenber	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption Ordinance 06-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 06-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE
ENTITLED “MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A
COMMUNITY-WIDE ORDINANCES” TO ADD NEW SECTION 18-4 ENTITLED
“IMPROPER DISPOSAL OF WASTE”**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 12th day of June, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 26th day of June, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR