

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 09-2023**

**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 18-7 ENTITLED “ILLICIT CONNECTION”**

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 18-7 entitled “Illicit Connection” as follows:

SECTION 1. Section 18-7 entitled “Illicit Connection” is hereby added to Chapter 18 of the Borough Code as follows:

§ 18-7 ILLICIT CONNECTION

§ 18-7.1 Purpose.

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

§ 18-7.2 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 the 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. 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 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 Borough of Ogdensburg, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ 0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

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)).

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 Borough of Ogdensburg or other public body, and is designed and used for collecting and conveying stormwater.

NJDES 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.

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 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, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact 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.

§ 18-7.3 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 Ogdensburg any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 18-7.4 Enforcement.

The provisions of this ordinance shall be enforced by Ogdensburg Police Department and/or Municipal Officials of the Borough of Ogdensburg.

§ 18-7.5

Penalties.

Any person(s) who is found to be in violation of this Section shall be subject to a fine not less than \$50 nor maximum fine more than \$250 for each and every violation.

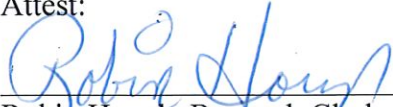
SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

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:



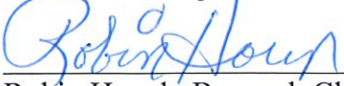
Robin Hough, Borough Clerk



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 July 10, 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 July 24, 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 09-2023:

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)				

Roll call vote for Adoption Ordinance 09-2023:

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 09-2023**

**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 18-7 ENTITLED
"ILLICIT CONNECTION"**

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 10th day of July, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 24th day of July, 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