

ORDINANCE # 2006 - 01

**AN ORDINANCE ENACTING CHAPTER 150,
STORMWATER POLLUTION PREVENTION PLAN (SP3),
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR,
MERCER COUNTY, NEW JERSEY AND DELETING CHAPTER 108,
“LITTERING” FROM THE SAME CODE**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has developed the Municipal Stormwater Regulation Program as a result of the US Environmental Protection Agency’s (USEPA) Phase II rules addressing pollutants entering into our water tributaries; and

WHEREAS, the Township was required to obtain a Tier “A” Municipal Stormwater Discharge Permit as part of these new regulations; and

WHEREAS, the Township was required to develop a Stormwater Program; and

WHEREAS, the Township is required to adopted or amend certain Ordinances to prevent Stormwater Pollution.

NOW, THEREFORE, be it ordained by the Township Council of the Township of West Windsor, Mercer County, New Jersey, a new chapter designated as “Chapter 150” that has been reserved for future use, now is enacted as follows:

Chapter 150,
STORMWATER POLLUTION PREVENTION PLAN (SP3)

Section 1. Article I of Chapter 150, dealing with illicit connections, is hereby enacted as follows:

ARTICLE I - ILLICIT CONNECTION

§ 150-1. Purpose:

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 150-2. 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 section clearly demonstrates a different meaning. The definitions below are either 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 (such as appliances).
- 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 Township of West Windsor, 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 .S.C. §1317(a), (b), or (c)).
- d. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including streets with drainage systems, catch basins, curbs, gutters, ditches, channels, or storm drains) that is owned or operated by the Township of West Windsor or other public body, and collects and conveys 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. 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.

h. 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.

§ 150-3. 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 Township of West Windsor any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 150-4. Enforcement and Penalties:

This article shall be enforced by the Police, Township Engineer, Health Officer or the Plumbing Subcode Official and/or their designee of the Township of West Windsor by the issuance of complaints to responsible property owners with penalties to be imposed on violators as provided in Chapter 1, Section 1-3 “General Penalty” of the Township Code.

Section 2. Article II of Chapter 150, dealing with the proper disposal of waste, is hereby enacted as follows:

ARTICLE II – IMPROPER DISPOSAL OF WASTE

§ 150-5. 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 Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 150-6. Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of West Windsor 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 except as provide in Article VI – Yard Waste Collection.

§ 150-7. Exceptions:

The following exceptions may be allowed with the stipulation that the discharge does not create or contribute to a public health nuisance (as defined in Chapter 115-3A):

- 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.

j. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street during the seven (7) days prior to a scheduled and announced collection, and not placed closer than 10 feet from any storm drain inlet as permitted in §150-26.

k. Proper use of lawn fertilizer.

§ 150-8. Enforcement and Penalties:

This article shall be enforced by the Police, Township Engineer, Health Officer or the Plumbing Subcode Official and/or their designee of the Township of West Windsor by the issuance of complaints to responsible property owners with penalties to be imposed on violators as provided in Chapter 1, Section 1-3 “General Penalty” of the Township Code.

Section 3. Article III of Chapter 150, dealing with litter control, is hereby enacted as follows:

ARTICLE III – LITTER CONTROL

GENERAL REFERENCES

Solid waste -- See Ch. 148.

Parks and recreation areas -- See Ch. 122, Art. II.

§ 150-9. Purpose:

The purpose of this article is to establish requirements to control littering in the Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 150-10. Definitions:

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

- a. Private property - Any dwelling or structure, whether or not occupied, as well as any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling or structure.
- b. Public ways adjacent to private property - The areas from the side edge of a highway, street or road, whether or not curbed, to and including the sidewalk, if any, and if no sidewalk, to the front property line of the adjacent private property, and all areas used for any public park, playground, municipal building or other installation, including driveways, parking areas, walks, paths and other public ways thereupon.
- c. Litter - any used or unconsumed substance or waste material which has been manufactured or otherwise man-made and has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste except as provided in **Article VI – Yard Waste Collection**, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- d. Litter Receptacle – a container suitable for the depositing of litter.

§ 150-11. Prohibited acts and regulated activities :

- a. It shall be unlawful for any person to place upon, deliver, deposit, throw upon, leave or abandon within or upon any private property or public ways adjacent to private property in the township any garbage, cans, bottles, cartons and other types of refuse or any handbills, advertisements, brochures, flyers, shoppers or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever other than in a litter receptacle.
- b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat

shall also be deemed to have violated this ordinance.

§ 150-12. Exceptions:

The provisions of this article shall not be applicable to the delivery of:

- a. Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.
- b. Parcels, packages and materials by and in accordance with the rules of the Railway Express Agency or other utility licensed or regulated for such purposes and those delivered by vendors where ordered by the owner or occupant of the recipient premises.
- c. Newspapers and other publications and periodicals, only if subscribed to by the owner or occupant of the recipient premises, provided that they are either placed firmly in a receptacle designed for such purpose of or, if none, then tightly wrapped to prevent blowing or scattering upon the recipient premises or adjacent areas.
- d. Laundry, dry cleaning, dairy, bakery and similar food products and commercial product sampling by agreement with or invitation of the owner or occupant of the recipient premises.
- e. Solicitation cards, brochures and flyers by duly authorized bona fide nonprofit charitable organizations, including, but not limited to, United Fund, American Red Cross, religious, educational and medical and volunteer police, fire and ambulance organizations, provided that they are packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.
- f. Noncommercial handbills of a political or other nature whose distribution is or may be protected by constitutional rights of free speech, provided that they are packaged and placed in such manner as not to blow and scatter upon the recipient premises or adjacent areas.
- g. Unsolicited and nonsubscribed newspapers, publications and other periodicals of a commercial nature, in whole or in part, provided that distribution of the same is in compliance with this chapter, and further provided that they are packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

§ 150-13. Unsolicited and nonsubscribed commercial publications:

The delivery of unsolicited and nonsubscribed newspapers and publications and other periodicals of a commercial nature shall be discontinued at such time as the owner or occupant of any property within the township shall, in writing, transmit to the publisher and/or deliverer notice of objection to the continued delivery of any such unsolicited and nonsubscribed publication. Such notice of objection shall continue in effect until revoked, and it shall be deemed a violation of this section for any person to deliver or continue to deliver any such unsolicited and nonsubscribed publication to any such objecting owner or occupant.

§ 150-14. Enforcement and Penalties:

This article shall be enforced by the Police Department of the Township of West Windsor by the issuance of complaints to responsible parties with penalties to be imposed on violators as provided in Chapter 1, Section 1-3 “General Penalty of the Township Code..

Section 4. Article IV of Chapter 150, dealing with pet waste, is hereby enacted as follows:

ARTICLE IV – PET WASTE

§ 150-15. Purpose:

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in the Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 150-16. Definitions:

- 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. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- d. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- e. 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. Proper disposal does not include placement of waste in privately owned trash cans or dumpsters, unless the owner of such grants permission for said disposal.

§ 150-17. 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.

§ 150-18. Exemptions:

a. 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.

b. Any owner or keeper who disposes of pet waste, such as horse or cow manure, upon the property of a resident to West Windsor Township at the request of such resident for the purpose of a vegetable or flower garden shall be exempt from the provisions of this section.

§ 150-19. Enforcement and Penalties:

The provisions of this article shall be enforced by either the Police or Animal Control Officer of West Windsor Township by the issuance of complaints to responsible parties with penalties to be imposed on violators as provide in Chapter 1, Section 1-3 "general Penalty" of the Township Code.

Section 5: Article V of Chapter 150, dealing with wildlife feeding, is hereby enacted as follows:

ARTICLE V – WILDLIFE FEEDING

§ 150-20. Purpose:

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park, private deed restricted (e.g., open space, greenbelt, conservation) area or on any other property owned or operated by the Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 150-21. Definitions:

- 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. Wildlife – all animals that are neither human nor domesticated.

§ 150-22. Prohibited Conduct:

- a. No person shall feed any wildlife, in any public park, private deed restricted (e.g., open space, greenbelt, conservation) area or on any other property owned or operated by the Township of West Windsor, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental facilities and education centers).
- b. A licensed Animal Control Officer, Public Health Official, or other designated official, under the direction of the Health Officer or Chief of Police, may be exempt from the prohibition of wildlife feeding when such activities are conducted for the purpose of Health and Welfare.

§ 150-23. Enforcement and Penalties:

- a. This article shall be enforced either by the Police or the Animal Control Officer of the Township of West Windsor.
- b. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.
- c. If a person shall persist in violating this Article after being ordered to cease feeding, then in that event, such person shall be subject to the penalties provided in Chapter 1, Section 1-3 “General Penalty” of the Township Code, after the issuance of a complaint by the Police or Animal Control Officer.

Section 6. Article VI. of Chapter 150, dealing with yard waste collections, is hereby enacted as follows:

ARTICLE VI – YARD WASTE COLLECTION

§ 150-24. Purpose:

The purpose of this article is to establish a yard waste collection and disposal program in the Township of West Windsor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 150-25. Definitions:

- 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. Yard Waste – means brush, leaves, yard debris, (e.g., branches less than 4 inch diameter and 5 foot in length or greater than 4 inch diameter and less than 18 inches in length, twigs, shrub clippings, garden trimmings, plant stalks, pine needles, tree trimmings, pruning debris, weeds, flowers, brown Sweet Gum balls, etc.) “Yard Waste” does not mean grass, soil, garbage, fruits, vegetables, railroad ties, landscape timber, pressure treated material, concrete, bricks, tree stumps or large tree limbs, wood, construction materials, stones, plywood, 2x4s, etc.

§ 150-26. Yard Waste Collection:

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste in the public ways adjacent to private property (as defined in § 150-10b. of Article III) at any other time or in any other manner is a violation of this ordinance.

§ 150-27. Enforcement and Penalties:

The provisions of this article shall be enforced by the Police Department or the Director of Public Works and/or their designee of the Township of West Windsor by the issuance of complaints to responsible property owners with penalties to be imposed on violators as provided in Chapter 1, Section 1-3, "General Penalty" of the Township Code.

Section 7. Chapter 108 of the Township Code, entitled "Littering" is superceded by this Chapter and is hereby deleted.

Section 8. 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 9. Effective Date

This Ordinance shall become effective twenty (20) days after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Township Council. Publication shall be in accordance with law.

Introduction: January 3, 2006

Public Hearing: January 17, 2006

Adoption: January 17, 2006

Mayor's Approval: January 18, 2006

Effective Date: February 7, 2006