

ORDINANCE NO. 813
ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AMENDING
CHAPTER 104, STORMWATER MANAGEMENT, TO THE CODE
OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey, that Chapter 104, Stormwater Management, of the Code of the Borough of Barrington is hereby amended as follows:

ARTICLE I.
Containerized Yard Waste

ARTICLE I. ARTICLE I. SECTION 104-1. Purpose.

This Article creates an ordinance to establish requirements for the proper handling of yard waste in the Borough of Barrington so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE II. ARTICLE I. SECTION 104-2. 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 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.

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.

ARTICLE III. ARTICLE I. SECTION 104-3. Prohibited Conduct:

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. 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.

ARTICLE II.
Illicit Connections

ARTICLE IV. ARTICLE II. SECTION 104-4. Purpose.

This Article creates an ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Barrington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE V. ARTICLE II. SECTION 104-5. 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 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.

- 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 Borough of Barrington, 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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. Should there be any combined sewer systems within the Borough of Barrington, MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.
- 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.

ARTICLE VI. ARTICLE II. SECTION 104-6. 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 Barrington any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**ARTICLE III.
Improper Disposal of Waste**

ARTICLE VII. ARTICLE III. SECTION 104-7. Purpose.

This Article creates 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 Borough of Barrington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE VIII. ARTICLE III. SECTION 104-8. 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 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.

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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. Should there be any combined sewer systems within the Borough of Barrington, MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

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.

ARTICLE IX. ARTICLE III. SECTION 104-9. Prohibited Conduct.

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

ARTICLE X. ARTICLE III. SECTION 104-10. Exceptions to Prohibition:

The following constitute exceptions to the prohibitions as listed in Section 9, above:

- a. Water line flushing and discharges from potable water sources;
- b. Uncontaminated ground water, such as 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.

(3) 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.

**ARTICLE IV.
Litter Control**

ARTICLE XI. ARTICLE IV. SECTION 104-11. Purpose.

This Article creates an ordinance to establish requirements to control littering in the Borough of Barrington so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE XII. ARTICLE IV. SECTION 104-12. 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 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.

a. Litter - any used or unconsumed substance or waste material which 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, 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.

b. Litter Receptacle – a container suitable for the depositing of litter.

c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

ARTICLE XIII. ARTICLE IV. SECTION 104-13. Prohibited acts and regulated activities.

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

2. 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.

**ARTICLE V.
Pet Waste**

ARTICLE XIV. ARTICLE V. SECTION 104-14. Purpose.

This Article creates an ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Barrington, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

ARTICLE XV. ARTICLE V. SECTION 104-15. 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 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.

- 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.

ARTICLE XVI. ARTICLE V. SECTION 104-16. 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.

ARTICLE XVII. ARTICLE V. SECTION 104-17. 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.

**ARTICLE VI.
Wildlife Feeding**

ARTICLE XVIII. ARTICLE VI. SECTION 104-18. Purpose.

This Article creates an ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Barrington, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

ARTICLE XIX. ARTICLE VI. SECTION 104-19. 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 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.

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.

ARTICLE XX. ARTICLE VI. SECTION 104-20. Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Barrington, any wildlife, excluding confined wildlife (i.e., wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers). In addition to any other penalties that may be imposed under this Article, any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately. .

**ARTICLE VII.
Yard Waste Collection Program**

ARTICLE XXI. ARTICLE VII. SECTION 104-21. Purpose.

This Article creates an ordinance to establish a yard waste collection and disposal program in the Borough of Barrington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE XXII. ARTICLE VII. SECTION 104-22. 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 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.

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.

ARTICLE XXIII. ARTICLE VII. SECTION 104-23. 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 at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**ARTICLE VIII.
General Provisions**

ARTICLE XXIV. ARTICLE VIII. SECTION 104-24. Enforcement.

This ordinance shall be enforced by the Police Department, Health Officer, Code Enforcement Officer, and any and all other Municipal Officials deemed appropriate by the Borough of Barrington.

ARTICLE XXV. ARTICLE VIII. SECTION 104-25. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Barrington, or such other court having jurisdiction, be liable to a fine not exceeding \$1,250.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

ARTICLE XXVI. ARTICLE VIII. SECTION 104-26. 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.

ARTICLE XXVII. ARTICLE VIII. SECTION 104-27. Repealer.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XXVIII. ARTICLE VIII. SECTION 104-26. Effective date.

This Ordinance shall take effect after passage and publication according to law.

THE BOROUGH OF BARRINGTON

BY: *John D. Rink*

John D. Rink, Mayor

ATTEST:

Terry Shannon
TERRY SHANNON, BOROUGH CLERK

Introduced: May 10, 2005
Adopted: June 28, 2005