

Ordinance of the City of Paterson, N.J.

No. 1st Reading No. 05-075

Date NOVEMBER 9, 2005

No. 3 Public Hearing
(2nd Rdg. & Final Passage)

Date to Mayor

Date Returned

Date Submitted to

Council

Division

TITLE: **ORDINANCE ENACTING CHAPTER 153
IMPROPER DISPOSAL OF WASTE**

Factual Contents Certified to By

Manuel Lopez
Title

5/11/05
Date

Approved As To Form and Legality
on Basis of Facts Set Forth

ASLON GOOW, SR.
CORPORATION COUNSEL

Date

COUNCILPERSON ASLON GOOW, SR. Introduced the Following Ordinance:

§153-1. Purpose:

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

§153-2. Definitions:

For the purpose of this ordinance, 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 the City of Paterson or other public body, and is designated and used for collecting and conveying stormwater. 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.

§153-3. Prohibited Conduct:

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

§153-4. Exceptions to Prohibited:

- a. Water line flushing and discharges from potable water sources.
- b. Untampered 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.

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- 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:
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing mater 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.
 - Rising 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.

§153-5. Enforcement:

The ordinance shall be enforced by the Police Department, Department of Public Works and/or other Municipal Officials of the City of Paterson..

§153-6. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$1,250.00.

§153-7. 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.

§153-8. 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.

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SECONDED BY COUNCILPERSON . VERA . AMES-GARNES

Do Not Use Space Below This Line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. AMES-GARNES, VERADENE	X			
2. DAVIS, ANTHONY	X			
3. DIXON, JESSIE M.	X			
4. GOOW, ASLON	X			
5. MCKOY, WILLIAM C.	X			
6. MORRIS, KENNETH	X			
7. ROONEY, THOMAS C.	X			
8. ROSADO, JERRY LUIS	X			
9. TORRES, JUAN	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on Adopted on second and final reading after hearing on **NOVEMBER . 9 . . 2005**

Approved/Rejected By: JOSE "JOEY" TORRES Reconsidered By Council: _____ Over Ride Vote: Aye Nay
 Date: _____
KENNETH M. MORRIS, JR. Council President JANE E. WILLIAMS-WARREN City Clerk