

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 17-2005**

**ORDINANCE TO AMEND THE ORDINANCES**  
**OF THE TOWNSHIP OF PEMBERTON, COUNTY**  
**OF BURLINGTON, STATE OF NEW JERSEY**  
**AND SPECIFICALLY BY ADDING CHAPTER 187**  
**TO BE ENTITLED WASTE DISPOSAL**

**BE IT ORDAINED**, by the Township of Pemberton, in the Township of Pemberton, County of Burlington and State of New Jersey, as follows:

**SECTION I. INTRODUCTION.**

**WHEREAS**, as a requirement of the Pemberton Township Municipal Stormwater General Permit, it is necessary to adopt and enforce a variety of Ordinances dealing with the proper disposal of specific waste; and

**WHEREAS**, one of those requirements is to adopt and enforce an Ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system; and

**WHEREAS**, Pemberton Township intends to amend this Ordinance to comply with any Pinelands Commission requirements, if and when made available.

**NOW, THEREFORE**, the Township Council of the Township of Pemberton hereby amends the Code of the Township of Pemberton by adding a new Chapter designated as Chapter 187 entitled "Waste Disposal" as follows:

**Section 187-1. Purpose.**

This is 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 Township of Pemberton, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**Section 187-2. 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 Township of Pemberton or other public body, and is designed and used for collecting and conveying stormwater.

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.

**Section 187-3. Prohibited Conduct.**

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

**Section 187-4. 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 fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
  - Beach maintenance equipment immediately following their use for their intended purposes; and
  - 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.

**Section 187-5. Enforcement.**

This ordinance shall be enforced by the Police Department and Code Enforcement Officer of Pemberton Township.

**Section 187-6. Violations and Penalty:**

Any person found to be in violation of this ordinance shall be issued a written warning for a first offense. Second and subsequent offenses shall be subject to the penalties provided for in the general penalty provisions of the Pemberton Township Code.

**SECTION II.**

All Ordinances, or parts of Ordinances, inconsistent with the provisions hereof, are repealed insofar as said inconsistency exists.

**SECTION III.**

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 IV.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON  
NOTICE OF PUBLIC HEARING  
ORDINANCE NO. 17-2005**

**ORDINANCE TO AMEND THE ORDINANCES  
OF THE TOWNSHIP OF PEMBERTON, COUNTY  
OF BURLINGTON, STATE OF NEW JERSEY  
AND SPECIFICALLY BY ADDING CHAPTER 187  
TO BE ENTITLED WASTE DISPOSAL**

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on September 15, 2005, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on October 6, 2005, at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, New Lisbon, New Jersey, at 7:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

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MARY ANN YOUNG, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON  
NOTICE OF FINAL PASSAGE  
ORDINANCE NO. 17-2005**

**ORDINANCE TO AMEND THE ORDINANCES  
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Notice is hereby given that Ordinance No. 17-2005 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on October 6, 2005. Said Ordinance shall take effect in accordance with law.

ATTEST:

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MARY ANN YOUNG, CMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR

\_\_\_\_\_  
Robert McCullough

DATE \_\_\_\_\_

ATTEST:

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MARY ANN YOUNG, CMC, TOWNSHIP CLERK