

ORDINANCE NO. 2005-¹²
ORDINANCE OF THE CITY OF BEVERLY
TO PROHIBIT THE IMPROPER DISPOSAL OF WASTE

SECTION I. 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 Beverly, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. 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. 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 Beverly or other public body and is designed and used for collecting and conveying stormwater. In municipalities with combined sewer systems: 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.

SECTION III. Prohibited Conduct: The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the City of Beverly 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 IV. Exceptions to Prohibition:

- A. Water line flushing and discharge 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.
 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.

SECTION V. Enforcement. This ordinance shall be enforced by the Superintendent of Public Works and the Police Department of the City of Beverly.

SECTION VI. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine for the first offense of \$50.00, for the second offense, \$100.0 and for third and subsequent offenses a sum not to exceed \$500.00 for each day that the violation continues.

SECTION VII. 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.

THE COMMON COUNCIL OF THE CITY OF BEVERLY ADOPTED THE ABOVE ORDINANCE ON FIRST READING AT A REGULAR MEETING HELD ON MARCH 8, 2005. A PUBLIC HEARING WILL BE HELD ON MARCH 22, 2005 AT 7:00PM IN COUNCIL CHAMBERS OF THE BEVERLY CITY MUNICIPAL BUILDING AT 446 BROAD STREET, BEVERLY NJ.

BARBARA A. SHEIPE RMC
CLERK/ADMINISTRATOR

I hereby certify that the foregoing
is a true copy of a Resolution/Ordinance
duly adopted by the Governing Body
of the City of Beverly, County of
Burlington, State of New Jersey, at
a meeting held 3/8/05


Signature of Official