

**HARDING TOWNSHIP  
ORDINANCE 09-2024**

**ORDINANCE OF THE TOWNSHIP OF HARDING TITLED “IMPROPER DISPOSAL OF WASTE,”  
PROHIBITING THE SPILLING, DUMPING, OR DISPOSAL OF MATERIALS OTHER THAN  
STORMWATER INTO THE HARDING TOWNSHIP STORM SEWER SYSTEM PURSUANT TO  
N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-193**

---

**WHEREAS**, the New Jersey Department of Environmental Protection (“DEP”) is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the “Stormwater Management Regulations”); and

**WHEREAS**, the DEP’s Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

**WHEREAS**, the DEP’s regulations have certain effects upon municipalities, including but not limited to a municipality’s planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

**WHEREAS**, to be in compliance with the DEP’s new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

**WHEREAS**, one of the requirements pursuant to the Stormwater Management Regulations is the prohibition of illegal disposal of waste into the Township’s storm sewer system; and

**BE IT ORDAINED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

**Purpose:** An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by Harding Township to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

**SECTION I.** The Municipal Code, Chapter 225-193, Article XL, “Illicit Connections,” is hereby created and shall read as follows:

I. 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 consistent 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)" means 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 Harding Township or other public body, and is designed 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" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**HARDING TOWNSHIP  
ORDINANCE 09-2024**

**ORDINANCE OF THE TOWNSHIP OF HARDING TITLED "IMPROPER DISPOSAL OF WASTE,"  
PROHIBITING THE SPILLING, DUMPING, OR DISPOSAL OF MATERIALS OTHER THAN  
STORMWATER INTO THE HARDING TOWNSHIP STORM SEWER SYSTEM PURSUANT TO  
N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-193**

---

C. "Stormwater" means 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.

II. Regulated Activities: The spilling, dumping, or disposal of materials other than stormwater that causes the discharge of pollutants to the municipal separate storm sewer system operated by Harding Township is prohibited.

III. Exemptions:

- A. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
- 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; and industrial refrigerant condensate);
- D. Irrigation water (including landscape and lawn watering runoff);
- E. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
- F. Residential car washing water and dechlorinated swimming pool discharges from single family residential homes;
- G. Sidewalk, driveway, and street wash water;
- H. Flows from firefighting activities including the washing of fire fighting vehicles;
- I. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
- J. Rinsing of beach maintenance equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery;
- K. Flows from clean water rinsing of equipment and vehicles used in the application of salt and deicing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
- L. Rinsing of deicing equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.



**HARDING TOWNSHIP  
ORDINANCE 09-2024**

**ORDINANCE OF THE TOWNSHIP OF HARDING TITLED "IMPROPER DISPOSAL OF WASTE,"  
PROHIBITING THE SPILLING, DUMPING, OR DISPOSAL OF MATERIALS OTHER THAN  
STORMWATER INTO THE HARDING TOWNSHIP STORM SEWER SYSTEM PURSUANT TO  
N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-193**

---

IV. Enforcement: This ordinance shall be enforced by the Harding Township Police Department.

IV . Violations and Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a of no less than \$100.00 and not to exceed \$500.00 for each incident.

V. 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.

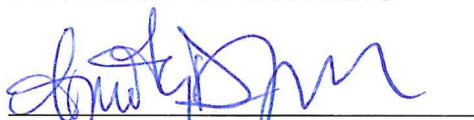
**SECTION 2.** This ordinance may be renumbered for the purposes of codification.

**SECTION 3.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

**ATTEST:**

  
\_\_\_\_\_  
Lisa A. Sharp, Township Clerk

**TOWNSHIP OF HARDING**

  
\_\_\_\_\_  
Timothy D. Jones, Mayor

**INTRODUCED:** April 15, 2024  
**PUBLIC HEARING:** May 13, 2024  
**ADOPTED:** May 13, 2024

**ADVERTISED:** April 18, 2024  
**ADVERTISED:** May 16, 2024

**Vote on Adoption:**

|                | <b>MOTION</b>      | <b>FOR APPROVAL</b>                 | <b>AGAINST APPROVAL</b>  | <b>ABSTAIN</b>           |
|----------------|--------------------|-------------------------------------|--------------------------|--------------------------|
| Ms. Chipperson | <i>1st<br/>and</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dr.. Lacz      |                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt      |                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates      |                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones      |                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |