

*Borough of Kenilworth, NJ
Wednesday, January 8, 2025*

Chapter 158. Sewers

Article IV. Illicit Connections

[Adopted 5-24-2006 by Ord. No. 2006-07]

§ 158-31. Purpose.

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Kenilworth so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 158-32. Definitions and word usage.

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 article 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.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLICIT CONNECTION

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Kenilworth unless that discharge is authorized under a NJPDES permit other than the Tier A municipal stormwater general permit (NJPDES Permit Number NJO141 852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Nondomestic waste, including but not limited to those pollutants regulated under § 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Kenilworth or other public body, and is designed and used for collecting and conveying stormwater.

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.

NONCONTACT 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. Noncontact cooling water may, however, contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

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.

§ 158-33. Prohibited conduct.

[Amended 10-28-2015 by Ord. No. 2015-06]

- A. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by or for the Borough of Kenilworth any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).
- B. No person shall place any object within three feet of any access point or manhole for a sanitary sewer or a storm sewer, or an industrial sewer within a municipal right-of-way or easement that may obstruct access to the sewer system.
- C. No person shall obstruct a storm sewer inlet grate thereby restricting the natural flow of surface water into a storm sewer or retention pond or dry well.

§ 158-34. Enforcement.

This article shall be enforced by the Police Department, code enforcement officers of the Borough of Kenilworth and Department of Public Works.

§ 158-35. Violations and penalties.

[Amended 10-28-2015 by Ord. No. 2015-06]

- A. Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine of no less than \$100 and not more than \$2,000. Each day that a violation continues after notification shall constitute an additional separate offense.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Any object in violation of § **158-33B** or **C** shall be subject to removal by the municipality at the

owner's expense if it is not removed by the owner and/or person(s) responsible for placing the obstruction within the municipal right-of-way.

- C. If any object that is removed by the municipality is not reclaimed and the owner or his/her designee has not paid for the removal and storage within 10 business days, the object shall be deemed abandoned and sold by the Borough Clerk to pay for the cost of the removal and storage of the object in addition to the cost of the sale.