

**BOROUGH OF RIVERDALE  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE NO. 11-2006**

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF RIVERDALE AND REGULATING ILLICIT  
CONNECTION TO STORMWATER SYSTEM, IMPROPER DISPOSAL OF  
WASTE AND MUNICIPAL STORM SEWER SYSTEM, PET WASTE,  
WILDLIFE FEEDING, AND CONTAINERIZED YARD WASTE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1.** The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Article V of Chapter 147 which shall be entitled "Illicit Connection to Storm Water System," and shall read in its entirety as follows:

**ARTICLE V**

**Illicit Connection to Storm Water System**

**Sections:**

- § 147-32. Purpose.**
- § 147-33. Definitions.**
- § 147-34. Prohibited conduct.**
- § 147-35. Enforcement and penalties.**

**§ 147-32. Purpose.**

To prohibit illicit connections to the municipal separate storm sewer system within the **Borough of Riverdale**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 147-33. Definitions.**

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.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Riverdale, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. 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 Borough of Riverdale 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.
- e. 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
- f. Non-contact 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. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. 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, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. 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.

**§ 147-34. Prohibited conduct.**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system within the **Borough of Riverdale** any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§ 147-35. Enforcement and penalties.**

- A. This ordinance shall be enforced by the **Police Department of Riverdale**.
- B. Any person, firm or corporation who is found to be in violation of any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, and each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**Section 2.** The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Article VI which shall be entitled "Improper Disposal of Waste in Municipal Storm Sewer System," and shall read in its entirety as follows:

**ARTICLE VI**

**Improper Disposal of Waste in  
Municipal Storm Sewer System**

**Sections:**

- § 147-36. Purpose.**
- § 147-37. Definitions.**
- § 147-38. Prohibited conduct.**
- § 147-39. Exceptions to prohibition.**
- § 147-40. Enforcement and penalties.**

**§ 147-36. Purpose.**

To prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system within the **Borough of Riverdale**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 147-37. Definitions.**

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.

- 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 Borough of Riverdale 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 – 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.

**§ 147-38. Prohibited conduct.**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system within **Borough of Riverdale** 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.

**§ 147-39. 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. Deicing materials properly applied to sidewalks, streets, roadways etc.

j 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.

j. Discharges authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852).

**§ 147-40. Enforcement and penalties.**

- A. This ordinance shall be enforced by the **Police Department of Riverdale**.
- B. Any person, firm or corporation who is found to be in violation of any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, and each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**Section 3.** The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Chapter 127 which shall be entitled "Pet Waste," and shall read in its entirety as follows:

## Chapter 127

### PET WASTE

#### Sections:

- § 127-1. Purpose.
- § 127-2. Definitions.
- § 127-3. Requirement for disposal.
- § 127-4. Exemptions.
- § 127-5. Enforcement.

#### § 127-1. Purpose.

To establish requirements for the proper disposal of pet solid waste in **Borough of Riverdale**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

#### § 127-2. Definitions.

For the purpose of this Chapter, 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. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**§ 127-3. Requirement for disposal.**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**§ 127-4. Exemptions.**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**§ 127-5. Enforcement.**

- A. The provisions of this Article shall be enforced by the **Police Department of Riverdale**.
- B. Any person, firm or corporation who is found to be in violation of any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**Section 4.** The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Chapter 165 which shall be entitled "Wildlife Feeding," and shall read in its entirety as follows:

**Chapter 165**

**WILDLIFE FEEDING**

**Sections:**

- § 165-1. Purpose.**
- § 165-2. Definitions.**
- § 165-3. Prohibited conduct.**
- § 165-4. Enforcement.**

**§ 165-1. Purpose.**

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by **Borough of Riverdale**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

## **§ 165-2. Definitions.**

For the purpose of this Chapter, 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. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

## **§ 165-3. Prohibited Conduct**

- a. No person shall feed, in any public park or on any other property owned or operated by **Borough of Riverdale**, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers), or unconfined wildlife at environmental education centers.
- b. No person shall feed wild geese, ducks or other waterfowl anywhere in the Borough, either on public or private property. This shall not be construed to prohibit humane acts in individual cases, such as the temporary nurturing of a wounded or abandoned waterfowl on one's own premises.

## **§ 165-4. Enforcement.**

- a. This ordinance shall be enforced by the **Police Department of Riverdale**.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.
- c. Any person, firm or corporation who is found to be in violation of any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**Section 5.** The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Article IV of Chapter 108 which shall be entitled "Containerized Yard Waste," and shall read in its entirety as follows:

## **ARTICLE IV**

### **Containerized Yard Waste**

**Sections:**

- § 108-40. Purpose.**
- § 108-41. Definitions.**
- § 108-42. Yard waste collection.**
- § 108-43. Enforcement and penalties.**

**§ 108-40. Purpose.**

To establish requirements for the proper handling of yard waste in **Borough of Riverdale**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 108-41. Definitions.**

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.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

**§ 108-42. Prohibited Conduct**

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**§ 108-43. Enforcement and Penalties.**

- A. The provisions of this ordinance shall be enforced by **Police Department of Riverdale.**
- B. Any person, firm or corporation who is found to be in violation of any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

**Section 6.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 7.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 8.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Carol Talerico, Borough Clerk

\_\_\_\_\_  
William Budesheim, Mayor

**NOTICE** is hereby given that the above Ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on April 17, 2006, and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on May 15, 2006 at 7:30 p.m. or as soon thereafter as same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same.

Carol J. Talerico, R.M.C.  
Municipal Clerk