

ORDINANCE NO. 2008-4

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XX, SEWER AND WATER
SECTION 20-4.10, "PROHIBITED DISCHARGE INTO SEWER SYSTEM", AND
SECTION 20-5, "PENALTIES"**

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter I of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "General" is hereby amended and supplemented as follows:

SECTION ONE:

- a. Subsection 20-4.10, "Prohibited Discharge Into Sewer System" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

20-4.10 Prohibited Discharge into Sewer System. No person, firm or corporation shall discharge any waste or effluent into the sanitary sewerage system of the Borough containing any or consisting of the following substances, such discharge being and the same is hereby prohibited:

- a. Gasoline, naphtha, petroleum, products of any substances which may create an explosion hazard in the system.
- b. Oils, fats, or grease except as may result from household use. The owners of any installation, except private dwellings, from which oils, fat or grease are liable to be discharged into the sanitary sewers, shall at their own expense, install and properly maintain a grease trap of a type approved by the Borough Engineer for the Borough of Red Bank.
- c. Storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water, or unpolluted industrial process waters, to any sanitary sewer.
- d. Rubbish, ashes, cinders or garbage except such kitchen wastes as shall have been ground or chopped by mechanical devices or appliances.
- e. Brewery or distillery waste in any form.
- f. In addition to the foregoing, any waste or substance which shall cause, or result in:
 1. Chemical reaction, either directly or indirectly with the materials of construction to impair the strength or durability of any sewer structure.
 2. Mechanical action that will destroy or damage the sewer system structure.
 3. Restriction of hydraulic capacity of sewer structures.
 4. Restriction of normal inspection or maintenance of sewer structure.
 5. Placing of unusual demands on the sewage treatment equipment or process.
 6. Limitation of effectiveness of the sewage treatment process.
 7. Danger to public health and safety.

8. Obnoxious conditions inimical to the public interest.

g. No cellar drains, no area drains, no roof leaders, no sump pumps, and no downspouts shall be connected to the sewage system.

b. Subsection 20-5, "Penalties" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

20-5 PENALTIES. Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine or term of imprisonment, or both, as set forth in the General Penalty for Violations of this Code at Subsection 1-5.1¹ ~~not to exceed five hundred (\$500.00) dollars, or be imprisoned for a term not to exceed ninety (90) days, or both.~~ Each day that a violation continues to exist shall be deemed to be a separate violation.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

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For the Council's ready reference, Section 1-5.1 provides as follows:

Any person who shall violate any provision of this Code or any other ordinance of the Borough of Red Bank shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail or in any place provided by the Borough for the detention of prisoners, for any term not exceeding ninety (90) days; or fine not exceeding two thousand (\$2,000.00) dollars; or by a period of community service not exceeding ninety (90) days.

Except that if a fine in excess of \$1,250.00 is imposed upon an owner for violations of the Borough of Red Bank's housing or zoning codes, the owner shall be provided with a 30 day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a Court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed. [This footnote should not be codified].