

**Borough of Pennington
Ordinance # 2006-8**

**AN ORDINANCE CONCERNING THE PROPER MANAGEMENT
OF DISCHARGE AND FLOW FROM SUMP PUMPS,
AMENDING CHAPTER 159 OF THE CODE OF THE
BOROUGH OF PENNINGTON**

WHEREAS water discharged from sump pumps onto sidewalks and roads, particularly in winter when it can freeze, creates a hazard to pedestrians and motorists, and produces unnecessary wear and tear on the cartway;

WHEREAS, Chapter 159 of the Code of the Borough of Pennington, at Section 159-19, prohibits the direct or indirect connection of sump pumps and other types of surface water and groundwater conductors to the sanitary sewer system in a manner which will permit any surface water runoff or groundwater to enter the system, and reserves to the Borough the right to use tests to inspect properties to determine the existence of illicit connections;

WHEREAS, the Borough now seeks to supplement these provisions to ensure generally the proper management of discharge and flow from sump pumps, to enhance enforcement, and thereby to protect the public health, safety and welfare;

WHEREAS new stormwater management regulations put in place by the Department of Environmental Protection of the State of New Jersey prohibit discharges into the municipal system unless all other options are exhausted, and exceptions to this prohibition are taken on a case by case basis;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, as follows:

1. Section 159-1 of Chapter 159 of the Code, concerning definitions, is hereby amended as follows:

(a) The definition of "PERSON" is amended to read:

"PERSON - Any person, firm or partnership, corporation, association, club, society or any other form of association or organization, both singular and plural, subject to the jurisdiction of the Borough [where used herein to designate a user or owner of a property or in such other applicable context]."

(b) The definition of "SEWERAGE SYSTEM" is hereby deleted and the following definition substituted:

SANITARY SEWER SYSTEM - A system of conveyances (including pipes, manholes, inverted siphons and pumping stations) that is owned or operated by the Borough or other public body and is designed and used for collecting sanitary wastes and conveying them to a treatment facility.

(c) The following new definitions are adopted and shall be inserted in the Code in the proper alphabetical order:

MUNICIPAL SEPARATE STORM SEWER SYSTEM - 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 Borough or other public body, and is designed and used for collecting and conveying stormwater.

SEEPAGE PIT - A chamber or tank constructed below grade for the purpose of recharging water into the ground. The chamber may be preformed of composite materials or built to suit. The chamber shall hold at least 50 gallons and shall have perforated bottom and sides.

GROUNDWATER -- Water that is found underground in the cracks and spaces in soil, sand and rock.

STORMWATER – Water resulting from precipitation (including rain and snow) that runs off the surface of the land, is transmitted to the subsurface, and is captured by storm sewers or other drainage facilities.

SUMP PIT - A space into which a sump pump is installed, designed to provide sufficient depth and volume for proper performance of the pump.

SUMP PUMP DISCHARGE - The end of the pipe from the sump pump where water

becomes unconfined and reverts to gravity flow.

SUMP PUMP - A pump, with related valves, pipe and fittings, installed for the purpose of evacuating water, usually from a basement area.

2. Chapter 159 of the Code is hereby further amended by the addition of the following new sections:

(a) All residential and commercial structures having a storage or habitable area below grade may install there a Sump Pit and a Sump Pump upon approval by the Borough plumbing sub code official. All Sump Pumps shall be installed and inspected in compliance with the plumbing and building codes of the Borough and the requirements of this ordinance. All necessary permits must be obtained and fees paid before installation commences.

(b) A Sump Pump must discharge through permanent, rigid piping. The Sump Pump Discharge shall be located no less than ten feet from the building unless the Borough Engineer determines in advance in a particular case that compliance with this requirement is not practicable and for this reason approves in writing an alternative location.

(c) A Sump Pump shall not discharge water, either directly or indirectly: [i] into the sanitary sewer system; [ii] onto any public right of way (sidewalk or roads), unless approved in advance and in writing by the Borough Engineer; or [iii] into the municipal separate stormwater sewer system, unless also approved in advance and in writing by the Borough Engineer. In connection with any such advance approvals, the Borough Engineer may require that water be routed to a seepage pit with only the overflow discharging to the public right of way or municipal separate stormwater sewer system.

(d) In connection with required approvals by the Borough Engineer, the person requesting the approval shall deposit funds in escrow with the Borough sufficient to cover the fees and expenses of the Engineer relating to the approval. All approvals by the Borough Engineer shall contain a statement of reasons and true copies thereof shall be kept on file with the Borough Clerk.

(e) The Borough reserves the right to use whatever tests are available to determine the existence of illicit connections. It also reserves the right to inspect properties in order to enforce these prohibitions. If a test is used which might cause some discomfort if an illicit connection exists, it shall be recognized that any discomfort, or other effect of the test, is of less value and importance than the effects of such illicit connection on the health, comfort and welfare of the residents of the Borough, and, consequently, there shall be no cause for action against the Borough in law or in equity.

(f) Any owner or occupant of a property found to have caused or permitted a discharge or to have constructed, installed or permitted the construction or installation of a Sump Pump in violation of this chapter shall be subject to the fines and penalties set forth in Section 159-35, except the minimum fine shall be \$100 per day for each day a violation continues beginning on the fourteenth day from service of notice of the violation. Each day a violation continues shall be deemed a separate offense. In addition, any person who violates this chapter shall be liable to the Borough for expense, loss or damage incurred by the Borough as a result of the violation, as provided in Section 159-35.B. of this chapter.

3. This ordinance shall take effect upon its passage and publication as provided by law.

Introduced: September 11, 2006

Advertised: September 28, 2006

Public Hearing: October 10, 2006

Adoption: October 10, 2006

Final Publication: October 19, 2006

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Benton, Mayor