

[As amended and adopted 2/11/19]

**BOROUGH OF BERNARDSVILLE
ORDINANCE #2019-1793**

**BANNING CERTAIN SUMP PUMP AND OTHER WATER DISCHARGES INTO
BOROUGH STREETS AND SUPPLEMENTING AND AMENDING CHAPTER XIV OF
THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”**

WHEREAS, water discharge from sump-pumps, leader drains and other manmade diversions of stormwater into sidewalks and roads, particularly in the winter when it can freeze, creates a hazard to pedestrians and motorists; and

WHEREAS, the Mayor and Borough Council wish to supplement and amend Chapter III of the Borough Code entitled “Police Regulations” by creating a new section 3-21, entitled “Discharge of Stormwater into Public Sidewalks and Streets”; and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature; and

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, that Chapter III of the Borough Code, entitled “Police Regulations, “of Bernardsville is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 3-21 entitled “Discharge of Stormwater into Public Sidewalks and Streets,” which reads as follows;

**Section 3-21 DISCHARGE OF WATER INTO PUBLIC SIDEWALKS AND
STREETS**

3-21 .1 Purpose. The Purpose of this subsection is to prohibit the discharge of sump pump or other intentional discharge of any stormwater onto any Borough street or sidewalk when such a discharge would create an unsafe icing condition such as icing or flooding.

3-21.2. Discharge of Stormwater into Public Sidewalks and Streets. There shall be no sump-pump discharges or mechanical discharge of any stormwater, leader drain discharge or other manmade diversions of stormwater directly into any Borough street or sidewalk between December 1 and March 15, if in the professional opinion of the Borough Engineer or the Chief of Police, or their designee, that said discharge would create any

~~unsafe icing condition such as icing or flooding. The sump-pump or mechanical discharge of any stormwater, leader drain discharge or other manmade diversions of stormwater between December 1 and March 15 shall be discharged so that the water will percolate into the soil, and not run directly into any public streets or sidewalks.~~

3-21.3. Penalties. Any person, entity, firm or corporation or other group found guilty of violating any of the provisions of this subsection shall be subject to any penalty as set forth in Section 1-5 of the Revised General Ordinances. Each daily incident shall be considered as a separate violation.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Mary Jane Canose, Mayor

Introduction: _____
1st Publication: _____
Public Hearing and Adoption: _____
2nd Publication: _____