

Ordinance 2010-11

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AMENDING CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING DUMPSTERS AND OTHER REFUSE CONTAINERS

WHEREAS, the New Jersey Department of Environmental Protection requires that each Municipality within the state require the covering of refuse containers and dumpsters to protect the environment and natural waterways, and;

WHEREAS, The Borough Council of Hightstown Borough finds it in the best interest of the community to implement the required ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, as follows:

Section 1: Purpose

This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Hightstown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 2: Definitions

For the purpose of this ordinance, 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. 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 Hightstown Borough or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means 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.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Section 3: Applicability

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hightstown.

Section 4: Exceptions

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers

- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

Section 5: Enforcement and Penalties

1. This ordinance shall be enforced by the Stormwater Management Coordinator and/or Superintendent of the Department of Public Works and/or their designee of the Borough of Hightstown.
2. Any person who is found to be in violation of this ordinance shall be subject to penalties as stated in Chapter 1, Section 5 of the Revised General Ordinances of the Borough of Hightstown.

General Provisions

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

This ordinance shall be incorporated into Chapter 25 "Stormwater Control" of the Revised General Ordinances of the Borough of Hightstown.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction: May 3, 2010

Adoption:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Robert F. Patten
Mayor