

TOWNSHIP OF BURLINGTON

ORDINANCE
10-OR-027**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REGULATIONS REQUIRING CERTAIN DUMPSTERS AND
OTHER REFUSE CONTAINERS TO BE COVERED AT ALL TIMES**

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") Stormwater Management Rules (N.J.A.C. 7:8) requires municipalities in accordance with their Municipal Stormwater General Permit to enact regulations requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model ordinances for use by Municipalities; and

WHEREAS, this ordinance is consistent with the model ordinance supplied by the NJDEP for covering dumpsters and other refuse containers that are outdoors or exposed to stormwater;

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Purpose.

An ordinance requiring 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 Township of Burlington 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 ordinance 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 the Township of Burlington 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. Prohibited Conduct.

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 Township of Burlington and/or the waters of the State.

Section 4. Exceptions to Prohibition.

- 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.

This ordinance shall be enforced by the Zoning Officer of the Township of Burlington.

Section 6. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to the maximum penalty in Chapter 1, Article II, Definitions, General Penalty.

Section 7. Severability.

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.

Section 8. Consistency.

All ordinances, or parts of ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

Section 9. Effective Date.

This ordinance shall take effect immediately upon final passage and publications required by law.

This ordinance was introduced at a meeting of the Township Council of the Township of Burlington held on August 10, 2010 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on August 24, 2010 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on August 24, 2010.


ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk


GEORGE M. KOZUB
President of Council