

ORDINANCE #2075

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, by
Amending Chapter 17 “Stormwater Management” New Section 5 “Refuse
Containers/Dumpsters” to Comply with the
NJPDES Municipal Stormwater Regulations Program

§ 17-5.1 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 operated by the Township of Bernards or other public body 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.

§ 17-5.2. 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 Section 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.

1. 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 Bernards or other public body, and is designed and used for collecting and conveying stormwater.
2. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Refuse container - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
4. 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.
5. 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.

§17-5.3. 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 operated by the Township of Bernards or other

public body and/or the waters of the State.

§17-5.4. Exceptions to Prohibition.

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

§ 17-5.5. Enforcement.

This section shall be enforced by the Police Department or Zoning Officer of the Township of Bernards.

§ 17-5.6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to penalties as set forth in Section 3-1 of the Revised General Ordinances of the Township of Bernards.

§ 17-5.7 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.

§ 17-5.8. Effective date.

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

EXPLANATORY STATEMENT

The Township's NJPDES General Permit issued by the NJDEP mandates that an ordinance be adopted that 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 operated by the Township of Bernards or other public body and/or the waters of the State

Peter Messina, PE, PP
Township Engineer/Planner

Date: 4/3/09

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2075 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 5/12/09 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 6/9/09, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee
Denise Szabo, Municipal Clerk

TOWNSHIP OF BERNARDS
PUBLIC NOTICE

Notice is hereby given that Bernards Township Ordinance #2075 was introduced and passed on first reading at a meeting of the Township Committee, on 5/12/09, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 6/9/09.

By Order of the Township Committee
Denise Szabo, Municipal Clerk