

A NEW ORDINANCE ENTITLED HEALTH AND SANITATION
INCLUDING AN ARTICLE ENTITLED "REFUSE CONTAINERS AND DUMPSTERS"

(Numbers to be assigned)

(1) Purpose

This Ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times to prohibit the spilling, dumping, leaking, or otherwise discharge of the liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough 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.

(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 suggestive.

- (a) Municipal separate storm sewer system (MS4) means 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 of Victory Gardens or other public body, and is designed and used for collecting and conveying stormwater.
- (b) Person means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- © Refuse container means 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 lands surface, is transmitted to the land's 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.

(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 Borough of Victory Gardens.

(4) Exceptions to Prohibition.

The prohibitions set forth in Section (3) above shall not apply to the following:

1. Permitted temporary demolition containers;
2. Public Litter receptacles (other than dumpsters or other bulk containers);
3. Individual residential 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).

(5) Enforcement

This ordinance shall be enforced by the State Police Officers, the Borough Engineer, the Department of Public Works, the Health Officer, the Zoning Officer and/or their duly authorized designees.

(6) Penalties.

Any person who violates the provisions of this Article shall, upon conviction, be subject to the penalties authorized by Section 1-5.1 et seq. of the Revised General Ordinances of the Borough..

(7) Conflicts.

All Ordinances and parts of the Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

(8) Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the

validity of the remaining portions of this Ordinance.

(9) Effective Date

This Ordinance shall take effect immediately after final passage and publication as provided by law.

NOW THEREFORE IT IS RESOLVED that the Mayor and Council of the Borough of Victory Gardens, Morris County, do hereby authorized the adoption of this Ordinance this day of _____,

BETTY SIMMONS, Mayor

I, Deborah Evans, Clerk of the Borough of Victory Gardens, do hereby certify that this is a true and exact copy of a Resolution passed at a meeting of the Mayor and Council, which meeting was held at Borough Hall on Tuesday, _____.

prepared April 24, 2012

DEBORAH EVANS,
Borough Clerk