

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE 2009-13**

An Ordinance to Amend the Revised General Ordinances of the Township of Edgewater Park,
by Amending Chapter 16.200 “Stormwater Management” by
Creating New Section 14 “Refuse Containers/Dumpsters” to Comply with the
NJPDES Municipal Stormwater Regulations Program

WHEREAS, the Township Committee of the Township of Edgewater Park has determined that there is a need to amend the established guidelines for Refuse Containers/Dumpsters to Comply with the NJPDES Municipal Stormwater Regulations; and

WHEREAS, Township Committee wishes to amend Chapter 16.200 by creating Section 14 Titled: “Refuse Containers/Dumpsters”

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Code of the Township of Edgewater Park is hereby amended as follows:

Section 14 Titled: “Refuse Containers/Dumpsters”

§ Section 14.1 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 Edgewater Park 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.

§ Section 14.2 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 Edgewater Park 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.

§ Section 14.3 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 Edgewater Park or other public body and/or the waters of the State.

§ Section 14.4 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)

§ Section 14.5 Enforcement.

This section shall be enforced by the Police Department and/or the Code Enforcement Officer of the Township of Edgewater Park.

§ Section 14.6 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 Chapter 16.200 Titled “Stormwater Control Ordinance”, Section 11 Titled “Penalties”, of the Revised General Ordinances of the Township of Edgewater Park.

§ Section 14.7 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 14.8 . 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.

NOTICE

The foregoing ordinance was introduced by the Edgewater Park Township Committee at its meeting held on October 6, 2009. This ordinance will be consider for adoption of final reading and public hearing to be held on November 10, 2009 at 7:00 PM, or shortly

thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.
Municipal Clerk/Administrator