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PITTSGROVE TOWNSHIP

ORDINANCE NO:

AN ORDINANCE AMENDING CHAPTER 83 OF THE MUNICIPAL CODE FOR THE TOWNSHIP OF PITTSGROVE, SALEM COUNTY, NEW JERSEY

WHEREAS, the New Jersey Department of Environmental Protection has mandated that municipalities adopt an ordinance to prevent stormwater contamination from outdoor refuse containers; and

WHEREAS, the Pittsgrove Township Committee has reviewed the State model ordinance and determined that same is appropriate for adoption and addition to Chapter 83 of the Municipal Code.

NOW THEREFORE, BE IT ORDAINED on this day of , 2011 by the Mayor and Township Committee for the Township of Pittsgrove, Salem County, New Jersey that a new Article VIII be included in Chapter 83, "SOLID WASTE" of the Municipal Code to read as follows:

ARTICLE VIII

Refuse Containers/Dumpsters

§ 83-36. Purpose

This Article requires dumpsters and other refuse containers located outdoors or exposed to stormwater to be covered at all times and prohibits spilling, dumping and leaking of liquids or solids from the containers to the municipal separate storm sewer system operated by Pittsgrove Township and the waters of the State in order to protect public health, safety and welfare and to prescribe penalties for violations.

§ 83-37. Definitions

The following words and phrases 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.

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 Pittsgrove Township and is designed and used for collecting and conveying stormwater.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

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.

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.

§ 83-38. Prohibited Conduct

Any person who owns, leases, operates or controls a refuse container must ensure that such container is covered or

closed at all times to prevent refuse from spilling out or overflowing and ensure that such container does not leak or discharge liquids or solids to the municipal separate storm sewer system operated by Pittsgrove Township.

§ 83-39. 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)

§ 83-40. Enforcement

This ordinance shall be enforced by the Pittsgrove Township Public Works Department.

§ 83-41. Penalties

Any person or persons found to be in violation of this ordinance shall be subject to a fine not to exceed \$500 per occurrence.

§ 83-42. 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.

THIS ORDINANCE shall take effect upon adoption and publication according to law.

TOWNSHIP OF PITTS GROVE
Linda A. DuBois, Mayor
ATTEST:
Constance S. Garton, Clerk

CERTIFICATION

The foregoing ordinance was introduced at a regular meeting of the Pittsgrove Township Committee held on the 25th day of May, 2011 and will be considered for final passage and adoption at a meeting to be held on the 22nd day of June, 2011 at 7:30 p.m. in the Township Municipal Building, 989 Centerton Road, Pittsgrove, NJ, at which time any person interested therein will be given an opportunity to be heard.

Constance S. Garton, Clerk

June 8, 2011
Ptr. Fee: \$101.40 #1531149

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