

**BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX**

ORDINANCE 2010-06

**AN ORDINANCE AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF
DUNELLEN ENTITLED “SOLID WASTE,” NEW SECTION 250-16, ENTITLED
“DUMPSTERS AND OTHER REFUSE CONTAINERS”**

The following ordinance, the terms of which are included herein, was here introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on June 7, 2010. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on June 21, 2010 at 7:30 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk’s office for the members of the general public who have requested the same.

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, in the County of Middlesex and State of New Jersey, they being the governing body of said Borough, 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 Borough of Dunellen 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 II. 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 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 Borough of Dunellen or other public body, 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 III. 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 Dunellen.

Section IV. 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 V. Enforcement:

This ordinance shall be enforced by the Police Department, the Code Enforcement Officer, the Construction Office and any other appropriate municipal official of the Borough of Dunellen.

Section VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed two-hundred and fifty (\$250.00) dollars.

Section VII. 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 VIII. 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.

Section IX. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section X. All ordinances of the Borough of Dunellen which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section XI. This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.