

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 11-1517

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III, "LAW ENFORCEMENT REGULATIONS" OF
THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF HOPEWELL TO ESTABLISH REGULATIONS CONCERNING
REFUSE CONTAINERS/DUMPSTERS**

WHEREAS, The U.S. Environmental Protection Agency (EPA) published the regulation entitled "National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (*Federal Register*, Volume 64, Number 235, pages 68722-68852) on December 8, 1999 as required by Section 402(p) of the Clean Water Act (CWA); and

WHEREAS, in February 2004 the New Jersey Department of Environmental Protection adopted new Stormwater Management Rules (N.J.A.C. 7:8) in fulfillment of its obligations under the USEPA Regulations; and

WHEREAS, Hopewell Township is designated as a Tier A Municipality under 7:8 and is obligated to implement certain ordinances required by the Tier A NJPDES Municipal Stormwater General Permit (NJ0141852); and

WHEREAS, the Hopewell Township Committee desires to meet its obligations under 7:8.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that new section 24, Chapter III of the Revised General Ordinances entitled Refuse Containers/Dumpsters be created as follows:

3-24.1 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 Township of Hopewell 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.

3-24.2 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 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 Township of Hopewell 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.

3-24.3 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 [insert name of municipality].

3-24.4 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)

3-24.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions set forth at section 3-1 of this chapter, except that no person found to be in violation of the provisions of this section shall be subject to imprisonment.

All ordinances, rules and regulations inconsistent herewith are hereby repealed.

This ordinance shall take effect upon final passage and publication in accordance with the law.

Appropriate signage shall be installed required.

Date Introduced: May 23, 2011
Dated Advertised May 26, 2011
Date Adopted: June 13, 2011

James C. Burd
James C. Burd
Mayor

ATTEST:

Laurie E. Gompf

Laurie E. Gompf
Municipal Clerk

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE
A TRUE COPY OF AN Ordinance ADOPTED
BY THE HOPEWELL TOWNSHIP COMMITTEE
AT A MEETING HELD

June 11, 2011
DATE

Laurie E. Gompf
LAURIE E. GOMPf, MUNICIPAL CLERK