

EXPLANATORY STATEMENT: This ordinance amends and updates the Township Code to create new Article X establishing regulations governing refuse containers and dumpsters as required by the Township's NJPDES Stormwater Discharge Master General Permit Renewal, Permit No. NJ0141852.

**TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY**

**ORDINANCE No. 7-2011**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 13.17 Entitled “Stormwater Control” of Title 13 Entitled “Public Services” to Create New Article X Entitled “Refuse Containers/Dumpsters” pursuant to the requirements of the Township’s NJPDES Stormwater Discharge Master General Permit”**

**BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** Chapter 13.17 Entitled “Stormwater Control” of Title 13 Entitled “Public Services” of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to create a new Article X entitled “Refuse Containers/Dumpsters” to read as follows:

**ARTICLE X Refuse Containers/Dumpsters**

**13.17.500 Title.**

This Article shall be known and may be cited as the “Refuse Container/ Dumpster Management Ordinance of the Township of Berkeley Heights.”

**13.17.510 Purpose.**

This Article requires 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 Berkeley Heights 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.

**13.17.520 Definitions.**

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Article 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 Township of Berkeley Heights 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 lands 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.

#### **13.17.530 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 that 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 Township of Berkeley Heights.

#### **13.17.540 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)

#### **13.17.550 Enforcement.**

This Article shall be enforced by the code enforcement official or the Township Engineer of the Township of Berkeley Heights.

**13.17.560 Penalties.**

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$500.00.

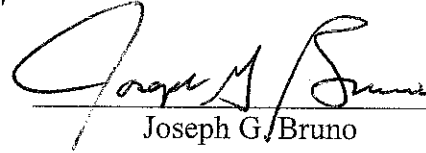
**Section 2.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Section 3.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

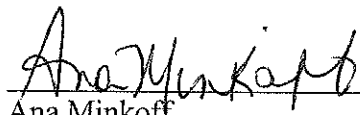
**Section 4.** This Ordinance shall not take effect until after final passage and publication in accordance with all applicable laws and statutes.

INTRODUCED the 8<sup>th</sup> day of March, 2011.

ADOPTED the 22<sup>nd</sup> day of March, 2011.

  
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Joseph G. Bruno  
Mayor

ATTEST:

  
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Ana Minkoff  
Acting Township Clerk

**NOTICE OF  
INTRODUCTION**

Ordinance 7-2011

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” OF TITLE 13 ENTITLED “PUBLIC SERVICES” TO CREATE NEW ARTICLE X ENTITLED “REFUSE CONTAINERS/ DUMPSTERS” PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP’S NJPDES STORMWATER DISCHARGE MASTER GENERAL PERMIT”** (Explanation: This ordinance amends and updates the Township Code to create new Article X establishing regulations governing refuse containers and dumpsters as required by the Township’s NJPDES Stormwater Discharge Master General Permit Renewal, Permit No. NJ0141852.)

I, Ana Minkoff, Acting Township Clerk of the Township of Berkeley Heights, do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on March 8, 2011 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 22, 2011 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk’s office in said Municipal Building, to the members of the general public who shall request the same.

Ana Minkoff  
Acting Township Clerk

ROLL CALL:		AYE	NAY	ABSTAIN	ABSENT
DEJIA		✓			
HALL		✓			
PASTORE		✓			
PERNA					✓
PIRONE		✓			
WOODRUFF		✓			
TIE:					
MAYOR BRUNO					


**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**NOTICE OF FINAL ADOPTION**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE  
INTRODUCED ON MARCH 8, 2011:**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” OF TITLE 13 ENTITLED “PUBLIC SERVICES” TO CREATE NEW ARTICLE X ENTITLED “REFUSE CONTAINERS/ DUMPSTERS” PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP’S NJPDES STORMWATER DISCHARGE MASTER GENERAL PERMIT”** (Explanation: This ordinance amends and updates the Township Code to create new Article X establishing regulations governing refuse containers and dumpsters as required by the Township’s NJPDES Stormwater Discharge Master General Permit Renewal, Permit No. NJ0141852.)

I, Ana Minkoff, Acting Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on March 22, 2011.



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Ana Minkoff, Acting Township Clerk  
Township of Berkeley