

ORDINANCE NO. 3861-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 142, GARBAGE, RUBBISH AND REFUSE, ARTICLE V, REFUSE CONTAINERS/DUMPSTERS (REQUIREMENTS AS PER NJDEP).

SUMMARY

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 Franklin 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.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, Franklin Township Code Chapter 142, Garbage, Rubbish and Refuse is hereby amended with the addition of the following:

SECTION I

**ARTICLE V
REFUSE CONTAINERS/DUMPSTERS**

142-33. 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 Franklin 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.

142-34. 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 Township of Franklin 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.

142-34. 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 Township of Franklin.

142-35. 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)

142-36. Enforcement.

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Franklin.

142-37 Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the fines listed below

- 1st offense - Written warning
- 2nd offense - \$250.00
- 3rd - 5th offense - \$500.00
- 6th offense and up - \$1,000.00

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

142-38. 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.

142-39. 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 II

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION III

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3861-10

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: January 26, 2010
Public Hearing: February 23, 2010
Adoption: February 23, 2010
Published: March 2, 2010
Effective: March 15, 2010

Ann Marie McCarthy, Township Clerk