



NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Atlantic Highlands, New Jersey, held on May 13, 2009. It will be further considered for final passage after public hearing thereon at a meeting of said Borough Council to be held at the Municipal Building, 100 First Avenue, Atlantic Highlands, New Jersey, in said Borough on June 10, 2009 at 7:00 o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available for review at the Municipal Clerk's Office, during regular business hours.

Dwayne M. Harris, RMC
Municipal Clerk

ORDINANCE 09-2009

REFUSE CONTAINERS/DUMPSTERS

WHEREAS, the State Department of Environmental Protection as part of its Stormwater Management Regulations, in conjunction with the Monmouth County Recycling Coordinator, have proposed and recommended the adoption of an Ordinance that would mandate that dumpsters and/or refuse containers outdoors or exposed to stormwater be covered at all times and prohibiting the discharge of liquids or solids from such refuse containers into the storm water system, so as to prevent such liquid or solid refuse materials from entering the storm system and public waterways and to protect public health and safety.

WHEREAS, the Borough Administrator and Engineer recommend the Borough Governing Body adopt the recommended Ordinance so as to better provide for the prevention of debris and recyclable materials entering the storm water system and public waterways.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Atlantic Highlands that the following Ordinance be adopted:

SECTION I - 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 Atlantic Highlands 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 Atlantic Highlands 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 Atlantic Highlands

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, and/or Code Enforcement Officer of the Borough of Atlantic Highlands.

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 \$2,000 [two thousand 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.