

ORDINANCE NO. O-2010-10

AN ORDINANCE OF THE BOROUGH OF WENONAH,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY.

AN ORDINANCE AMENDING CHAPTER 24 ENTITLED "GARBAGE, REFUSE AND WASTE"
OF THE CODE OF THE BOROUGH OF WENONAH

WHEREAS, the Mayor and Council, Borough of Wenonah, have determined that certain amendments to Chapter 24 entitled "Garbage, Refuse and Waste" are necessary; and

WHEREAS, in all other respects Chapter 24 entitled "Garbage, Refuse and Waste" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Wenonah, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

A new Article III entitled "Refuse Containers/Dumpsters Stormwater Sewer Protection" shall be added as follows:

ARTICLE III
Refuse Containers/Dumpsters Stormwater Sewer Protection

§24-20. Purpose.

The purpose of this Article is to require 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 Wenonah 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.

§24-21. 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 Wenonah 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 – 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 – 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.

§24-22. 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 Wenonah.

§24-23. 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).

§24-24. Enforcement.

This ordinance shall be enforced by the Zoning Official and/or the Police Department of the Borough of Wenonah.

§24-25. 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 \$2,000.00.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF WENONAH

BY: 

THOMAS J. CAPALDI, MAYOR

ATTEST:



KAREN SWEENEY, CLERK