

O-2013-13

**ORDINANCE OF THE TOWNSHIP OF WEST DEPTFORD
AUTHORIZING AN AMENDMENT TO THE WEST DEPTFORD TOWNSHIP
CODE CHAPTER 141, STORMWATER CONTROL PROCEDURES
SECTION 14 - REFUSE CONTAINERS/DUMPSTERS**

WHEREAS, the Township of West Deptford is a municipal entity organized and existing under the laws of the State of New Jersey and located in Gloucester County; and

WHEREAS, the Township is authorized pursuant to *the New Jersey Department of Environmental Protection Agency* to adopt and promulgate rules and regulations for the government of its Stormwater Management Control Procedures; and

WHEREAS, the Township has provided for the adoption of such rules and regulations by ordinance, as codified in Chapter 141 of the Township Code; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of West Deptford as follows:

West Deptford Township Code is hereby **AMENDED**, as follows:

Chapter 141-14

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 Township of West Deptford 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.

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 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 West Deptford or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: "MS4 do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewer at all times and to collect and transport stormwater from streets and other sources."
- 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.

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 Township of West Deptford.

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 NJDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

V. Enforcement:

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of West Deptford Township.

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 \$500.00 per day.

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.

BE IT FURTHER ORDAINED, that this Ordinance will take effect after adoption and publication according to law.

TOWNSHIP OF WEST DEPTFORD

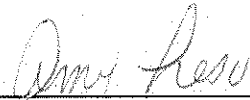
By:


RAY CHINTALL, Mayor

ATTEST:


AMY LESO, RMC, Township Clerk

PLEASE TAKE NOTICE that the foregoing Ordinance of the Township of West Deptford was passed on second reading by the Township Committee at its meeting on December 5th, 2013, held at the Municipal Building located at 400 Crown Point Road, Thorofare, New Jersey, after a public hearing was held thereon. Copies of the Ordinance are available for inspection in the Office of the Township Clerk.



AMY LESO, RMC Township Clerk