

## Ordinance No. 21-2010

**An ordinance of the Mayor and Board of Aldermen of the Town of Dover, County of Morris and the State of New Jersey amending Chapter 333 – Solid Waste Disposal of the Code of the Town of Dover to create Article IIIA – Covering of Refuse Containers / Dumpsters.**

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and state of New Jersey as follows:

### **Section 1**

Chapter 333, Solid Waste Disposal, is supplemented with Article IIIA – Covering and Leaking of Refuse Containers / Dumpsters as follows:

### **ARTICLE III – Covering and Leaking of Refuse Containers / Dumpsters**

#### **§ 333-9.1. Purpose.**

The purpose of this Article is to meet the requirements of the Town of Dover's Municipal General Stormwater Permit - Statewide Basic Requirement F.5.f., 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 Town of Dover 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.

#### **§ 333-9.2. 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.

**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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**REFUSE CONTAINER**– any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**LITTER** -- Litter is garbage discarded in a public place that has not been properly disposed. The terms "garbage" and "public place" are defined at Chapter 333 of this Code. EN "Litter" is also defined as any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can, or any top, cup or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

LITTER RECEPTACLE - A container suitable for the depositing of litter.

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.

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.

**§ 333-9.3. 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 Town of Dover.

**§ 333-9.4 Exceptions.**

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- D. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**Section 2**

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

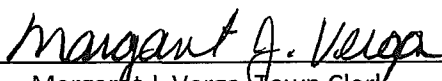
**Section 3**

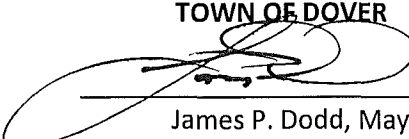
If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 4**

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

ATTEST:

  
Margaret J. Verga, Town Clerk

TOWN OF DOVER  
  
James P. Dodd, Mayor

Intro: 11/23/2010  
Adopted: 12/14/2010