

## ORDINANCE NO. 27-10

### AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CREATING A NEW ARTICLE VIII UNDER CHAPTER 154 OF THE CODE OF THE TOWNSHIP ENTITLED GARBAGE, RUBBISH AND REFUSE WITH THE ESTABLISHMENT OF REGULATIONS GOVERNING DUMPSTERS AND OTHER REFUSE CONTAINERS THAT ARE OUTDOORS OR EXPOSED TO STORMWATER

**WHEREAS**, in accordance with the rules and regulations promulgated by the New Jersey Department of Environmental Protection which provide the framework for the Statewide Municipal Stormwater Regulation Program, the Township of Hanover, as a Tier “A” municipality, was required to adopt a Stormwater Management Plan and adopt and implement Stormwater Management Control Ordinances, all in accordance with N.J.A.C. 7:8-4 in order to address and minimize the impact of non-point source pollution on the quality of the State’s drinking water; and

**WHEREAS**, it is the intention of the Township Committee to supplement its Stormwater Management Control Ordinances with the inclusion of new regulations requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

**SECTION I.** Chapter 154 of the Code of the Township entitled Garbage, Rubbish and Refuse is hereby amended and supplemented with the creation of a new Article VIII to be entitled “Regulations Governing Refuse Containers and Dumpsters Outdoors or Exposed to Stormwater”.

#### **§154-57. Purpose:**

To require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times, and prohibiting 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 Hanover 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.

#### **§154-58. 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 Article 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 Hanover 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.

**§154-59. 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 Hanover.

**§154-60. 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).

**§154-61. Enforcement:**

Any violations of this Ordinance shall be enforced by the Township's Recycling Enforcement Coordinator, the Property Maintenance Officer or his designee, the Health Officer/Environmental Specialist or his designee and members of the Police Department.

**§154-62. Violations and Penalties:**

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Article or any of the rules and regulations promulgated hereunder, shall, upon conviction thereof, be punishable by a fine of not less than \$250.00 nor more than \$1,000.00. Each and every day a violation occurs shall be deemed a separate and distinct violation.

**SECTION 2.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 3.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**SECTION 4.** This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATE OF INTRODUCTION: September 9, 2010  
DATE OF ADOPTION: September 23, 2010

## **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN**, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 9<sup>th</sup> day of September, 2010, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 23<sup>rd</sup> day of September, 2010, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: September 16, 2010