

ORDINANCE
2010 - 13

AN ORDINANCE OF THE BOROUGH OF HELMETTA AMENDING
CHAPTER 49A "SOLID WASTE," TO COMPLY WITH NJDEP
MANDATES REGARDING THE MUNICIPAL STORMWATER
REGULATION PROGRAM

WHEREAS, the Borough Code ("Code") of the Borough of Helmetta ("Borough") currently contains Chapter 49A, entitled "Solid Waste" which governs refuse receptacles; and

WHEREAS, there were recent updates to the Borough's Tier A Stormwater Permit, mandated by the New Jersey Department of Environmental Protection (NJDEP) Municipal Stormwater Regulation Program, that require the Borough to adopt and enforce amendments to its current garbage and refuse ordinance; and

WHEREAS, the amendments must provide that dumpsters and other refuse containers that are outdoors or exposed to stormwater are covered at all times, which prohibits the spilling, dumping, leaking or other discharge of liquids, semi-liquids or solids from containers; and

WHEREAS, the Borough Council wishes to amend the Code in order to comply with the new updates.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Helmetta, County of Middlesex, and State of New Jersey that Section Chapter 49A of the Code, entitled "Solid Waste" is hereby amended as follows (Additions are in bold type and underlined and deletions are struck-through):

1. § 49A-1. **Definitions.** shall be amended to add the following:

~~The following terms used in this article shall mean and include:~~

~~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 Helmetta or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

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.

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.

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.

2. § 49A-2. **Refuse and recyclable receptacles.** shall be amended as follows:

A. The owner, agent, lessee, tenant or occupant of every dwelling or other premises where refuse and recyclables accumulate shall provide and keep on such premises sufficient and suitable receptacles, for receiving and holding refuse and recyclables as required hereunder.

1. Sufficient receptacles, for the purpose of this section, shall be at least one receptacle for each residential unit or commercial or office use where refuse shall accumulate as well as such containers as hereinafter prescribed for recyclables.

2. Suitable receptacles, for the purpose of this section, shall be watertight metal or plastic receptacles, with a tight-fitting cover for receptacles holding refuse, secured so as to prevent spilling or leakage of receptacle utilized for refuse by a residential, commercial or office use shall have a capacity of not more than 30 gallons and be equipped with a pull handle or handles. **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 Helmetta.**

(a) Exceptions to the above:

1. Permitted temporary demolition containers

2. Litter receptacles (other than dumpsters or other bulk containers)

3. Individual homeowner trash and recycling containers

4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit

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

3. Receptacles for refuse from multi dwelling units or industrial premises may have a greater capacity than that prescribed in Subsection A(2), provided that such receptacles are:

(a) Watertight

(b) Constructed of metal or plastic

(c) Equipped for handling by motorized equipment

(d) Cleaned and sanitized as needed after emptying

(e) Replaced by the same type of receptacle if removed for emptying

B. Receptacles that are badly broken or otherwise fail to meet the requirements of this section may be considered as refuse and collected and disposed of as such by the person or agency responsible for the collection of the refuse.

C. Receptacles of refuse and recyclables shall not be placed for collection except during daylight hours of the day scheduled for collection or not sooner than sundown of the day prior to the day of collection.

D. Receptacles for storage of refuse and recyclables shall be conveniently located and maintained in such manner as to prevent creation of a nuisance or menace to public health.

E. Receptacles for recyclables shall be utilized as required in Section 49A-3.1(B).

F. This ordinance shall be enforced by the Helmetta Code Enforcement Officer.

G. 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 \$200.00.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.