

ORDINANCE # 2024-11

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 259, SOLID WASTE, TO ESTABLISH ARTICLE IV, "PRIVATELY-OWNED REFUSE CONTAINERS/DUMPTERS"

WHEREAS, on December 1, 2022, the New Jersey Department of Environmental Protection issued a Final Stormwater Discharge Master General Permit Renewal (Permit Number NJ0141852) in accordance with N.J.A.C. 7:14A; and as part of the above referenced permit renewal the Township of Allamuchy was reassigned to Tier A under N.J.A.C. 7:14a-25.3(a)1; and the requirements of the above referenced permit for municipalities assigned to Tier A includes a requirement to adopt certain community-wide ordinances; and the Township is required to adopt and enforce an ordinance requiring privately-owned dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. This ordinance is not intended for litter receptacles; individual homeowner trash and recycling containers; containers that hold large bulky items (e.g., furniture, bound carpet, and padding); permitted temporary demolition containers; and refuse containers at industrial facilities authorized to discharge stormwater under a valid NJPDES permit.; and the NJDEP has created a model Privately-owned Refuse containers/Dumpsters ordinance for adoption by municipalities to comply with the permit requirements; and the Township Council seeks to adopt the model Privately-owned Refuse containers/Dumpsters Ordinance in order to satisfy the conditions of the NJDEP MS4 permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Allamuchy, Country of Warren, State of New Jersey as follows:

Section I

Chapter 259, Solid Waste, of the General Legislation is hereby amended by adding thereto a new Article IV entitled "Privately-owned Refuse containers/Dumpsters", to meet the requirements of the NJPDES MS4 Permit.

§259-22 Purpose.

Requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times. This 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 Allamuchy Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§259-23 Definitions.

For this Article, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Code clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes 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 Allamuchy Township 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

Matter thrown away or rejected as waste, trash.

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.

§259-24 Regulated Activities.

Any person who controls a refuse container or dumpster, whether owned, leased, or operated, 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 Allamuchy Township.

§259-25 Exemptions.

- 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 from dumpsters at a site that is authorized under a valid NJPDES permit; and
- E. Large bulky items (e.g., furniture, bound carpet and padding, or household appliances placed curbside for pickup).

§259-26 Enforcement.

This Article shall be enforced by the Township Building Official, the Township Engineer, the Township Zoning Official, the Superintendent/Supervisor of the Public Works Department and/or the New Jersey State Police.

§259-27 Violations and Penalties.

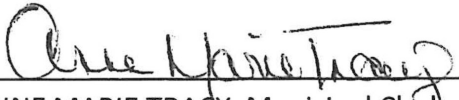
Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the general penalty in Chapter 1, Article II, General Penalty, of the Township Code.


Section II

1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
2. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:


TOWNSHIP OF ALLAMUCHY


ANNE MARIE TRACY, Municipal Clerk


ROSEMARY TUOHY, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Allamuchy Township Mayor and Council held on March 27, 2024 and will be considered for final reading and adoption at the meeting of the Allamuchy Township Mayor and Council to be held on April 24, 2024 at 6:30 p.m. at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.


ANNE MARIE TRACY, Municipal Clerk

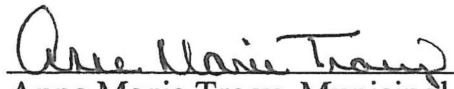
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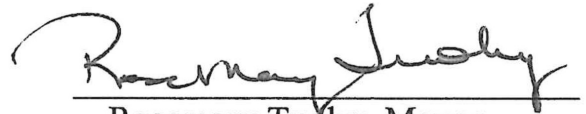
Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on March 27, 2024 at a meeting of said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a meeting of the Allamuchy Township Council held April 24, 2024 at Allamuchy Town Hall, Allamuchy, N.J.

This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

ATTEST:



Anne Marie Tracy, Municipal Clerk



Rosemary Tudy, Mayor