

ORDINANCE NO. 2024-9

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 13 SOLID WASTE TO ADOPT SECTION 4 ENTITLED "PRIVATELY-OWNED REFUSE CONTAINERS/DUMPSTERS" OF THE CODE OF THE BOROUGH OF ELMER

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 13 entitled "Solid Waste" are necessary to address dumpsters and other refuse containers stored outside and/or exposed to stormwater; and

WHEREAS, in all other respects Chapter 13 entitled "Solid Waste" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1. Chapter 13 entitled "Solid Waste" shall be amended as follows:

§13-4 Privately-Owned Refuse Containers/Dumpsters

§13-4.1 – Purpose

An ordinance 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 the Borough of Elmer to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§13-4.2 - 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 consistent 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)" means 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 Elmer, and is designed and used for collecting and conveying stormwater.
- B. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- C. "Refuse" means matter thrown away or rejected as waste, trash.
- D. "Refuse container" means any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- E. "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.

§13-4.3 – 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 Borough of Elmer.

§13-4.4 – 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).

§13-4.5 – Enforcement

The provisions of this section shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

§13-4.6 – Violations and Penalties:

- A. Any person violating this section shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$250.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this section within one (1) year of the date of previous violation of the same section and who was fined for the previous violation shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this

section, but shall be calculated separately from the fine imposed for the original violation of this section. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

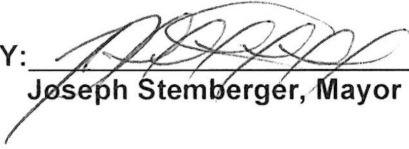
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

BY: 
Joseph Stemberger, Mayor

ATTEST:


Sarah D. Walker, Registered Municipal Clerk

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	✓
Davis	✓	_____	✓	_____	_____	_____
Foster	_____	✓	✓	_____	_____	_____
Nolan	_____	_____	✓	_____	_____	_____
Schalick	_____	_____	✓	_____	_____	_____
Zee	_____	_____	✓	_____	_____	_____

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on May 8, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on June 12, 2024, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Registered Municipal Clerk

PUBLIC NOTICE
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SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 13 SOLID
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CONTAINERS/DUMPSTERS” OF THE CODE OF THE BOROUGH OF ELMER

NOTICE IS HEREBY GIVEN that Ordinance No. 2024-9 was duly adopted by the Mayor and Council of the Borough of Elmer at a regular meeting held on August 14, 2024.

Sarah D. Walker, RMC

08/22/2024