

**ORDINANCE NO. 872**

**AN ORDINANCE OF THE BOROUGH OF HOPEWELL,  
COUNTY OF MERCER, NEW JERSEY, REGULATING  
REFUSE CONTAINERS AND DUMPSTERS, AND  
AMENDING “THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF HOPEWELL, 1975”**

**WHEREAS**, effective January 1, 2023, the New Jersey Department of Environmental Protection re-assigned the Borough of Hopewell from Stormwater Tier B to Tier A for purposes of the Borough’s municipal stormwater permit; and

**WHEREAS**, in order to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways, Tier A municipalities are required to initiate a variety of municipal stormwater compliance activities before January 1, 2024, including but not limited to revising and adopting specific ordinances to help better manage stormwater discharges and resulting pollutant and nutrient impacts to waterways; and

**WHEREAS**, one of the proposed ordinances would regulate refuse containers and dumpsters; and

**WHEREAS**, at this time the Mayor and Council seek to amend Chapter III of the “Revised General Ordinances of the Borough of Hopewell, 1975” (“Borough Code”), entitled “General Police Regulations,” to add provisions to existing section 3-4 (“Garbage”), to regulate all refuse containers including dumpsters.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Hopewell, County of Mercer and State of New Jersey, as follows:

**1. Amendments to Section 3-4, Regarding Garbage and Rubbish Containers.** Section 3-4 (“Garbage”) of Chapter III of the Borough Code (“General Police Regulations”), is amended as follows (additions are underlined; deletions are [bracketed]):

**§ 3-4. GARBAGE, REFUSE CONTAINERS AND DUMPSTERS.**

**§ 3-4.1. Definitions.**

As used in this section:

**CURB** — Shall mean and include the side of any public street or road appearing on the official map of the borough.

GARBAGE — Shall mean and include waste animal or vegetable matter originating in homes, kitchens, restaurants, hotels, produce markets, stores, and other places where food and food products are stored and prepared for sale or human consumption.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – Shall mean 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 or other public body, and is designed and used for collecting and conveying stormwater.

PERSON – Shall have the same meaning as “person” is defined in section 1-2 of this Code, and shall also include any political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER – Shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, garbage containers, rubbish containers and plastic trash bags.

RUBBISH — Shall mean and include broken or discarded crockery, glass, bottles, cooking utensils, food containers, papers, magazines, small pasteboard boxes, small cardboard containers, household effects and appliances, junk, any useless or worthless objects, and all other matter commonly known as "rubbish".

STORMWATER – Shall mean 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 THIS STATE – Shall mean 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.

**§3-4.2            Refuse Containers and Dumpsters – Generally.**

- a. Refuse containers and dumpsters that are outdoors or exposed to stormwater shall be covered at all times to prohibit 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 and/or the waters of the State so as to protect public health, safety and welfare.
- b. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster shall ensure that such container or dumpster is covered at all times and refuse does not spill or overflow therefrom.

- c. Any person who owns, leases or otherwise uses a refuse container or dumpster shall 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.
- d. The following are excepted from the prohibitions in this subsection 3-4.2:
  - 1. Permitted temporary demolition containers.
  - 2. Litter receptacles (other than dumpsters or other bulk containers).
  - 3. Individual homeowner garbage and rubbish 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).

**§3-4.[2]3                      Garbage and Rubbish Containers/Receptacles.**

- a. Garbage Containers. Garbage shall be placed in watertight containers made of metal or heavy plastic, equipped with suitable handles and tight-fitting covers. The capacity of the containers shall not exceed 35 gallons nor weigh more than 35 pounds when filled with garbage. These restrictions on capacity and weight of containers shall only apply where containers are placed at the curb for collection.
- b. Rubbish Containers. Except as hereinafter provided, all rubbish shall be placed in watertight containers made of metal or heavy plastic, equipped with suitable handles and tight-fitting covers.

Rubbish, such as paper, magazines, small pasteboard boxes and small cardboard cartons may be securely tied in bundles and placed in or alongside garbage and rubbish containers on the day collection is made. No material of this kind that is not securely tied in bundles shall be placed on the curb for collection. Rubbish of a nature and size so as not to permit its placement in containers as heretofore set forth or to be tied in bundles may be placed at the curb for collection.

Rubbish containers as hereinbefore set forth shall weigh less than 35 pounds when filled and have capacities that do not exceed 35 gallons.

These restrictions on capacity and weight shall only apply where containers are placed at the curb for collection.

- c. Curb Restriction. No garbage or rubbish shall be placed at the curb unless it is in containers as hereinbefore specified or otherwise excepted.
- d. Collection. Collection of garbage and rubbish is provided as a municipal service on specified collection days established by the borough council. On the regular collection days garbage and rubbish containers shall be placed on the curb by 7:00 a.m. No containers shall be placed on the curb before 3:00 p.m. on the day preceding collection. Emptied containers must be removed from the curb by the owner as soon as practicable and in no event shall empty containers be left on the curb after 6:00 p.m. on the day immediately following collection day.

**§3-4.4            Enforcement.**

This section shall be enforced by the police department, zoning officer, administrator (or designee) and/or other municipal officials or employees during the course of ordinary enforcement duties.

**§3-4.5            Penalties.**

Any person in violation of this section 3-4 shall be subject to a minimum fine of \$100.00 and maximum fines and penalties as set forth in section 3-11 et seq. of this Code.

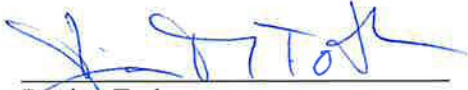
2.    **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

3.    **Severability.** 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 provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

4.    **Effective Date.** This ordinance shall take effect upon its adoption and publication as provided by law.

INTRODUCED: 10/5/2023  
PASSED: 10/5/2023  
PUBLISHED: 10/13/2023  
ADOPTED: 11/2/2023  
INTRODUCED BY: Mr. Morehouse

**ATTEST:**



Regina Toth  
Municipal Clerk



C. Schuyler Morehouse  
Council President

ROLL CALL VOTE				
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
KENNEDY	✓			
MACKIE	✓			
MCAULIFFE	✓			
MOREHOUSE	✓			
STUHLER	✓			
WEAVER	✓			