

**TOWNSHIP OF STILLWATER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 2023-23

**A STATE MANDATED ORDINANCE OF THE TOWNSHIP OF STILLWATER THAT
SETS STORM SEWER PROTECTION REQUIREMENTS FOR OUTDOOR
DUMPSTERS AND REFUSE CONTAINERS**

WHEREAS, the Township Committee of the Township of Stillwater has been directed by the State of New Jersey to implement this Ordinance and must comply with said directive.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Stillwater, that the Township Code shall be amended as follows:

SECTION 1

A new Chapter shall be added to the Township Code as follows:

**Chapter ____ . OUTDOOR DUMPSTERS AND REFUSE CONTAINERS
(STORM SEWER PROTECTION REQUIREMENTS)**

§ ____ -1. Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer systems operated by the Township of Stillwater 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.

§ ____ -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 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 Stillwater 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.

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 show 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.

§ ____-3. Prohibited Conduct.

1. 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.

2. 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 systems operated by the Township of Stillwater.

§ ____-4. 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).

§ ____-5. Enforcement.

This Ordinance shall be enforced by the New Jersey State Police, and all Township and County Officials whose duties permit municipal code enforcement.

§ ____-6. Penalties.

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 \$ 100 for each storm drain that is not retrofitted to meet the design standard.

§ ____-7. 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.

§ _____-8. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION 2

The Township Clerk shall take all necessary action to assure the Code is promptly updated to include this Ordinance.

SECTION 3

This Ordinance shall take effect immediately upon its passage.

ATTEST:

Lynda Knott, Clerk

Lisa Chammings, Mayor

Introduced: September 5, 2023

Adopted: September 19, 2023