

ORDINANCE

No. 24-033

1st Reading APR 18 2024

Date to Mayor MAY 14 2024

Public Hearing MAY 09 2024

Date Returned _____

2nd Reading & Passage MAY 09 2024

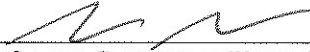
Date Resubmitted to Council _____


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Approved as to Form and Legality

Factual content certified by


WES BRIDGES, ESQ., CITY ATTORNEY


SEAN SEMPLE, DIRECTOR OF WATER & SEWER DEPT.

Councilman /woman  presents the following Ordinance:

AN ORDINANCE OF THE CITY OF TRENTON TO ADOPT NJDEP'S MODEL ORDINANCE REGARDING PRIVATELY-OWNED REFUSE CONTAINERS AND DUMPSTERS AND TO AMEND CHAPTER 254 OF THE CODE OF THE CITY OF TRENTON

WHEREAS, the City of Trenton, as a Tier A municipality with respect to Stormwater Quality Management, is required by the New Jersey Department of Environmental Protection ("NJDEP") to periodically adopt certain model ordinances; and

WHEREAS, the City is required to adopt NJDEP's model ordinance regarding privately-owned refuse containers and dumpsters; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, in the County of Mercer, as follows:

Section 1. Chapter 254 ("Stormwater Management"), Article IV ("Covering of Dumpsters and Other Refuse Containers") of the Code of the City of Trenton shall be renamed and amended as follows (deletions are ~~struck through~~ and additions are underlined):

Article IV Privately-Owned Refuse Containers and Dumpsters ~~Covering of Dumpsters and Other Refuse Containers~~

§ 254-24 Purpose.

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and to prohibit the spilling, dumping, leaking, or otherwise discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the City of Trenton and the waters of the State of New Jersey so as to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 254-25 Definitions and word usage.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely directory.

ORDINANCE

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Trenton 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 the State of New Jersey 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.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 254-26 Regulated Activities Prohibited conduct.

- A. 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.
- B. 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 operated by the City of Trenton.

§ 254-27 Exemptions. Exceptions to prohibitions.

- 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.

ORDINANCE

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

§ 254-28 Enforcement.

- A. This article shall be enforced by the City of Trenton Police Department.
- B. Any person found to be in violation shall be ordered to cease the prohibited activity immediately.

§ 254-29 Violations and penalties.

Any person who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$2,000, as stated in Chapter 1, Article III, General Penalty, § 1-17.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Trenton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction 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 deemed valid and effective.

Section 4. Effective date. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

INTRODUCTION:	MOTION: <i>Feliciano</i>				SECOND: <i>Edwards</i>				ORD. AUTHORED BY:	ADOPTION				MOTION: <i>Feliciano</i>				SECOND: <i>Harrison</i>								
	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION				
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	
EDWARDS	✓				✓				GONZALEZ	✓				✓				FELICIANO	✓				✓			
TIGUEROA LETTENBURG	✓				✓				HARRISON	✓				✓												
RISBY	✓				✓				WILLIAMS	✓				✓												
IV - NO VOTE AB - ABSENT																										

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on APR 18 2024

Adopted on second reading after the public hearing on MAY 09 2024

AYE
Mayor
NAY

[Signature]

President of Council

APPROVED
REJECTED

Reconsidered by Council – Override Vote

[Signature]

City Clerk