

ORDINANCE NO. 10-02

BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY

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 SYSTEM(S) OPERATED BY THE BOROUGH OF NORTH PLAINFIELD AND/OR THE WATERS OF THE STATE SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY; THEREBY AMENDING, REVISING AND SUPPLEMENTING SECTION 14-13 OF THE BOROUGH CODE, ENTITLED "IMPROPER DISPOSAL OF WASTE"

WHEREAS, the Borough of North Plainfield has applied for a 2009 Stormwater Permit from the New Jersey Department of Environmental Protection; and,

WHEREAS, in order for such Stormwater Permit to be approved, the Borough of North Plainfield must revise its Ordinance with respect to the improper disposal of waste.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield, Section 14-13, entitled "Improper Disposal of Waste", is hereby revised, amended and supplemented as follows:

**"14-13 REFUSE CONTAINERS/DUMPSTERS**

**14-13.1 Purpose.**

This Ordinance requires 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 other discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of North Plainfield 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.

#### 14-13.2 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 Ordinance 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 discretionary.

- A. Municipal separate storm water 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 Borough of North Plainfield 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 snow 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.

#### 14-13.3 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(s) operated by the Borough of North Plainfield.

C. Additionally, no materials containing hazardous materials, as defined by Federal, State and/or local law, shall be placed in said dumpsters/containers unless the dumpsters/containers have clear markings on the dumpsters/containers themselves and the contents therein that they are hazardous and what hazardous materials are contained therein.

#### **14-13.4 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).

#### **14.13.5 Enforcement.**

This ordinance shall be enforced by any and/or all of the following: the Borough Zoning Officer, the Borough Construction Officer, the Borough Property Maintenance Officer, the Borough Health Officer and/or any member of the Police Department of the Borough of North Plainfield or other official and/or entity designated by the Borough of North Plainfield.

#### **14-13.6 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 One Thousand Two Hundred Fifty Dollars (\$1,250.00) for every day that a violation of this Ordinance occurs. Each day of violation shall be considered a separate violation. In addition; violations may be subject to up to ninety (90) days of imprisonment or ninety (90) days of community service, or both, for every day of violation in addition to the fine above.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that:

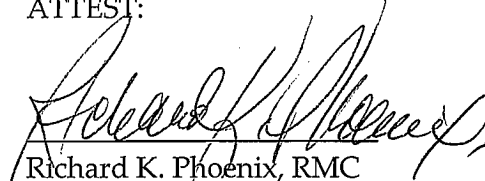
1. All ordinances or portions of ordinances which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

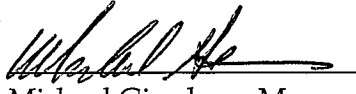
3. This ordinance shall take effect, after final passage, twenty (20) calendar days following action or inaction by the mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this ordinance shall take effect at an earlier date.

INTRODUCED: March 8, 2010  
PASSED: March 8, 2010  
PUBLISHED: March 12, 2010  
ADOPTED: March 22, 2010  
ROLL CALL: AYES: Forbes, Hitchcock, La Ronde, Merrill, Righetti, Singleterry,  
Stabile  
NAYS: None  
ABSTAIN: None  
ABSENT: None

ATTEST:

  
Richard K. Phoenix, RMC  
Borough Clerk

  
Skip Stabile, Council President

  
Michael Giordano, Mayor  
22 March 2010