

**ORDINANCE #2010-1095**

**AN ORDINANCE ON STORMWATER REQUIRING  
DUMPSTERS AND OTHER REFUSE CONTAINERS  
THAT ARE OUTDOOR TO BE COVERED**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

**SECTION 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 system(s) operated by the Borough of Manville and/or the waters of the State so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION 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 no 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 work “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 borough of Manville or other public body, and is designed and used for collecting and conveying stormwater.

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.

**SECTION 3.**            PROHIBITED CONDUCT

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.

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 Manville.

**SECTION 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 associated with industrial activity under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pick-up).

**SECTION 5.**            ENFORCEMENT

This ordinance shall be enforced by the Police Department, the Code Enforcement Office, and the Department of Public Works of the Borough of Manville.

**SECTION 6.**            CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

**SECTION 7.**            INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 8.**            SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

**SECTION 9.**            PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 10.**      EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

**STATEMENT OF PURPOSE**

The purpose of this ordinance is to require that dumpsters and other refuse containers that are outdoors to be covered.

**ORDINANCE #2010-1095**

**FIRST READING:**

<b>Introduced</b>	<b>Seconded</b>	<b>Council</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
		<b>ASHER</b>	√			
		<b>FISCHER</b>				√
		<b>KOMOROSKI</b>				√
√		<b>LYNN</b>	√			
	√	<b>ONDERKO</b>	√			
		<b>SZABO</b>	√			
		<b>MAYOR ZUZA</b>				

**PASSED** this 30<sup>th</sup> day of June, 2010.

Attest: \_\_\_\_\_  
Philip E. Petrone, Borough Clerk

**SECOND READING:**

<b>Introduced</b>	<b>Seconded</b>	<b>Council</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
√		<b>ASHER</b>	√			
		<b>FISCHER</b>	√			
		<b>KOMOROSKI</b>	√			
		<b>LYNN</b>	√			
		<b>ONDERKO</b>	√			
	√	<b>SZABO</b>	√			
		<b>MAYOR ZUZA</b>				

**ADOPTED** this 12<sup>th</sup> day of July, 2010.

Attest: \_\_\_\_\_  
Philip E. Petrone, Borough Clerk