

**TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER**

O-18-10

**ORDINANCE AUTHORIZING REFUSE CONTAINERS / DUMPSTERS
AS IT RELATES TO STORM WATER MANAGEMENT.**

Section I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to storm water 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 Township of Franklin 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.

Section II. 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 Franklin or other public body, and is designed and used for collecting and conveying storm water.
- 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. Storm water – means water resulting from precipitation (including rain and snow) that runs off the lands 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 III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must insure 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 insure 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 Township of Franklin.

Section IV. 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 storm water under a valid NJPDES permit
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup)

Section V. Enforcement:

This ordinance shall be enforced by the Township Code Enforcement Official, Township Police Department, and or the Township Storm water Coordinator of the Township of Franklin.

Section VI. 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 \$100.00 per day per dumpster. In addition, any cost, expenses, fees, etc. associated with the cleanup shall be the responsibility of those found to be in violation of this ordinance.

Section VII. 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.

Section VIII. 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.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROLYN K. TOY, CLERK

PATRICK M. DOUGHERTY, MAYOR

CERTIFICATION

I, Carolyn K. Toy, Clerk of the Township of Franklin the County of Gloucester, do hereby certify that the foregoing to be a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, July 27, 2010 with a subsequent second public reading held on August 24, 2010, at which time any person interested therein was given an opportunity to be heard.

Carolyn K. Toy, Clerk