

AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWNSHIP OF CRANBURY BY CREATING A NEW SECTION 101, ENTITLED “REFUSE CONTAINERS/DUMPSTERS”

WHEREAS, the New Jersey Department of Environmental Protection requires the enforcement of rules for refuse containers and dumpsters; and

WHEREAS, it is necessary to establish certain standards governing this enforcement;

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, that the Code of the Township of Cranbury is supplemented as follows:

SECTION 1. Chapter 101 entitled “Refuse Containers/Dumpsters” is created as follows:

§101.1 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 Cranbury Township 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.

§101.2 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 Cranbury Township 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, and 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.

§101.3 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.

Covered shall mean any of the following:

- a. The container is kept within an area that has walls and a roof which will prevent loose refuse from being carried away by wind, rain or other means;
- b. The container has a permanently affixed hinged cover made of a sturdy material such as plastic or metal;
- c. On a temporary basis, a tarp made of plastic or a heavy weight fabric, which is attached and secured to the container or dumpster until a more permanent cover, as described above, can be obtained.

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 Cranbury Township

§101.4 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)

§101.5 Enforcement:

This ordinance shall be enforced by the Police Department, Health Department and/or other Municipal Officials of Cranbury Township.

§101.6. Violations and Penalties

For any violation of this Chapter, the violator shall be subject to such fines and other penalties as are provided for in § 1-15 of this Code, entitled “General penalty, continuing violations,” except that the minimum fine for any such violation shall be \$100.

SECTION 2. Repealer. 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 3. Severability. If any section, paragraph, subsection, clause or provisions of this Ordinance shall be adjudged 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 immediately upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on February 25, 2013. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on March 11, 2013 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office or on the Township's web site: www.cranburytownship.org at no charge to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC
Municipal Clerk