

Chapter 403. Stormwater Management

Article I. Illegal Dumping Into MS4

§ 403-5. Refuse containers and dumpsters.

[Added 11-22-2010 by Ord. No. 1907]

- A. Purpose. The purpose of this section 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 other discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of South 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.
- B. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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.

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 Borough of South Plainfield or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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.

- C. Covering of containers and dumpsters; prevention of leaks and discharges.

- (1) 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.
- (2) 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 South Plainfield.

D. Exceptions are as follows:

- (1) Permitted temporary demolition containers.
- (2) Litter receptacles (other than dumpsters or other bulk containers).
- (3) Individual homeowner trash and recycling containers.
- (4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- (5) Large bulky items (e.g., furniture, bound carpet and padding, white goods) placed curbside for pickup.

E. Enforcement. This section shall be enforced by the Police Department and/or the Construction Official of the Borough of South Plainfield.

F. Penalties. Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$1,000.

G. Severability. Each section, subsection, sentence, clause and phrase of this section is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

H. When effective. This section shall take effect upon final passage and publication in accordance with New Jersey law.