

# **BOROUGH OF ROCKLEIGH**

## **ORDINANCE #2023-9**

**AN ORDINANCE ESTABLISHING REGULATIONS PERTAINING TO THE COVERING OF DUMPSTERS AND REFUSE CONTAINERS TO PROHIBIT DISCHARGE, LEAKING AND SPILLING INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.**

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

### **Section 1. Purpose.**

This Ordinance is intended to require that dumpsters and other refuse containers maintained outdoors or exposed to stormwater to be covered at all times and to prohibit spilling and discharge of liquids, semi-liquids and solids from such receptacles to the municipal separate storm sewer system for the protection of the public health, safety and welfare and to prescribe penalties for the violation thereof.

### **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 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, manmade channels, or storm drains) that is owned or operated by the Borough of Rockleigh 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**

Shall mean 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**

Shall mean 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 Rockleigh.

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

### **Section 5. Enforcement.**

This Ordinance shall be enforced by the Police Department providing police services to the Borough of Rockleigh or such other municipal officials as may be designated by the Mayor and Council.

### **Section 6. Penalties.**

Any person who is convicted of violating any provision of this Ordinance shall be subject to such fine and general penalty as set forth in §1-5, General Penalty, of the Code of the Borough of Rockleigh, within the discretion of the Municipal Court Judge.

**Section 7. Severability.**

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such subject shall be rendered.

**Section 8. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 9. Effective Date.**

This Ordinance shall take effect after publication thereof and final passage as required by law.

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**JAMES PONTONE, Mayor**

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**MARCELLA GIAMPICCOLO, RMC**  
**Borough Clerk**

Introduced: March 6, 2023

Adopted:

Approved: