

INTRODUCED BY _____ INTRODUCTION _____
SECONDED BY _____ HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2009-08

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH
OF CLIFFSIDE PARK, CHAPTER XIV ENTITLED SEWERS
CONSTRUCTION, BY ADDING A NEW ARTICLE 14-12 ET SEQ.
ENTITLED REGULATION OF REFUSE CONTAINERS AND
DUMPSTERS WITHIN THE BOROUGH OF CLIFFSIDE PARK**

WHEREAS, the New Jersey Department of Environmental Protection has adopted regulations requiring municipalities to adopt ordinances regulating outdoor containers; and

WHEREAS, the Mayor and Council find that it is in the best interest of the residents of the Borough of Cliffside Park and the State of New Jersey to adopt an ordinance regulating containers and dumpsters within the Borough; and

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK:

Section 1 - PURPOSE:

The purpose of this Ordinance is to require that dumpsters and other refuse containers that are outdoors or exposed to stormwater be covered at all times and to prohibit the spilling, dumping, leaking or other discharge of liquids, semi-liquids or solids from the containers into the municipal separate storm sewer system(s) operated by the Borough of Cliffside Park and/or the waters of the State of New Jersey so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply with the provisions of this Ordinance.

Section 2 - DEFINITIONS:

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this sub-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 (MS3) - 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 Cliffside Park 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) 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 Cliffside Park.

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

Section 5 - ENFORCEMENT:

This Ordinance shall be enforced by the Police Department and/or other municipal officials of the Borough of Cliffside Park.

Section 6 - PENALTIES:

Any person who is found to be in violation of the provisions of this Ordinance shall be subject to a fine as described in this subsection Article 14.

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Section 7 - 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 8 - REPEALER:

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

Section 9 - EFFECTIVE DATE:

This Ordinance shall take effective immediately upon final passage and publication as required by law.

INTRODUCED _____, 2009

ADOPTED _____, 2009

Gerald A. Calabrese, Mayor

ATTEST:

Sercan Zoklu, Borough Clerk