ORDINANCE - 2009-12

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 195 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "SOLID WASTE"

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I That Chapter 195 "Solid Waste" of the Code of the Township of Colts Neck is hereby amended and supplemented as follows:

ARTICLE III
Refuse Containers/Dumpsters

§195-13 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 the Township of Colts Neck 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.

§195-14 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated therein 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 Colts Neck or other pubic 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, 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.

§195-15 Prohibited Conducts:

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 Township of Colts Neck.

§195-16 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 association with industrial activity under a valid NJPDES permit

E. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup)

ARTICLE IV
Private Storm Drain Inlet Retrofitting

§195-17 Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Colts Neck) so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

§195-18 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 Colts Neck 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. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

D. 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.

§195-19 Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. Already meets the design standard below to control passage of solid and floatable materials; or

B. Is retrofitted or replaced to meet the standard in Section 195-20 below prior to the completion of the project.

§195-20 Design Standard:

Storm drain inlets identified in Section 195-19 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see Section 195-20C below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996);or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes ditch grates, trench grates and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, field, open channels and stormwater basin floors.

B. Whenever design engineers use a curb opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eights inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches

3. Where flows are conveyed through a trash rack that has parallels bars with one inch (1") spacing between the bars; or

4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION II Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

SECTION III Repealer

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law

I, Robert Bowden, Township Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2009-12, introduced at a duly convened meeting of the Township Committee on the 8th day of July 2009 and was adopted after second reading and public hearing at a regular meeting of said Governing Body on the 12th day of August, 2009.

Benjamin T. Forester., Mayor

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	July 8, 2009					August 12, 2009				
Committeeman	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Forester			X						X			
Deputy Mayor Florek		S	X					S	X			
Schatzle			X					M	X			
Eastman			X						X			
Engel	M		X						X			

X - indicates vote NV - Not Voting Ab - Absent M - Moved S - Seconded