

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-026**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REQUIREMENTS FOR LITTER CONTROL, AND
SPECIFICALLY TO ADD A NEW SECTION
ENTITLED 14:22 (LITTER CONTROL)**

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit, to establish requirements to control littering so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model Ordinances for use by Municipalities; and

WHEREAS, this Ordinance is consistent with the model ordinance supplied by the NJDEP for improper waste disposal;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW
JERSEY, AS FOLLOWS:**

14:22-1 PURPOSE:

An Ordinance to establish requirements to control littering in Burlington Township, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

14:22-2 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. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- b. Litter Receptacle – a container suitable for the depositing of litter.

- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

14:22-3 PROHIBITED ACTS AND REGULATED ACTIVITIES:

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this Ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this Ordinance.

14:22-4 ENFORCEMENT:

This Ordinance shall be enforced by the Police Department of the Township of Burlington.

14:22-5 PENALTIES:

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$500.00.

14:22-6 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.

14:22-7 CONSISTENCY:

All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

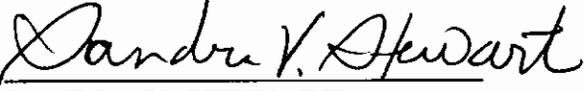
14:22-8 EFFECTIVE DATE:

This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.


 ANTHONY J. CARNIVALE, JR., RMC
 Municipal Clerk


 SANDRA V. STEWART
 President of Council

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-027**

**ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AND SPECIFICALLY SECTION 16:1-8
(NUISANCE BY DOGS; SUPERVISION BY OWNERS)**

WHEREAS, Section 16:1-8 of the Ordinances of the Township of Burlington contains requirements related to the regulation of dogs, to include the disposal of solid waste generated by dogs; and

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, through their Municipal Stormwater General Permits, to establish minimum standards for the proper disposal of "pet" solid waste; and

WHEREAS, the existing ordinance does not meet these minimum standards;

BE IT ORDAINED by the Township Council of the Township of Burlington, County of Burlington and State of New Jersey as follows:

Section 1. Section 16:1-8 is hereby amended to revise the term "dog(s)" to "pet(s)", to include the Title.

Section 2. Section 16:1-8.1 is hereby amended to add the following to the end of the Section: "... and without immediately removing all feces deposited by such pet by any sanitary method approved by the Department of Health, which information is available in the Office of the Township Clerk."

Section 3. Section 16:1-8.2 shall be revised to state: "... without immediately removing all feces deposited by such"

Section 4. Section 16.1-8 is hereby amended to add the following additional provision, which shall be designated as Section 8.4 and shall provide as follows:

8.4. **EXEMPTION.** Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

Section 5. Section 16.1-8 is hereby amended to add the following additional provision, which shall be designated as Section 8.5 and shall provide as follows:

8.5. **ENFORCEMENT.** This Ordinance shall be enforced by the Police Department of the Township of Burlington.

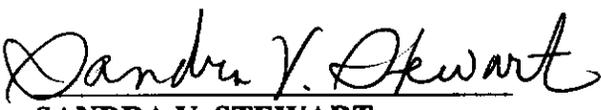
Section 6. All Ordinances or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

Section 7. This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.


ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk


SANDRA V. STEWART
President of Council

TOWNSHIP OF BURLINGTON

ORDINANCE
05-OR-028ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AND SPECIFICALLY SECTION 16:2-5 (FEEDING OF WILD WATERFOWL)

WHEREAS, Section 16:2-5 of the Ordinances of the Township of Burlington contains requirements related to the regulation of the feeding of wild waterfowl; and

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, through their Municipal Stormwater General Permits, to establish minimum standards for the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township; and

WHEREAS, the existing ordinance does not meet these minimum standards;

BE IT ORDAINED by the Township Council of the Township of Burlington, County of Burlington and State of New Jersey as follows:

Section 1. The title of Section 16:2-5 is hereby amended to "Feeding Wildlife".

Section 2. Section 16:2-5.1 is hereby amended as follows: "It has been determined that the feeding of wildlife, to include wild waterfowl, in the Township of Burlington contributes to a public health nuisance and creates an adverse impact the quality of the Township's waterways, which is inimical to the health and general welfare of the public.

Section 3. Section 16:2-5.2 is hereby amended as follows: "No person shall feed, cause to be fed or provide food for any wildlife (excluding wildlife confined in zoos, parks, or environmental education centers) in any public park or on any other property owned or operated by the Township of Burlington. For the purposes of this section "wildlife" shall include those undomesticated species of birds commonly known as "swans", "geese", "brants", "ducks", "gulls" or any other type of non-domesticated animals."

Section 4. Section 16:2-5 is hereby amended to add the following additional provision, which shall be designated as Section 5.7 and shall provide as follows:

ENFORCEMENT. This Ordinance shall be enforced by the Police Department of the Township of Burlington.

Section 5. All Ordinances or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

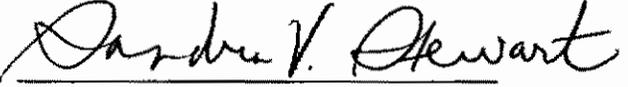
Section 6. This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.



ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk



SANDRA V. STEWART
President of Council

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-029**

**ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AND SPECIFICALLY SECTION 17:2 (REGULATION OF GARBAGE AND
RUBBISH COLLECTION AND SANITARY LANDFILL AREAS)**

WHEREAS, Section 17:2 of the Ordinances of the Township of Burlington contains requirements related to the regulation of the collection of yard waste, to include some types of uncontainerized yard waste (branches and leaves); and

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, through their Municipal Stormwater General Permits, to establish minimum standards for the proper handling, collection and disposal of yard waste; and

WHEREAS, the existing ordinance does not meet these minimum standards;

BE IT ORDAINED by the Township Council of the Township of Burlington, County of Burlington and State of New Jersey as follows:

Section 1. Section 17:2-5.5D is hereby amended to add the following to the end of the Section: "Said loose piles shall not be placed closer than ten (10) feet from any storm drain inlet."

Section 2. All Ordinances or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

Section 3. This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.



ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk



SANDRA V. STEWART
President of Council

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-030**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REGULATIONS PROHIBITING
THE IMPROPER DISPOSAL OF WASTE INTO THE
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), AND
SPECIFICALLY TO ADD A NEW SECTION ENTITLED 8:5 (IMPROPER
DISPOSAL OF WASTE INTO MS4 PROHIBITED)**

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit, to prohibit the improper spilling, dumping, or disposal of materials other than stormwater, or those discharges specifically permitted by said Permit as noted in Section IV of this Ordinance, into the municipal separate storm sewer system; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model Ordinances for use by Municipalities; and

WHEREAS, this Ordinance is consistent with the model ordinance supplied by the NJDEP for improper waste disposal;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW
JERSEY, AS FOLLOWS:**

8:5-1 PURPOSE:

An Ordinance to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Burlington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

8:5-2 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 Ordinance 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 Burlington 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. 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.

8:5-3 PROHIBITED CONDUCT:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Burlington is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

8:5-4 EXCEPTIONS TO PROHIBITION:

- a. Water line flushing and discharges from potable water sources.
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- c. Air conditioning condensate (excluding contact and non-contact cooling water).
- d. Irrigation water (including landscape and lawn watering runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential car washing water, and residential swimming pool discharges.
- g. Sidewalk, driveway and street wash water.
- h. Flows from fire fighting activities including the washing of fire fighting vehicles.
- i. Vehicle and equipment washwater from municipal operations pursuant to Part I, Section F.8.e of the Municipal Stormwater General Permit.
- j. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to the engines or other exposed machinery.

8:5-5 ENFORCEMENT:

This Ordinance shall be enforced by the Police Department of the Township of Burlington.

8:5-6 PENALTIES:

Any person(s) who continues to be in violation of the provisions of this Ordinance, after being duly notified, shall be subject to a fine not to exceed \$500.00.

8:5-7 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.

8:5-8 CONSISTENCY:

All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

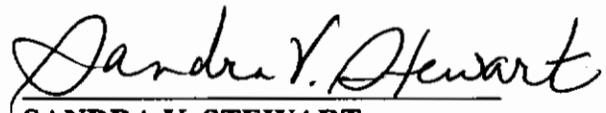
8:5-9 EFFECTIVE DATE:

This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.


 ANTHONY J. CARNIVALE, JR., RMC
 Municipal Clerk


 SANDRA V. STEWART
 President of Council

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-031**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
PROHIBITING ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4), AND SPECIFICALLY TO ADD A NEW
SECTION ENTITLED 8:6 (ILLICIT CONNECTIONS TO MS4 PROHIBITED)**

WHEREAS, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit and to the extent allowable under State Law, to effectively prohibit through Ordinance, illicit connections to the Municipality's MS4, and implement appropriate enforcement procedures and actions; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model Ordinances for use by Municipalities; and

WHEREAS, this Ordinance is consistent with the model ordinance supplied by the NJDEP for illicit connections;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW
JERSEY, AS FOLLOWS:**

8:6-1 PURPOSE:

An Ordinance to prohibit illicit connections to the municipal separate storm sewer system operated by the Township of Burlington, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

8:6-2 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 Ordinance 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage – waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Burlington, unless that discharge is authorized under an NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

- c. Industrial waste – non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. 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 Burlington or other public body, and is designed and used for collecting and conveying stormwater.
- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.
- f. Non-contact cooling water – water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater – any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. 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.

8:6-3 PROHIBITED CONDUCT:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Burlington any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

8:6-4 ENFORCEMENT:

This Ordinance shall be enforced by the Chief Plant Operator of the Sewer Department of the Township of Burlington.

8:6-5 PENALTIES:

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine not to exceed \$500.00.

8:6-6 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.

8:6-7 CONSISTENCY:

All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

8:6-8 EFFECTIVE DATE:

This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.



ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk



SANDRA V. STEWART
President of Council

TOWNSHIP OF BURLINGTON

**ORDINANCE
05-OR-032**

**AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF
BURLINGTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND
SPECIFICALLY SECTION 17:9 (Amending the Recycling Ordinance)**

WHEREAS, the New Jersey Solid Waste Management Act ("SWMA"), 13:1E-1 et. seq., as amended by P.L. 1987, c.102, requires each municipality with the State of New Jersey to adopt an Ordinance or Ordinances governing separation and collection of certain recyclable materials; and

WHEREAS, the Burlington County District Solid Waste Management Recycling Plan ("County Plan"), as adopted by the Burlington County Board of Chose Freeholders ("County") and approved by the New Jersey Department of Environmental Protection ("DEP") pursuant to SWMA, also requires each municipality within the County to adopt an Ordinance governing separation and collection of recyclable materials designated by the County Plan or the Division of Solid Waste Management ("DSWM"); and

WHEREAS, pursuant to the County Plan, DSWM has prepared and distributed a model Ordinance in a form substantially similar to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT SECTION 17:9 OF THE ORDINANCES IS HEREBY REPEALED IN ITS ENTIRELY AND THE FOLLOWING AMENDMENTS CONSTITUTE THE NEWLY ENACTED RECYCLING ORDINANCE FOR BURLINGTON TOWNSHIP AND PROVIDE AS FOLLOWS:

Section 1. The Township of Burlington finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will reduce the need for landfills and conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery, and conserve natural resources.

Section 2. This Ordinance is adopted pursuant to Sections 6,9 and 14 of P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1.

Section 3. As used in this Ordinance, the following definitions shall apply:

"Cans" shall mean empty food, beverage and aerosol containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by DSWM .

"Cardboard" shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic; foam, wax-coated or soiled corrugated cardboard.

"Commercial" refers to any person or other entity operating a business, trade, industry or other activity which is carried on for profit.

"Commingled" shall mean source separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

"Condominium complex" shall be defined in accordance with N.J.S.A. 46:8B1 et seq.

"County" shall mean the County of Burlington, State of New Jersey.

"County Plan" shall mean the District Solid Waste Management Plan for Burlington County as approved by the New Jersey Department of Environmental Protection.

"Designated recyclable materials" shall mean those recyclable materials to be source separated in this municipality, including but not limited to, antifreeze, cellular telephones, construction and demolition debris consisting of asphalt, concrete, and untreated wood waste, electronic waste, metal, glass, lead acid batteries, fluorescent light bulbs and ballasts, leaves, motor oil, paper, plastic bottles, paperboard packaging, corrugated and other cardboard, newspaper, magazines, or high-grade office paper, rechargeable batteries, toner and printer cartridges and tires.

"Disposition" or "disposition of designated recyclable materials" means the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste;

"Electronic Waste" shall mean computer hard drives, monitors, keyboards, modems, printers, fax machines, VCR's and Cell Phones.

"Glass" shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs and plate, window, laminated, wired or mirrored glass.

"Institutional" refers to any person or other entity, either public or private, either for profit or nonprofit, who operates for educational, charitable or other public purpose.

"Mobile home park" means any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.

"Multifamily dwelling" means any building or structure or complex of buildings or structures in which five or more dwelling units are rented or leased or offered for rental or lease for residential purposes except hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55: 13A-1 et seq).

"Municipal Drop-Off" shall mean any facility designed and operated by this municipality solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard. (The municipality may amend this language to add additional materials or restrict the type of generator that is permitted to utilize the dropoff)

"Municipality" shall mean the Township of Burlington located within the County of Burlington, State of New Jersey.

"DSWM" shall mean the Burlington County Division of Solid Waste Management, its successors and assigns.

"Paper" shall mean all chipboard, newspaper, fine paper, bond paper, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

Plastic bottles shall mean all bottles that are labeled as made from polyethylene terephthalate (PET) and coded as #1 and high density polyethylene terephthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, motor oil, and pesticides.

"Person" shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and director.

"Recyclable material" shall mean a material which would otherwise become solid waste, which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling" shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

"Recycling dropoff" shall mean any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

"Resident" shall mean any person residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.

"Solid Waste" shall mean garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

"Source separate" shall mean to separate recyclable materials from the solid waste stream at the point of generation.

"SWMA" shall mean the New Jersey Solid Waste Management Act, as amended.

All other terms and phrases shall be as defined in the SWMA, regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

Section 4. Establishment of Curbside Program

There is hereby established a program ("curbside program") for the separate collection of recyclable material from all non-physically disabled residents of the Municipality. Designated recyclables for the curbside program established pursuant to this section shall consist of the following materials: paper, cardboard, glass, cans, plastic bottles and other recyclable materials as designated by the Municipality at any time, thirty (30) days after designation and publication of notice in a newspaper of general circulation.

Said curbside program shall not apply to any multifamily complex of twenty (20) or more units, condominium complex of twenty (20) or more units or mobile home park of twenty (20) or more units, or to any commercial or institutional establishment unless approved by DSWM.

Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates to be publicly advertised by the Municipality or County.

All residents of the Municipality within the area serviced by the curbside program established pursuant to this section shall source separate all designated recyclables and shall place them at the side of the road fronting their residence in the manner designated by Section 5 of this Ordinance and on the date specified for collection by the schedule published by the Municipality or County.

Section 5. Requirements Applicable to Source Separation and Collection of Designated Recyclables for the Curbside Program

All recyclables placed by residents for collection pursuant to the curbside program established pursuant to Section 4 of this Ordinance shall be prepared for collection in accordance with the following:

Cardboard and Paper shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness.

Glass containers and plastic bottles shall have caps and lids removed.

Glass containers, cans and plastic bottles shall be rinsed free of contaminants.

Cans, glass containers and plastic bottles shall be placed in a recycling container, to be provided by the Municipality. Plastic and/or paper garbage bags shall not be utilized as containers for cans, glass containers, and plastic bottles. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by 6:00 A.M. on the scheduled collection day.

Section 6. Establishment of Public Dropoff Program

There is hereby established a program ("Public Dropoff Program") for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans and plastic bottles from all residents located in this Municipality, with the exception of multifamily complexes, condominium complexes and mobile home parks.

Other recyclable materials may be designated by the Municipality at any time, thirty - (30) days after said designation and publication of notice in a newspaper of general circulation.

Section 7.A Establishment of Dropoff Program for Multifamily Complexes, Condominium Complexes and Mobile Home Parks

There is hereby established a program ("Private Dropoff Program") for the source separation and delivery of designated recyclable materials to a recycling dropoff(s) including paper, cardboard, glass, cans and plastic bottles from all residents of multifamily complexes, condominium complexes and mobile home parks comprised of twenty (20) or more units within this Municipality.

The owner or manager of every multifamily complex, condominium complex and mobile home park within this Municipality shall purchase recycling containers, construct and maintain, in a neat and sanitary condition, recycling dropoff(s), to receive all designated recyclables generated by residents of the complex or mobile home park pursuant to the guidelines of the DSWM.

In cases where a condominium association exists, the condominium association shall be responsible for purchase of recycling containers and construction and maintenance in a neat and sanitary condition of the recycling dropoff(s) pursuant to the guidelines of the DSWM.

The owner or manager of every multifamily complex, condominium complex and mobile home park who elects not to participate in the Burlington County Regional Recycling Program shall arrange for the collection and recycling of all designated recyclables from said dropoffs (s) at their expense.

The number and design of the recycling dropoffs required by this section for each multifamily complex, condominium complex and mobile home park shall be consistent with guidelines provided by the DSWM.

Other recyclable materials as designated by the Municipality at any time thirty (30) days after said designation and publication of notice in a newspaper of general circulation.

Section 8.

Requirements Applicable to Source Separation and Placement of Designated Recyclables in Recycling Dropoffs.

Designated recyclables required to be placed in recycling dropoffs pursuant to Section 6 or Section 7 of this Ordinance shall be consistent with guidelines provided by DSWM.

Section 9. Mandatory Commercial and Institutional Source Separation Program

All persons generating municipal solid waste within this Municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this Ordinance.

Designated recyclables for the mandatory commercial and institutional source separation program shall consist of the following materials:

Anti-Freeze, batteries (lead acid and rechargeable), cardboard, construction and demolition waste, fluorescent light bulbs and ballasts, electronic waste, glass, plastic bottles, cans; including those generated at convenience stores; leaves, motor oil, paper, toner and printer cartridges.

Other recyclable materials as designated by this Municipality at any time (30) days after said designation and publication of notice of the designation in a newspaper of general circulation.

The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

The management individual(s) responsible for the provision of recycling services as herein defined, shall submit to the Municipal Recycling Coordinator by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled. Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. Weight slips or paid invoices must be maintained by the generator for inspection if requested by this Municipality, County or State for a period not to exceed five (5) years.

Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled on forms as prescribed by the Office of Solid Waste Management.

Section 10. Unlawful Activities; Nuisance

It shall be unlawful for:

any person, other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling dropoff pursuant to this Ordinance;

any person to violate, cause, or assist in the violation of any provision of this Ordinance or any provision of the County Plan concerning recycling;

any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling dropoff;

any person to hinder, obstruct, prevent or interfere with this Municipality, the County or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this Ordinance.

any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.

All unlawful conduct set forth in Section 10 (a) shall constitute a public nuisance.

Section 11. Non-collection of Solid Waste Contaminated by Designated Recyclables

This Municipality or any other person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this Ordinance.

Section 12. Other Means of Disposal

Notwithstanding anything herein to the contrary, any resident of the Municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling dropoff without prior written permission from this Municipality for such collection. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling dropoff.

Section 13. Non-interference with Existing Contracts

Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the Municipality on the effective date of this Ordinance.

No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

Section 14. Enforcement

A Municipal Recycling Coordinator and/or the local Code Enforcement Official shall be appointed to serve by the Municipality as the Enforcement Officer for this Ordinance.

Said Municipal Recycling Coordinator/Code Enforcement Officer shall be responsible, under the direction of the Municipality, enforcement of all recycling requirements of this Ordinance.

In addition to the Municipal Recycling Coordinator or Code Enforcement Officer, the Burlington County Health Department and the DSWM are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.

Enforcement of this Ordinance shall be commenced in the Superior Court or in the municipal court of the Municipality, and penalty or fine shall be collected with costs in a summary civil proceeding. Any penalties or fines collected in an enforcement action shall be paid to the Municipality when such action is brought by the Municipality. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the Office of Waste Management.

Section 15. Penalties

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).

Commercial or Institutional Violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).

For any person who offers to collect recyclable in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than five thousand dollars (\$5000.00).

For any solid waste or recycling service provider who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).

Each continuing day of violation of this Ordinance shall constitute a separate offense.

Section 16. Injunctions; Concurrent Remedies

In addition to any other remedy provided in this Ordinance, this Municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or the County Plan. In addition to an injunction, the court may impose penalties as authorized by Section 15 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence, exercise or any remedy shall not prevent this Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

Section 17. Construction

The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materia with the SWMA and the Plan.

Section 18. Severability

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

Section 19. Repealer

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 20. Effective Date

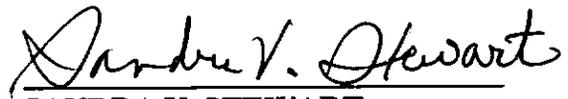
This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.



ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk



SANDRA V. STEWART
President of Council

TOWNSHIP OF BURLINGTON

ORDINANCE

10-OR-026

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REGULATIONS REQUIRING THE RETROFITTING OF STORM
DRAIN INLETS ON PRIVATE PROPERTY IN CERTAIN SITUATIONS**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) Stormwater Management Rules (N.J.A.C. 7:8) requires municipalities in accordance with their Municipal Stormwater General Permit to enact regulations 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; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model ordinances for use by Municipalities; and

WHEREAS, this ordinance is consistent with the model ordinance supplied by the NJDEP for retrofitting of storm drain inlets on private property;

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. 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 Burlington 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.

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 ordinance 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 Burlington 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.

Section 3. 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:

- 1. Already meets the design standard below to control passage of solid and floatable materials; or
- 2. Is retrofitted or replaced to comply with the requirements set forth in the section entitled "Design Standard", prior to the completion of the project.

Section 4. Design Standard.

Storm drain inlets, as defined herein, 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 paragraph 3 below.

- 1. 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:

- a. 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

- b. 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, fields, open channels, and stormwater basin floors.

- 2. 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.

- 3. This standard does not apply:

- a. Where the Township 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;

- b. 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:

- i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d. 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 5. Enforcement.

This ordinance shall be enforced by the Zoning Officer of the Township of Burlington.

Section 6. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to the maximum penalty in Chapter 1, Article II, Definitions, General Penalty.

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. Consistency.

All ordinances, or parts of ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

Section 9. Effective Date.

This ordinance shall take effect immediately upon final passage and publications required by law.

This ordinance was introduced at a meeting of the Township Council of the Township of Burlington held on August 10, 2010 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on August 24, 2010 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on August 24, 2010.


ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk


GEORGE M. KOZUB
President of Council

TOWNSHIP OF BURLINGTON

ORDINANCE
10-OR-027**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
ESTABLISHING REGULATIONS REQUIRING CERTAIN DUMPSTERS AND
OTHER REFUSE CONTAINERS TO BE COVERED AT ALL TIMES**

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") Stormwater Management Rules (N.J.A.C. 7:8) requires municipalities in accordance with their Municipal Stormwater General Permit to enact regulations requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times; and

WHEREAS, the NJDEP, in order to insure uniformity and consistency, has provided model ordinances for use by Municipalities; and

WHEREAS, this ordinance is consistent with the model ordinance supplied by the NJDEP for covering dumpsters and other refuse containers that are outdoors or exposed to stormwater;

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 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 the Township of Burlington 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.

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 ordinance 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 Burlington 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.

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 Township of Burlington and/or the waters of the State.

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 Zoning Officer of the Township of Burlington.

Section 6. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to the maximum penalty in Chapter 1, Article II, Definitions, General Penalty.

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. Consistency.

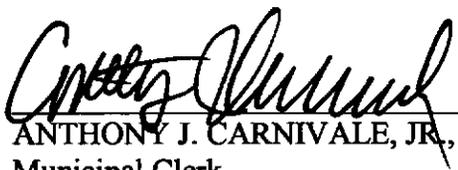
All ordinances, or parts of ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

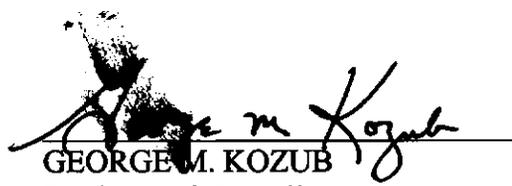
Section 9. Effective Date.

This ordinance shall take effect immediately upon final passage and publications required by law.

This ordinance was introduced at a meeting of the Township Council of the Township of Burlington held on August 10, 2010 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on August 24, 2010 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on August 24, 2010.


ANTHONY J. CARNIVALE, JR., RMC
Municipal Clerk


GEORGE M. KOZUB
President of Council