

**AN ORDINANCE AMENDING CHAPTER XVI
(ENVIRONMENTAL PROTECTION) OF THE
GENERAL ORDINANCES OF THE BOROUGH OF RUMSON.**

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XVI (Environmental Protection) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to add certain provisions to the Borough's Environmental Protection Regulations to establish of the regulations regarding refuse containers and dumpsters and private storm drain inlet retrofitting as required by the New Jersey Department of Environmental Protection.

Chapter XVI (Environmental Protection) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XVI (Environmental Protection) Subsection 16-10 (Refuse Containers/Dumpsters) and Chapter XVI (Environmental Protection) Subsection 16-11 (Private Storm Drain Inlet Retrofitting) shall be added as follows:

16-10 Refuse Containers/Dumpsters

16-10.1 Purpose:

The purpose of the section is to establish requirements for dumpsters and other refuse containers that are outdoors or exposed to stormwater, requiring dumpsters and refuse containers 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 Borough of Rumson 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.

16-10.2 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 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) shall mean 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 Rumson or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

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

Refuse container shall mean 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.

16-10.3 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 Rumson.

16-10.4 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)

16-10.5 Enforcement:

This ordinance shall be enforced by the Police Department or Code Enforcement of the Borough of Rumson.

16-10.6 Violations and Penalties:

Any person(s) firm(s) or corporation(s) who violates or neglects to comply with any provision of this section or any rule or regulation pursuant thereto, shall be subject to the penalties as stated in Chapter III, Section 3-1.

16-11 Private Storm Drain Inlet Retrofitting

16-11.1 Purpose:

The purpose of the section is to establish requirements for 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 Borough of Rumson so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

16-11.2 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 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) shall mean 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 Rumson or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

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

Storm drain inlet shall mean 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.

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.

16-11.3 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:

- 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 sub-section 16-11.4 below prior to the completion of the project.

16-11.4 Design Standards:

Storm drain inlets identified in subsection 16-11.3 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 subsection 16-11.4.d 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 one-half (0.5) inches across the smallest dimension.
- b. 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.
- c. 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 (2.0) 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.
- d. This standard shall 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-eighths (4⁵/₈) inches long and one and one-half inches (1.5) wide (this option does not apply for outfall netting facilities); or
- (b) A bar screen having a bar spacing of one-half (0.5) inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1.0) 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.

16-11.5 Enforcement:

This ordinance shall be enforced by the Police Department or Code Enforcement of the Borough of Rumson.

16-11.6 Violations and Penalties:

Any person(s) firm(s) or corporation(s) who violates or neglects to comply with any provision of this section or any rule or regulation pursuant thereto, shall be subject to the penalties as stated in Chapter III, Section 3-1.

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: April 13, 2010.

Passed and Approved: May 11, 2010.

I hereby approve of the
passing of this ordinance.

John E. Ekdahl,
Mayor

Attest:

Thomas S. Rogers,
Municipal Clerk/Administrator