

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 12-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE
ENTITLED “MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A
COMMUNITY-WIDE ORDINANCES” TO ADD NEW SECTION 18-9 ENTITLED
“REFUSE CONTAINERS/DUMPSTERS”**

WHEREAS, in July 2022, the New Jersey Department of Environmental Protection (“NJDEP”) reassigned all New Jersey municipalities designated as “Tier B” under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) to “Tier A” effectively invalidating the “Tier B” permit program; and

WHEREAS, as a result of Tier A reassignment, the Borough of Ogdensburg (“Borough”) is required to satisfy additional permit conditions set forth in the Tier A MS4 New Jersey Pollutant Discharge Elimination System (“NJPDES”) Master General Permit renewed January 1, 2023; and

WHEREAS, Tier A NJPDES permit conditions require, among other things, that the Borough adopt and enforce community-wide ordinances regarding (1) Pet Waste, (2) Wildlife Feeding, (3) Litter Control, (4) Improper Disposal of Waste, (5) Containerized Yard Waste/Yard Waste, (6) Private Storm Drain Inlet Retrofitting, (7) Privately-Owned Salt Storage, (8) Tree Removal/Replacement, (9) Illicit Connection, and (10) Privately-Owned Refuse Container/Dumpster (optional); and

WHEREAS, the Borough desires to adopt the aforesaid ordinances throughout the course of this calendar year for better legislative management and increased public participation, which ordinances shall appear in Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 18 of the Borough Code entitled “Municipal Separate Storm Sewer System (MS4), Tier A Community-Wide Ordinances” is hereby amended to add new Section 18-9 entitled “Refuse Containers/Dumpsters” as follows:

SECTION 1. Section 18-9 entitled “Refuse Containers/Dumpsters” is hereby added to Chapter 18 of the Borough Code as follows:

§ 18-9.1 Purpose.

The purpose of this Section is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids, or solids from the containers to the municipal separate storm sewer systems(s) operated by the Borough of Ogdensburg 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.

§ 18-9.2 Definitions.

For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of the Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Ogdensburg 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

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

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

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.

§ 18-9.3 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 Ogdensburg

§ 18-9.4 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 place curbside for pickup)

§ 18-9.5 Enforcement.

The provisions of this ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Ogdensburg.

§ 18-9.6 Penalties.

Any person(s) who is found to be in violation of the provisions of this Section shall be subject to a fine not less than \$50 nor maximum fine more than \$250 for each violation.

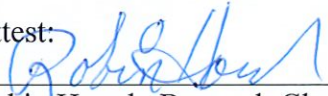
SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

Attest:



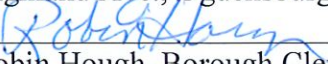
Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on August 28, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on September 11, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

Roll call vote for Introduction of Ordinance 12-2023

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption of Ordinance 12-2023

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 12-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE BOROUGH CODE
ENTITLED "MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), TIER A
COMMUNITY-WIDE ORDINANCES" TO ADD NEW SECTION 18-9 ENTITLED
"REFUSE CONTAINERS/DUMPSTERS"**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 28th day of August, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 11th day of September, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR