

**ORDINANCE 2011 - 6**  
**TOWNSHIP OF EAST WINDSOR**  
**COUNTY OF MERCER**

**AN ORDINANCE AMENDING CHAPTER XVIII,  
“HEALTH CODE,” OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR,  
FOR THE PURPOSE OF REGULATING OUTDOOR  
REFUSE CONTAINERS**

**WHEREAS**, East Windsor Township has been designated a Tier A community under the State of New Jersey Municipal Stormwater Regulation Program; and

**WHEREAS**, East Windsor Township applied for and received a Tier A Municipal Stormwater General Permit with an effective date of April 1, 2004; and

**WHEREAS**, East Windsor Township’s Tier A Municipal Stormwater General Permit was renewed on March 1, 2009; and

**WHEREAS**, East Windsor Township’s renewed permit requires the Township to adopt certain ordinances pertaining to outdoor refuse containers.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey that Chapter XVIII, “Health Code”, of the Revised General Ordinances of the Township of East Windsor is hereby amended as follows:

**Section 1.** Add a new Section as follows:

**“18-19 Refuse Containers / Dumpsters**

18-19.1 *Purpose* This ordinance requires 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 East Windsor 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.

18-19.2 *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. “*Municipal separate storm sewer system*” shall mean 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 East Windsor or other public body, and is designed and used for collecting and conveying stormwater.
- b. “*Person*” shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. “*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.
- d. “*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.
- e. “*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.

18-19.3 *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 East Windsor.

18-19.4 *Exception 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).

18-19.5 *Enforcement.* This Section shall be enforced by the Township Police Department.

**Section 2.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 3.** This ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

ATTEST:

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CINDY A. DYE  
Municipal Clerk

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JANICE S. MIRONOV  
Mayor

Adopted: February 8, 2011