

**BOROUGH OF ALLENDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE 17-16**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE  
THE CODE OF THE BOROUGH OF ALLENDALE,  
SOLID WASTE, CHAPTER 228**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 228 of the Code of the Borough of Allendale, be and hereby is amended and revised as to Section 228-21 through 228-29 as follows:

## Article IV. Refuse Containers/Dumpsters

### § 228-21. Purpose.

This article requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times, regulates the length of time a dumpster or other bulk container may be placed on property, regulates the type of materials that may be placed in a dumpster, requires a permit for the use of a dumpster, 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 Allendale 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.

### § 228-22. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

#### **DUMPSTER**

Any container, temporarily located on any private property, whether rigid or non-rigid in nature, into which any solid waste, as defined in §228-1 or this Chapter, is placed or deposited, including but not limited to construction and demolition debris, as defined in §228-1 of this Chapter. Containers within the scope of this definition shall include dumpster bags. Such containers situated on an ongoing, continuous basis on private commercial property shall not be included within this definition.

#### **DUMPSTER BAG**

Any dumpster which is non-rigid and/or expandable in nature or composition.

## **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Allendale or other public body, and is designed and used for collecting and conveying stormwater.

## **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.

### **§ 228-23. Prohibited conduct.**

- A. 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.
- B. 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 Allendale.

### **§ 228-23.1 Use of Dumpsters/Duration of Placement of Dumpsters/Permits for Dumpsters.**

- A. No garbage, refuse or trash, as such terms are defined in §228-17 of this Chapter, recyclable materials which are subject to the provisions of §228-3(B)(1 through 6) and (8 through 11) of this Chapter, or household waste shall be placed in any dumpster.
- B. No dumpster shall remain in place or be situated on any private property for a period in excess of ninety (90) days from the date of the issuance of the permit for same required in this Article, provided however that such period may be extended by the Construction Code Official for good cause. This time limitation(s) in this provision shall not be applicable to dumpster bags, which dumpster bags shall instead be governed by the time limitation in § 228.23.1(C) hereinbelow.
- C. No dumpster bag shall remain in place or be situated on any private property for a period in excess of

two (2) weeks from the date of the issuance of the permit for same required in this Article, provided however, that such time period may be extended by the Construction Code Official for good cause.

- D. No dumpster or dumpster bag shall be placed, located or situated on any private property unless and until a permit for same has been issued by the Construction Code Official, or the Borough. The cost of each such permit shall be \$25.00.

#### § 228-24. Exceptions to prohibition.

Exceptions are as follows:

- A. Litter receptacles (other than dumpsters or other bulk containers).
- B. Individual homeowner trash and recycling containers.
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- D. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

#### § 228-25. Enforcement.

This article shall be enforced by the Construction Code Official or the Property Maintenance Officer of the Borough of Allendale.

#### § 228-26. Penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000 or imprisonment for a term of not more than 90 days or both.

#### § 228-27. Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

#### § 228-28. Repealer.

All other provisions of this chapter which are not affected by this amendatory Ordinance are hereby ratified and confirmed and shall remain in full force and effect. However, all ordinances or parts of ordinances which are inconsistent with the provisions of this amendatory Ordinance are hereby repealed to the extent of such inconsistency.


#### § 228-29. When effective.

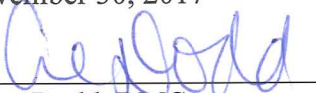
This article shall be in full force and effect from and after its adoption and any publication as may be required by law.

**BE IT FURTHER ORDAINED** that, except as modified herein, all other provisions of Chapter 228 shall remain in full force and effect as previously adopted.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
Homan			✓			
McSwiggan		✓	✓			
Sasso	✓		✓			
Strauch			✓			
Wilczynski			✓			
White						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on November 30, 2017

  
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 Mayor Elizabeth White

  
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 Anne Dodd, RMC  
 Municipal Clerk