

Introduced: 06/13/2023  
Public Hearing: 07/11/2023  
Adopted: 07/11/2023

**TOWNSHIP OF TEWKSBURY  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE NO. 12-2023**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON  
COUNTY, NEW JERSEY CREATING TITLE 9, PUBLIC PEACE, MORALS, AND  
WELFARE, CHAPTER 9.18, REFUSE CONTAINERS, OF THE TOWNSHIP  
CODE OF ORDINANCES**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has determined that open dumpsters and refuse containers presents significant pollution hazards to streams and waterways, including those located in the Township of Tewksbury (the "Township"); and

**WHEREAS**, in August 2022, NDJEP re-classified 101 municipalities, including the Township, from MS4 Permit Program Tier B to Tier A; and

**WHEREAS**, the Township Committee finds and declares that to comply with Tier A MS4 Permit Program requirement, it is in the best interests of the Township and its residents to require refuse containers and dumpsters to be covered at all times.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

**SECTION 1.** Title 9, Public Peace, Morals, and Welfare, Chapter 9.18, Refuse Containers / Dumpsters, of the Township Code of Ordinances is hereby created as follows:

9.18.010 – Purpose.

To establish requirements for 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 Tewksbury 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.

9.18.020- Definitions.

The following terms, phrases, words, and their derivations shall have the meanings stated herein.

- 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 Tewksbury 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. 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.

9.18.030 – Maintenance of Refuse Containers.

- 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 controls, whether owned, leased, or operated 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 Tewksbury.

9.18.040 – Exceptions.

The following shall be exempt from the provisions of this Chapter.

- 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).

9.18.050 – Enforcement.

The provisions of this chapter may be enforced by any officer of the Township of Tewksbury.

9.18.060 – Violation and Penalty.

Any person who is found to be in violation of the provisions of this ordinance shall be subject to the penalties set forth in the General Penalty Chapter of this Code.

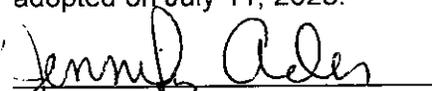
**SECTION 2.** All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

**SECTION 4.** All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on June 13, 2023 and adopted on July 11, 2023.

  
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Jennifer Ader  
Township Clerk