

**AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER CREATING A NEW ARTICLE XXXVII D ENTITLED "COVERING OF OUTDOOR DUMPSTERS AND OTHER REFUSE CONTAINERS" WITHIN PART 11 (SPECIAL ENVIRONMENTAL REQUIREMENTS) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO REQUIRE THE COVERING OF OUTDOOR DUMPSTERS AND OTHER REFUSE CONTAINERS IN ORDER TO PROHIBIT THE SPILLING, DUMPING AND/OR DISCHARGES THEREFROM**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has required the covering of outdoor dumpsters and other refuse containers in order to prohibit the spilling, dumping and/or discharges therefrom and has suggested certain ordinance provisions to accomplish this result; and

**WHEREAS**, The Township Engineer has recommended that such ordinance provisions be included within the Special Environmental Requirements Part of the Township Land Use Ordinance so that the aforementioned results may be accomplished; and

**WHEREAS**, the Township Council of the Township Bridgewater is in accord with and accepts the recommendation of the Township Engineer and wishes to implement the aforesaid NJDEP requirements relating to the covering of outdoor dumpsters and other refuse containers in order to prohibit the spilling, dumping and/or discharges therefrom.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Bridgewater, in the County of Somerset and State of New Jersey that it hereby creates a new Article XXXVII D entitled "Covering of Outdoor Dumpsters and Other Refuse Containers within Part 11 (Special Environmental Requirements) of Chapter 126 (Land Views) of the Municipal Code of the Township of Bridgewater so as to require the covering of outdoor dumpsters and other refuse containers in order to prohibit the spilling, dumping and/or discharges therefrom.

**SECTION I**  
**ARTICLE XXXVII D**

**COVERING OF OUTDOOR DUMPSTERS AND OTHER REFUSE CONTAINERS**

126 - 285.18 Purpose:

An ordinance requiring 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 Bridgewater

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.

126-285.19 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 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.

- 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 Bridgewater 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.

126 – 285.20 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 Township of Bridgewater.

126 – 285.21 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)

126 – 285.22 Enforcement:

This ordinance shall be enforced by the Township Engineer, Environmental Official, Police Department and/or other Municipal Officials of Township of Bridgewater.

126 – 285.23 Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 or 90 days imprisonment, or both.

### **SECTION II**

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

### **SECTION III**

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

### **SECTION IV**

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Adopted: June 21, 2010

Effective: July 12, 2010

**AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER CREATING A NEW ARTICLE XXXVII C ENTITLED "RETROFITTING OF CERTAIN EXISTING STORM DRAIN INLETS" WITHIN PART 11 (SPECIAL ENVIRONMENTAL REQUIREMENTS) OF CHAPTER 126 (LAND USE) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO REQUIRE THE RETROFITTING OF CERTAIN EXISTING STORM DRAIN INLETS IN ACCORDANCE WITH SPECIFIC STANDARDS, IN ORDER TO PREVENT THE DISCHARGE OF SOLIDS AND FLOATABLES INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has required the retrofitting of certain existing storm drain inlets in accordance with specific standards in order to prevent the discharge of solids and floatables into the municipal separate storm sewer system and has suggested certain ordinance provisions to accomplish this result; and

**WHEREAS**, The Township Engineer has recommended that such ordinance provisions be included within the Special Environmental Requirements Part of the Township Land Use Ordinance so that the aforementioned results may be accomplished; and

**WHEREAS**, the Township Council of the Township Bridgewater is in accord with and accepts the recommendation of the Township Engineer and wishes to implement the aforesaid NJDEP requirements relating to the retrofitting of certain existing storm drain.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Bridgewater, in the County of Somerset and State of New Jersey that it hereby creates a new Article XXXVIIC entitled "Retrofitting of Certain Existing Storm Drain Inlets" within Part 11 (Special Environmental Requirements) of Chapter 126 (Land Use) for the purpose of requiring the retrofitting of certain existing storm drain inlets in accordance with specific standards in order to prevent the discharge of solids and floatables into the municipal separate storm sewer system, all as more specifically delineated herein below:

**SECTION I**

**ARTICLE XXXVIIC            RETROFITTING OF CERTAIN EXISTING STORM DRAIN INLETS**

126 – 285.12 Purpose:

This ordinance requires 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 Township of Bridgewater so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### 126 – 285.13 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.

- 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 Bridgewater 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. Storm drain inlet- 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.
- D. 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.

#### 126 – 285.14 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:

- 1. already meets the design standard below to control passage of solid and floatable materials; or
- 2. Is retrofitted or replaced to meet the standard in 126 – 285.15 below prior to the completion of the project.

#### 126 – 285.15 Design Standard

Storm drain inlets identified in this Article 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 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 0.5 inches across the smallest dimension.

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.

B. 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 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.

C. This standard does 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 inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - b) A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") 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.

126 – 285.16 Enforcement:

This ordinance shall be enforced by the Township Engineer, Environmental Official, Police Department and/or other Municipal Officials of Township of Bridgewater.

126 – 285.17 Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 or 90 days imprisonment, or both for each storm drain inlet that is not retrofitted to meet the design standard..

**SECTION II**

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**SECTION III**

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

**SECTION IV**

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Adopted: June 21, 2010

Effective: July 12, 2010

**AN ORDINANCE AMENDING CHAPTER 114 ENTITLED THE "MUNICIPAL STORM WATER REGULATION PROGRAM," OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER, COUNTY OF SOMERSET, STATE OF NEW JERSEY (WHICH CONTAINS 7 STORMWATER POLLUTION PREVENTION SECTIONS, COVERING SPECIFIC SUBJECTS, APPLICABLE TO EXISTING DEVELOPMENTS - ARTICLES I - VII) FOR THE PURPOSE OF ADDING AN ARTICLE VIII ENTITLED "FERTILIZER MANAGEMENT" FOR THE PURPOSE OF REGULATING THE OUTDOOR APPLICATION OF FERTILIZER IN ORDER TO PROTECT AND IMPROVE SURFACE WATER QUALITY**

**WHEREAS**, in response to rules adopted by the United States Environmental Protection Agency in 1999, the NJDEP developed a Municipal Stormwater Regulation Program which was delineated in N.J.A.C. 7:8 and 7:14A of its regulations; and

**WHEREAS**, the purpose of the program was to address the problem of pollutants entering municipal, county and regional waterways from municipal storm drainage systems; and

**WHEREAS**, with respect to existing developed areas within the municipality, the problem was to be addressed through local public education, ordinances and programs focused on the improper disposal of waste, solid and floatable controls, maintenance yard operation regulations and employee training pursuant to N.J.A.C. 7:14A; and

**WHEREAS**, the Township Council of the Township of Bridgewater, committed to addressing these pollution prevention issues with respect to existing developments enacted, in 2006, Chapter 114 of its Municipal Code which addressed the following subject matters:

- |                              |                         |
|------------------------------|-------------------------|
| * Litter Control             | * Pet Waste             |
| * Improper Disposal of Waste | * Wildlife Feeding      |
| * Containerized Yard Waste   | * Yard Waste Collection |
| * Illicit Connections        |                         |

and

**WHEREAS**, the NJDEP regulations now mandate that the municipality enact an ordinance, addressing a new subject matter, namely, regulation of the outdoor application of fertilizer in order to protect and improve surface water quality; and

**WHEREAS**, the adoption of the Ordinance provisions contained herein accomplishes that purpose.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that Chapter 114 of the



Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, entitled "Municipal Stormwater Regulation Program," (which contains 7 stormwater pollution prevention sections, covering specific subjects, applicable to existing developments – Articles I through VII) be amended for the purpose of adding an Article VIII entitled "Fertilizer Management" for the purpose of regulating the outdoor application of fertilizer in order to protect and improve surface water quality.

## SECTION I

### Article VIII Fertilizer Management

#### 114 – 38 Purpose:

The purpose of this Article is to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This Article does not apply to fertilizer application on commercial farms.

#### 114 – 39 Basis and Background:

- A. Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.
- B. While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied (2) hours prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the

type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

- C. This Article does not apply to the application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

114 - 40      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 Ordinance 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.

1. Buffer - the land area, 25 feet in width, adjacent to any waterbody which may be reduced to 10' if a drop spreader is used to spread the Fertilizer.
2. Commercial farm - a farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.
3. Fertilizer - means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
4. Impervious Surface - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
5. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
6. Phosphorus fertilizer - any fertilizer that contains phosphorus, expressed as P<sub>2</sub>O<sub>5</sub>, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.
7. Soils Test - a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.
8. Waterbody - a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary but does not include roadside ditches or swales.

114 - 41. Prohibited Conduct:

No person may do any of the following:

- A. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- B. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- C. Apply fertilizer within the buffer of any waterbody.
- D. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season, Zone 6b (northeastern, central and part of southern New Jersey) \* March 1 to November 15.

114 - 42 Phosphorus Fertilizer Application

No person may do the following:

- A. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
- B. Exceptions
  - 1. Application of phosphorus fertilizer needed for a. establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules, b. re-established or repairing a turf area.
  - 2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
  - 3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

114 - 43 Enforcement:

This ordinance shall be enforced by the Health Department, Environmental Official, Engineering Department, Zoning Official and/ or Police Department of Township of Bridgewater.

114 – 44      Violations and Penalties:

Any person(s) found to be in violation of the provisions of this ordinance shall be subject to warnings or fines as follows:

- (a) first violation a warning
- (b) second violation a fine not to exceed \$10
- (c) third or subsequent violation, a fine not to exceed \$25 for each violation.

SECTION II

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION III

Should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law.

Adopted: June 21, 2010

Effective: July 12, 2010

TF

# THE TOWNSHIP OF BRIDGEWATER

700 GARRETSON ROAD / BRIDGEWATER, N.J. 08807

908/725-6300 / FAX # 908/707-1235

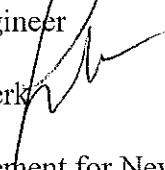
TDD 908/725-6300 / 908/722-4111



MAILING ADDRESS  
P.O. BOX 6300  
BRIDGEWATER, NJ 08807

March 31, 2006

TO: Robert Bogart, Township Engineer

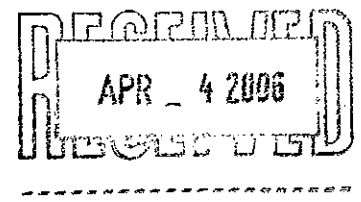
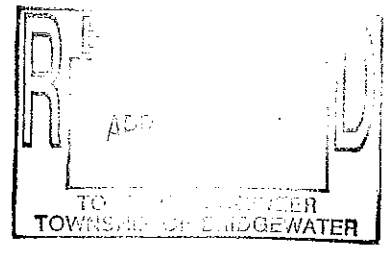
FROM: Linda J. Doyle, Township Clerk 

RE: Stormwater Pollution Management for New Developments  
Municipal Storm Water Regulation Program for Existing Developments

Attached are two (2) certified copies of each of the ordinances adopted by the Township Council on March 30, 2006 for your records. These ordinances will be effective as of April 19, 2006. Please forward accordingly.

ljd  
Attachments

Cc: C. O'Shea



**AN ORDINANCE CREATING A CHAPTER 114 ENTITLED "MUNICIPAL STORM WATER REGULATION PROGRAM FOR EXISTING DEVELOPMENTS," PURSUANT TO N.J.A.C. 7:8 AND 7:14A (NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS), OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO IMPLEMENT THE TOWNSHIP STORMWATER POLLUTION PREVENTION / MANAGEMENT PLAN (SPPP) ADOPTED IN 2005 THROUGH THE DEVELOPMENT OF STORMWATER POLLUTION PREVENTION ORDINANCES APPLICABLE TO EXISTING DEVELOPMENTS**

**WHEREAS**, in response to rules adopted by the United States Environmental Protection Agency in 1999, the NJDEP developed a Municipal Stormwater Regulation Program which was delineated in N.J.A.C. 7:8 and 7:14A of its regulations; and

**WHEREAS**, the purpose of the program was to address the problem of pollutants entering municipal, county and regional waterways from municipal storm drainage systems; and

**WHEREAS**, with respect to existing developed areas within the municipality, the problem was to be addressed through local public education, ordinances and programs focused on the improper disposal of waste, solid and floatable controls, maintenance yard operations and employee training pursuant to N.J.A.C. 7:14A; and

**WHEREAS**, the Township Council of the Township of Bridgewater wishes to address these pollution prevention issues, with respect to existing developments, by enacting a new Chapter 114 of its Municipal Code which shall address the following subject matters:

- |                              |                         |
|------------------------------|-------------------------|
| * Litter Control             | * Pet Waste             |
| * Improper Disposal of Waste | * Wildlife Feeding      |
| * Containerized Yard Waste   | * Yard Waste Collection |
| * Illicit Connections and    |                         |

**WHEREAS**, the aforesaid NJDEP regulations mandate that the municipality develop ordinances and begin implementing them with respect to the above subject matters as they relate to existing developments.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that a Chapter 114 of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, entitled "Municipal Stormwater Regulation Program," be created for the purpose of enacting stormwater pollution prevention ordinances applicable to existing developments regulating the following subject matters: litter control; pet waste; improper disposal of waste; wildlife feeding; containerized yard waste; yard waste collection and illicit connections, all as follows:

## SECTION I

### Part 1 - Litter Control Ordinance

#### **114-1 Purpose:**

An ordinance to establish requirements to control littering in Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **114-2 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. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- b. Litter Receptacle - a container suitable for the depositing of litter.
- c. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

#### **114-3 Prohibited acts and regulated activities:**

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

**114-4 Enforcement:**

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Township of Bridgewater.

**114-5 Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

Part 2 - Pet Waste Ordinance

**114-6 Purpose:**

An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**114-7 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. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.



**114-8 Requirement for Disposal:**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**114-9 Exemptions:**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**114-10 Enforcement:**

The provisions of this Article shall be enforced by the Police Department and the Local Board of Health of Township of Bridgewater.

**114-11 Violations and Penalty:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

Part 3 - Improper Disposal of Waste Ordinance

**114-12 Purpose:**

An ordinance to prohibit the spilling, dumping, or disposal of materials other than Stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**114-13 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 (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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.  
**NOTE:** In municipalities with combined sewer systems, add the following: "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."

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. 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.

**114-14 Prohibited Conduct:**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Township of Bridgewater] is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

**114-15 Exceptions to Prohibition:**

- a. Water line flushing and discharges from potable water sources.
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential car washing water, and residential swimming pool discharges.
- g. Sidewalk, driveway and street wash water.
- h. Flows from fire fighting activities.
- i. Flows from rinsing of the following equipment with clean water:
  - Beach maintenance equipment immediately following their use for their intended purposes; and
  - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**114-16 Enforcement:**

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Township of Bridgewater.

**114-17 Penalties:**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

#### Part 4 - Wildlife Feeding Ordinance

##### **114-18 Purpose:**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

##### **114-18 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. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

##### **114-19 Prohibited Conduct:**

- a. No person shall feed, in any public park or on any other property owned or operated by Township of Bridgewater, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

##### **114-20 Enforcement:**

- a. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Township of Bridgewater.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

##### **114-21 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

#### Part 5 - Containerized Yard Waste Ordinance

##### **114-22 Purpose:**

An ordinance to establish requirements for the proper handling of yard waste in Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**114-23 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. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

**114-24 Prohibited Conduct:**

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**114-25 Enforcement:**

The provisions of this ordinance shall be enforced by Police Department and/or other Municipal Officials of Township of Bridgewater.

**114-26 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

Part 6 - Yard Waste Collection Program Ordinance

**114-227 Purpose:**

An ordinance to establish a yard waste collection and disposal program in Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**114-28 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. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

**114-29 Yard Waste Collection**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is not allowed at any time. Placement of such yard waste at the curb or along the street is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

**114-30 Enforcement:**

The provisions of this ordinance shall be enforced by Police Department and/or other Municipal Officials of Township of Bridgewater.

**114-31 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

Part 7 - Illicit Connection Ordinance

**114-32 Purpose:**

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Bridgewater, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**114-33 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection - any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. 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 Township of Bridgewater or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: "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."
- e. NJPDES permit - a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.
- f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater - any water, which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- i. 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.

**114-34 Prohibited Conduct:**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Bridgewater any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**114-35 Enforcement:**

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Township of Bridgewater.

**114-36 Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 or 90 days imprisonment, or both.

**SECTION II**

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**SECTION III**

Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Adopted: March 30, 2006

Effective: April 19, 2006

I, **Linda J. Doyle, RMC**, Municipal Clerk of the  
Township of Bridgewater, County of  
Somerset, do hereby certify this to be a  
true copy of an ordinance adopted by the  
Township Council on 3/30/06

  
\_\_\_\_\_  
**Linda J. Doyle, RMC**, Municipal Clerk