Chapter 55

DISPOSAL AND CONTROL OF LITTER AND WASTE

§ 55-1.	Legislative findings.	§ 55-7.	Illicit connection.
§ 55-2.	Definitions.	§ 55-8.	Refuse containers/dumpsters.
§ 55-3.	Litter control.	§ 55-9.	Private storm drain inlet retrofitting.
§ 55-4.	Yard waste collection program.		
§ 55-5.	Illegal dumping.	§ 55-10.	Enforcement.
§ 55-6.	Improper disposal of waste.	§ 55-11.	Penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Neptune City 3-27-2006 by Ord. No. 2006-03 . Amendments noted where applicable.]

§ 55-1. Legislative findings.

It is hereby found and determined by the governing body of the Borough of Neptune City that it is necessary, for the preservation of the environment and public health and safety and the general welfare, to control litter and yard waste, prohibit improper waste disposal and prohibit illicit connection to the storm sewer system.

§ 55-2. Definitions. [Amended 12-26-2006 by Ord. No. 2006-17]

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. The word "shall" is always mandatory and not merely discretionary.

CONTAINERIZED — 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.

DOMESTIC SEWAGE — Waste and wastewater from humans or household operations.

ILLICIT CONNECTION — Any physical or nonphysical 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 Borough of Neptune City, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Nondomestic 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)).

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 primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

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LITTER RECEPTACLE — A container suitable for the depositing of litter.

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 Neptune City, or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT — A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules and N.J.A.C. 7:14A.

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.

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

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.

REFUSE CONTAINER — Any waste container that a person controls whether owned, leased, or operated, including but not limited to dumpsters, trash cans, garbage pails, and plastic trash cans.**[Added 11-22-2010 by Ord. No. 2010-13]**

STORM DRAIN INLET — An opening in a storm drain used to collect stormwater runoff including, but not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.**[Added 11-22-2010 by Ord. No. 2010-13]**

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.

STREET — 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.

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.**[Added 11-22-2010 by Ord. No. 2010-13]**

YARD WASTE — Leaves, brush, tree limbs, wood and organic waste, not to include grass clippings.

§ 55-3. Litter control.

A. 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.

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

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§ 55-4. Yard waste collection program. [Added 11-22-2010 by Ord. No. 2010-13]

A. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this chapter. 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 the chapter.

B. Leaves will be collected by machine from April 1 to May 31 and September 15 to December 15. During this time period, leaves shall be placed loose at the curbline, free from all other debris.

C. Brush, tree limbs, wood and other organic debris shall be cut to a maximum length of six feet and placed at curbside for collection on Mondays, March 1 through November 30, prior to 6:30 a.m. or at any other time as determined by the Borough Administrator or his/her designee. Christmas trees only shall be placed curbside for collection on Mondays, December through February, prior to 6:30 a.m. or any other time as determined by the Borough Administrator or his designee. **[Amended 3-26-2007 by Ord. No. 2007-05 ; 3-9-2015 by Ord. No. 2015-04]**

D. Contractors, gardeners, lawn services and landscapers shall immediately remove all yard waste from the job site, with the exception of leaves which will be collected according to the provisions of Section 55-4B. **[Amended 12-26-2006 by Ord. No. 2006-17]**

E. Grass clippings will not be collected by the Borough of Neptune City. **[Added 12-26-2006 by Ord. No. 2006-17]**

F. Construction debris including sheet rock, wood scraps, concrete and roof shingles are not to exceed a volume of three cubic feet. Collection will be on Mondays, excluding holidays. No major renovation or contractor debris will be collected by the borough. A major renovation is defined as an area larger than a 100 square feet area. **[Added 11-22-2010 by Ord. No. 2010-13]**

G. All materials must be separated and cannot be mixed together. Materials must be placed curbside by 6:30 a.m. on the day of collection.

§ 55-5. Illegal dumping.

No person shall discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture or other personal property, in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 55-6. Improper disposal of waste.

A. Prohibited conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Neptune City 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.

B. Exceptions to prohibition.

(1) Water line flushing and discharges from potable water sources.

(2) Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps,

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foundation or footing drains, rising groundwaters).

(3) Air conditioning condensate (excluding contact and non-contact cooling water).

(4) Irrigation water (including landscape and lawn watering runoff).

(5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.

(6) Residential car washing water, and residential swimming pool discharges.

(7) Sidewalk, driveway and street wash water.

(8) Flows from firefighting activities.

(9) Flows from rinsing of the following equipment with clean water:

(a) Beach maintenance equipment immediately following their use for their intended purposes; and

(b) 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.

(c) 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.

§ 55-7. Illicit connection.

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

§ 55-8. Refuse containers/dumpsters. [Added 11-22-2010 by Ord. No. 2010-13]

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.

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 separate municipal storm sewer system(s) operated by the Borough of Neptune City.

B. Exceptions to prohibition:

(1) Permitted temporary demolition containers.

(2) Litter receptacles (other than dumpsters or other bulk containers).

(3) Individual homeowner trash and recycling containers.

(4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.

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(5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 55-9. Private storm drain inlet retrofitting.

A. 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 Subsection B. below prior to the completion of the project.

B. Design standard. Storm drain inlets identified in Subsection A above 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, suspending, or settleable solids. For exemptions to this standard see Subsection B(2) below.

(1) 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:

(a) 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

(b) A different grate, if each individual clear space in that grate has an area of no more than seven 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.

(2) 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 square inches, or be no greater than two inches across the smallest dimension. This standard does not apply:

(a) 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;

(b) 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:

i A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not

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apply for outfall netting facilities); or

ii A bar screen having a bar spacing of 0.5 inches.

(c) Where flows are conveyed through a trash rack that has parallel bars with one inch spacing between the bars; or

(d) 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.

§ 55-10. Enforcement. [Amended 11-22-2010 by Ord. No. 2010-13]

The provisions of the chapter shall be enforced by the Police Department, Public Works Director, Board of Health and/or Code Enforcement Officer of the Borough of Neptune City.

§ 55-11. Penalties. [Amended 11-22-2010 by Ord. No. 2010-13]

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, Article III of this Code.

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