



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS ^{9/30/2010}

ORDINANCE NUMBER: 710-2010
DATE OF INTRODUCTION: 9/30/2010
DATE OF ADOPTION: 10/14/2010

AN ORDINANCE TO AMEND THE LAWS OF UNION COUNTY:
ADMINISTRATIVE CODE AND POLICIES AND GENERAL
LEGISLATION: BY AMENDING CHAPTER 131-STREETS SIDEWALKS;
TO ADD ARTICLE V- DUMPSTERS AND OTHER REFUSE
CONTAINERS AND TO AMEND CHAPTER 104-RECORDS AND
DOCUMENTS, ARTICLE II, FEES.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the
"Laws of Union County" are hereby amended as outlined in the attached Schedule A:

CONTINUED...

(See attached)

Note: All text that is underlined is inserted/new language.
All text that is ~~struck through~~ is deleted language.

NO SUFFICIENCY OF FUNDS REQUIRED
Frank W. Redusnia
9-29-10

INTRODUCTION							RECORD OF VOTE							FINAL ADOPTION						
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP					
ESTRADA	X				X			ESTRADA	X				X							
JALLOH	X							JALLOH	X											
KOWALSKI	X							KOWALSKI	X											
MIRABELLA	X							MIRABELLA							X					
PROCTOR	X							PROCTOR	X											
VAN BLAKE	X							VAN BLAKE							X					
WARD							X	WARD							X					
SCANLON VICE CHAIRMAN	X					X		SCANLON VICE CHAIRMAN	X					X						
SULLIVAN CHAIRMAN	X							SULLIVAN CHAIRMAN	X											

APPROVED AS TO FORM
[Signature]
COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
[Signature] CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
_____ CLERK

SCHEDULE A

PART I - ADMINISTRATIVE CODE

Chapter 104, RECORDS AND DOCUMENTS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE II, Fees

[Adopted 7-10-1980 by Res. No. 485-80; amended 3-26-1992 by Res. No. 293-92; amended 4-10-2003 by Ord. No. 569; amended 10-11-2007 by Ord. No. 658-2007; amended by Ord. No. -2010]

§ 104-3. Copies of minutes and other government records.

A. The Board of Chosen Freeholders of the County of Union hereby establishes the cost for copies of minutes of this Board's meetings and for all other government records maintained by the County in accordance with the New Jersey "Open Public Records Act" (OPRA) (*N.J.S.A. 47:1A-1 et seq.*) shall be as follows:

(1) First page to tenth page: No Charge.

(2) Eleventh page and every page thereafter: ~~\$0.10 per page.~~

(a) \$0.05 per page per letter size page or smaller; and

(b) \$0.07 per legal size page or larger.

B. In accordance with the Open Public Records Act, whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the County may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies.

C. If an individual requestor seeks to have any government records delivered to them via facsimile, the following special service charge shall apply:

(1) First page to tenth page: No Charge.

(2) Eleventh page to thirtieth page: ~~\$0.10~~ \$0.05 per page.

There shall be a limit of thirty (30) pages forwarded via facsimile to any requestor, per request.

Chapter 131, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE V, DUMPSTERS AND OTHER REFUSE CONTAINERS

§ 131-15. Establishment. There is hereby established an ordinance requiring dumpsters and refuse containers to be covered at all times and prevented from discharging into the Municipal Separate Storm Sewer System of the County of Union and/or into State waters.

§ 131-16. 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 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:

- 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.
- 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.

§ 131-17. Violations – Failure to abide by the following prescribed conduct will be a violation of this ordinance: 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 County of Union.

§ 131-18. Exceptions: The following exceptions will not be considered to be a violation of this ordinance:

- 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)

§ 131-19. Enforcement. For the purpose of this ordinance, the employees of the following COUNTY OF UNION Divisions and Bureaus shall be designated as enforcement officers:

- a. Division of Police
- b. Bureau of Inspections
- c. Bureau of Environmental Enforcement

§ 131-20. 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 for each violation.

§ 131-21. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.