



**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2010-07**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON  
TO AMEND THE BOROUGH STORMWATER ORDINANCE, BY REQUIRING THE  
COVERING OF REFUSE CONTAINERS TO PREVENT LEAKAGE; AND THE  
UPGRADE OF PRIVATELY OWNED DRAINAGE INLETS**

**WHEREAS**, the Tier A Municipal Stormwater General Permit (Tier A Permit) for discharge to surface water and groundwater is one of four New Jersey Pollutant Discharge Elimination System (NJPDES) general permits that are part of the Municipal Stormwater Regulation Program established by the New Jersey Departmental of Environmental Protection (DEP); and

**WHEREAS**, the Borough of Lebanon received authorization under the Tier A Permit to discharge stormwater from municipal separate storm sewers in 2004; and

**WHEREAS**, on March 1, 2009, the DEP renewed the Tier A Permit for an additional five year period and amended the Tier A Permit to refine aspects of the Tier A Permit to better protect water quality and to assist municipalities in complying with the conditions of the Tier A Permit; and

**WHEREAS**, the amendments to the Tier A Permit require the Borough of Lebanon to have fully implemented a refuse container/dumpster ordinance consistent with the model ordinance provided by the DEP; and

**WHEREAS**, the Borough of Lebanon desires to amend, its Stormwater Ordinances to be consistent with the model ordinance provided by the DEP and to require that dumpsters and other refuse containers be covered to prevent the spilling, leaking, dumping or other discharge of liquids, semi-liquids and solids into the Borough stormwater system, thereby helping to protect and improve surface water quality; and

**WHEREAS**, the amendments to the Tier A Permit also require the Borough of Lebanon to

have fully implemented a private storm drain retrofit ordinance consistent with the model ordinance provided by the DEP; and

**WHEREAS**, the Borough of Lebanon desires to amend its Stormwater Ordinances to be consistent with the model ordinance provided by the DEP and to require the upgrade of privately owned drainage inlets upon the resurfacing of existing parking areas and driveways so as to reduce the overall amount of floatable debris entering waterways, thereby helping to protect and improve surface water quality.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Lebanon, County of Hunterdon, State of New Jersey as follows:

**SECTION ONE.** The Ordinances of the Borough of Lebanon are hereby amended by the addition of the following:

## **ARTICLE 1 – DEFINITIONS**

### **1. 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* - 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 Lebanon Borough 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.

## **ARTICLE 2 – REFUSE CONTAINER COVERAGE**

### **1. Purpose**

The purpose of this article is to require 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 Borough of Lebanon 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.

### **2. 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 Lebanon.

### **3. 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)

## **ARTICLE 3 – UPGRADE OF PRIVATELY OWNED DRAINAGE INLETS**

### **1. Purpose.**

The purpose of this article is to require 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 Borough of Lebanon so as to protect public health, safety and welfare, and prescribes penalties for the failure to comply. In order to facilitate the upgrading of storm drain inlets, the Borough will maintain a list of suppliers in the area which keep inlet grates and compliant ECO heads in stock.

### **2. 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 Section 3 below prior to the completion of the project.

### 3. Design Standard:

Storm drain inlets as described 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, suspended, or settleable solids. For exemptions to this standard see Section 4 below.

- (a). Property owners 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 property owners 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.

#### **4. Exemptions:**

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:
  1. 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
  2. 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 (1) 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.

#### **ARTICLE 4 - ENFORCEMENT**

The provision of the Ordinance shall be enforced by the Borough

Zoning Officer, Borough Engineer, and any other designee appointed by the Borough Council.

**ARTICLE 5 - PENALTIES**

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a penalty in accordance with General Penalties provision of the Revised Ordinances of the Borough of Lebanon. Each day in which a violation exists shall be considered to be a separate offense.

**SECTION 2.** All Ordinances of the Borough of Lebanon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 3 - SEVERABILITY.**

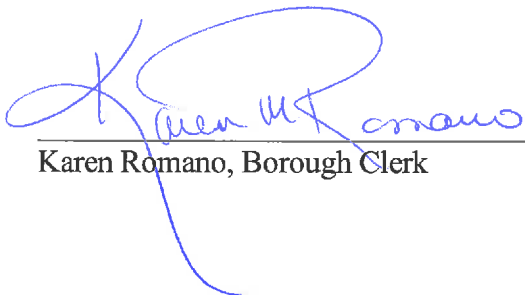
In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.


**SECTION 4 - EFFECTIVE DATE.**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST

BOROUGH OF LEBANON

  
\_\_\_\_\_  
Karen Romano, Borough Clerk

  
\_\_\_\_\_  
Mark E. Paradis, Mayor

Vote after public hearing and upon final adoption:

Berger \_1\_\_

Bross \_0\_\_

Burton \_1\_\_

Coyle \_1\_\_

Quick \_1\_\_

Reino \_1\_\_

Ordinance approved by the Governing Body and  
presented to the Mayor on \_\_\_\_\_, 2010

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark Paradis, Mayor

Date:



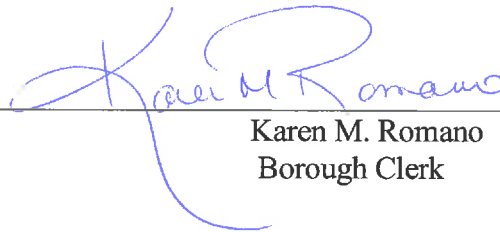
\_\_\_\_\_  
Mark Paradis, Mayor

Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2010

**NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 21, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on September 15, 2010 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

  
\_\_\_\_\_  
Karen M. Romano  
Borough Clerk

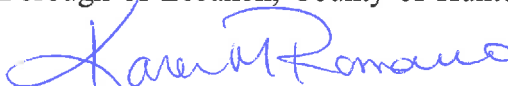
**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**NOTICE OF FINAL PASSAGE**

**ORDINANCE 2010-7**

**NOTICE**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 21st day of July 2010, and the same came up for final passage at a meeting of the said Borough Council on the 15th day of September 2010 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.



Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: July 21, 2010**  
**ADOPTED: September 15, 2010**