



# Township of Hillsborough

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
379 SOUTH BRANCH ROAD  
HILLSBOROUGH, NEW JERSEY 08844

TELEPHONE  
(908) 369-4313

[www.hillsborough-nj.org](http://www.hillsborough-nj.org)

## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005-37

An Ordinance amending Chapter 262, Titled "Surface Water Runoff", of the code of the Township of Hillsborough, by adding an Article II, Titled "Improper Disposal Waste", Sections 262-14 through 262-21.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 262 of the Code of the Township of Hillsborough is amended by adding an Article II, titled "Improper Disposal of Waste", sections 262-14 through 262-21 as follows:

### Chapter 262

## STORMWATER CONTROL ORDINANCE

### Article II

## Improper Disposal of Waste

#### 262-14. 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 Hillsborough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### 262-15. 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 the Township of Hillsborough 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. 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.

#### **262-16. Prohibited Conduct:**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Hillsborough 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.

#### **262-17. 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:
  - i)- Beach maintenance equipment immediately following their use for their intended purposes; and
  - ii)- 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.
  - iii)- 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.

#### **262-18. Enforcement:**

This ordinance shall be enforced by the Health Officer of Township of Hillsborough.

**262-19. Penalties :**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

**262-20. 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.

**262-21. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

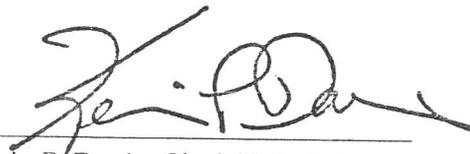
Passed:

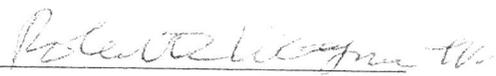
Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005- 38

An Ordinance amending Chapter 262, Titled "Surface Water Runoff", of the code of the Township of Hillsborough, by adding an Article III, Titled "Illicit Connection", Sections 262-22 through 262-28.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 262 of the Code of the Township of Hillsborough is amended by adding an Article III, titled "Illicit Connection", sections 262-22 through 262-28 as follows:

### Chapter 262

## STORMWATER CONTROL ORDINANCE

### Article III

### Illicit Connection

#### 262-22. Purpose:

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

#### 262-23. 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. 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 Township of Hillsborough 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 Hillsborough or other public body, and is designed and used for collecting and conveying stormwater.
- 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 algacides, 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.

#### **262-24. 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 Hillsborough any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

#### **262-25. Enforcement:**

This ordinance shall be enforced by the Engineering Department of the Township of Hillsborough.

**262-26. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

**262-27. 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.

**262-28. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

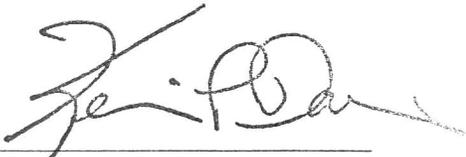
Passed:

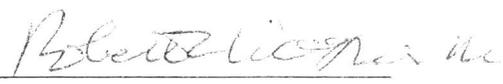
Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005-39

An Ordinance amending Chapter 300, Titled “Animals”, of the code of the Township of Hillsborough, by adding an Article III, Titled “Pet Waste”, Sections 300-11 through 300-18.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 300 of the Code of the Township of Hillsborough is amended by adding an Article III, titled “Pet Waste”, sections 300-11 through 300-18 as follows:

### Chapter 300

### ANIMALS

### Article III

### Pet Waste Ordinance

#### 300-11. Purpose:

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

#### 300-12. 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.

### **300-13. 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.

### **300-14. 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.

### **300-15. Enforcement:**

The provisions of this Article shall be enforced by the Health Officer of the Township of Hillsborough.

### **300-16. Violations and Penalty:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

### **300-17. 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.

**300-18. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

Passed:

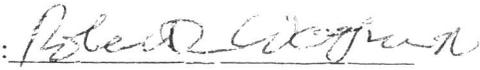
Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005-40

An Ordinance amending Chapter 300, Titled "Animals", of the code of the Township of Hillsborough, by adding an Article IV, Titled "Wildlife Feeding", Sections 300-19 through 300-25.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 300 of the Code of the Township of Hillsborough is amended by adding an Article IV, titled "Wildlife Feeding", sections 300-19 through 300-25 as follows:

### Chapter 300

### ANIMALS

### Article IV

### Wildlife Feeding

#### **300-19. Purpose:**

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

### **300-20 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.

### **300-21 Prohibited Conduct:**

- a. No person shall feed, in any public park or on any other property owned or operated by the Township of Hillsborough, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

### **300-22 Enforcement:**

- a. This ordinance shall be enforced by the Health Officer of the Township of Hillsborough.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

### **300-23 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

### **300-24 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.

### **300-25 Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

Passed:

Published:

Adopted: 10/11/05

**ATTEST:**

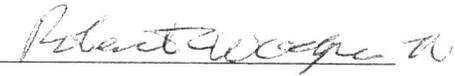
**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By: \_\_\_\_\_



Kevin P. Davis, Clerk/Administrator

By: \_\_\_\_\_



Robert C. Wagner, Jr., Mayor



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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005- 41

An Ordinance amending Chapter 309, Titled “Garbage, Rubbish and Refuse”, of the code of the Township of Hillsborough, by adding an Article II, Titled “Litter Control”, Sections 309-4 through 309-10.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 309 of the Code of the Township of Hillsborough is amended by adding an Article III, titled “Litter Control”, sections 309-4 through 309-10 as follows:

### Chapter 309

### GARBAGE, RUBBISH AND REFUSE

### Litter Control

### Article II

#### 309-4. Purpose:

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

#### 309-5. 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, bagged 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.

**309-6. 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.

**309-7. Enforcement:**

This ordinance shall be enforced by the Health Officer of the Township of Hillsborough.

**309-8. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

**309-9. 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.

**309-10. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

Passed:

Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH                      TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005-42

An Ordinance amending Chapter 309, Titled "Garbage, Rubbish and Refuse", of the code of the Township of Hillsborough, by adding an Article III, Titled "Containerized Yard Waste", Sections 309-11 through 309-17.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 309 of the Code of the Township of Hillsborough is amended by adding an Article III, titled "Garbage, Rubbish and Refuse", sections 309-11 through 309-17 as follows:

### Chapter 309

### GARBAGE, RUBBISH AND REFUSE

### Containerized Yard Waste

### Article III

#### 309-11. Purpose:

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

#### 309-12. 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.
- b. 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.

### **309-13. 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.

### **309-14. Enforcement:**

The provisions of this ordinance shall be enforced by the Health Officer of the Township of Hillsborough. The Police Department will enforce and forward to the Health Department during normal business hours.

### **309-15. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days

### **309-16. 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.

**309-17. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

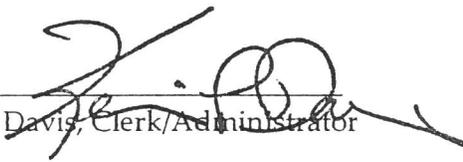
Passed:

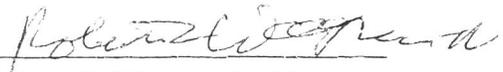
Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



# Township of Hillsborough

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## HILLSBOROUGH TOWNSHIP

### ORDINANCE NO.2005-43

An Ordinance amending Chapter 309, Titled "Garbage, Rubbish and Refuse", of the code of the Township of Hillsborough, by adding an Article IV, Titled "Yard Waste Collection Program", Sections 309-18 through 309-24.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 309 of the Code of the Township of Hillsborough is amended by adding an Article III, titled "Yard Waste Collection Program", sections 309-18 through 309-24 as follows:

### Chapter 309

### GARBAGE, RUBBISH AND REFUSE

### Article IV

### Yard Waste Collection Program

#### 309-18. Purpose:

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

#### 309-19. 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 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.

### **309-20. Yard Waste Collection**

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 (7) 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 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.

### **309-21. Enforcement:**

The provisions of this ordinance shall be enforced by the Health Officer of the Township of Hillsborough. The Police Department will enforce and forward to the Health Department during normal business hours.

### **309-22. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding one thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

### **309-23. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be 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.

**309-24. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced by: 9/13/05

Passed:

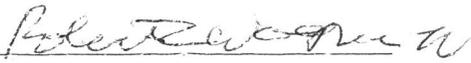
Published:

Adopted: 10/11/05

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By:   
Kevin P. Davis, Clerk/Administrator

By:   
Robert C. Wagner, Jr., Mayor



# Township of Hillsborough

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
379 SOUTH BRANCH ROAD  
HILLSBOROUGH, NEW JERSEY 08844

TELEPHONE  
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**Explanation:** This Ordinance amends Chapter 262 titled "Stormwater Control" of the Code of the Township of Hillsborough by adding a new Article V titled "Private Storm Drain Inlet Retrofitting."

## ORDINANCE 2009-38

### AN ORDINANCE AMENDING CHAPTER 262 TITLED "STORMWATER CONTROL" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, BY ADDING A NEW ARTICLE V TITLED "PRIVATE STORM DRAIN INLET RETROFITTING."

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 262 of the Code of the Township of Hillsborough shall be amended by adding a new Article V titled "Private Storm Drain Inlet Retrofitting" as follows:

#### ARTICLE V

#### PRIVATE STORM DRAIN INLET RETROFITTING

##### 262-30. 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 operated by the Township of Hillsborough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

##### 262-31. 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 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.

1. 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 Hillsborough or other public body, and is designed and used for collecting and conveying stormwater.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. 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.
4. 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.

#### **262-32. 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 262-33 below prior to the completion of the project.

#### **262-33. Exceptions to Prohibition:**

Storm drain inlets identified in 262-32 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 262-33(3) 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 (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.

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 (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the Township of Hillsborough 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 four and five-eighths inches long and one and one-half inches wide (this option does not 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 (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.

**262-34. Enforcement:**

This Article shall be enforced by the Engineering Department of the Township of Hillsborough.

**262-35. Penalties:**

Any person who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$2,000.00 for each storm drain inlet that is not retrofitted to meet the design standard.

**262-36. Severability:**

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

**262-37. Effective date:**

This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

By: Kevin P. Davis/BH  
Kevin P. Davis, Clerk

By: Frank DelCore  
Frank DelCore, Mayor

*Introduced: 11/10/09*  
*Published: 11/19/09*  
*Public Hearing: 12/08/09*  
*Adopted: 12/08/09*  
*Published: 12/17/09*



# Township of Hillsborough

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**Explanation:** This Ordinance amends Chapter 309 titled "Garbage, Rubbish and Refuse" of the Code of the Township of Hillsborough by adding a new Article V titled "Refuse Containers/Dumpsters."

## ORDINANCE 2009-37

### AN ORDINANCE AMENDING CHAPTER 309 TITLED "GARBAGE, RUBBISH AND REFUSE" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, BY ADDING A NEW ARTICLE V TITLED "REFUSE CONTAINERS/DUMPSTERS."

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 309 of the Code of the Township of Hillsborough shall be amended by adding a new Article V titled "Refuse Containers/Dumpsters" as follows:

#### ARTICLE V REFUSE CONTAINERS/DUMPSTERS

##### **309-25. 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 operated by the Township of Hillsborough 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.

##### **309-26. 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 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 Township of Hillsborough 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.

### **309-27. Prohibited Conduct:**

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 operated by the Township of Hillsborough.

### **309-28. 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 New Jersey Pollution Discharge Elimination Systems permit.

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

**309-29. Enforcement:**

This Article shall be enforced by the Health Officer of the Township of Hillsborough.

**309-30. Penalties:**

Any person who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$2,000.00.

**309-31. Severability:**

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

**309-32. Effective date:**

This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

By: Kevin P. Davis/BJ  
Kevin P. Davis, Clerk

By: Frank DelCore  
Frank DelCore, Mayor

*Introduced: 11/10/09*  
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