

ORDINANCE 05-10

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 114 OF THE BOROUGH
CODE, ENTITLED “LITTERING”, TO PROVIDE FOR THE
PROTECTION OF THE STORMWATER SEWER SYSTEM.**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Section 114-1 of the Borough Code of the Borough of Barnegat Light, entitled “Definitions,” is hereby amended and supplemented to provide as follows:

CHAPTER 114

LITTERING

§ 114-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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, newspaper, 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.

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

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 the Borough of Barnegat Light or other public body, and is designed and used for collecting and conveying stormwater.

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.

SECTION 2. Section 114-3 of the Borough Code of the Borough of Barnegat Light, entitled “Illegal dumping,” is hereby amended and supplemented to provide as follows:

§ 114-3. Illegal dumping.

- A. It shall be unlawful for any person to 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 private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.
- 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.
- C. The spilling, dumping, or disposal of materials other than stormwater to or into the municipal separate storm sewer system operated by the Borough of Barnegat Light is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to or into the municipal separate storm sewer system is also prohibited.

This prohibition shall not apply to any of the following:

- (1) Water line flushing and discharges from potable water sources;
- (2) Uncontaminated ground water (eg., infiltration, crawl space or basement sump pumps, foundation or footing drains, ring ground waters);
- (3) Air conditioning condensate (excluding contact and non-contact cooling water)
- (4) Irrigation water (including landscape and law watering runoff);
- (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted steam flows;
- (6) Residential car washing water, and residential swimming pool discharges;
- (7) Sidewalk, driveway and street wash water;
- (8) Flows from fire fighting activities;
- (9) Flows from rinsing of the following equipment with clean water:
 - (a) Beach maintenance equipment immediately following their use for their intended purposes;
 - (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 (eg., 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.

SECTION 3. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Barnegat Light in the County of Ocean, State of New Jersey, on the 16th day of February, 2005, and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 West 10th Street, Barnegat Light, New Jersey, on the 16th day of March, 2005, at 8:00 p.m., at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

GAIL J. WETMORE, Borough Clerk

**Passage on First Reading: date: February 16, 2005 moved by Reynolds
seconded by Morrison**

VOTE:

Spark absent Morrison aye Bossi absent Reynolds aye Howard aye Warr aye

Attest:

GAIL J. WETMORE, Borough Clerk

Final Passage: date: March 16, 2005 moved by Reynolds seconded by Howard

VOTE:

Spark aye Morrison absent Bossi aye Reynolds aye Howard aye Warr aye

Attest:

GAIL J. WETMORE, Borough Clerk

Mayor Approval:

_____ date:_____

KIRK O. LARSON, Mayor

Attest:

GAIL J. WETMORE, Borough Clerk