

ORDINANCE 2010-13

**ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 164 OF THE BOROUGH
CODE, ENTITLED "SOLID WASTE," TO PROVIDE
REGULATIONS FOR DUMPSTERS AND REFUSE
CONTAINERS.**

WHEREAS, the New Jersey Department of Environmental Protection, Division of Water Quality, Bureau of Nonpoint Pollution Control, requires that the Borough adopt an ordinance requiring 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 so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

NOW, THEREFORE, 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. There is hereby created and established an Article II of Chapter 164 of the Borough Code of the Borough of Barnegat Light, to be entitled "Refuse Containers/ Dumpsters," to provide as follows:

**ARTICLE II
Refuse Containers / Dumpsters**

§164-16. 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 to prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system 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.

§164-17. 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.

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.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

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.

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.

§164-18. 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.

§164-19. Exceptions to Prohibition.

The standards of this Article do not apply to:

- 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)

§164-20. Enforcement.

This ordinance shall be enforced by any officer of the Borough.

§ 164-21. Violations and penalties.

Any violation of this article shall be punishable as provided in §1-15 of the Borough Code, entitled “Violations and penalties.”

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This ordinance shall take effect 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 18 day of August, 2010, and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 West 7th Street, Barnegat Light, New Jersey, on the 15 day of September, 2010, 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: August 18, 2010 moved by Reynolds seconded by Bossi
VOTE:
Spark aye Morrison absent Mikuletzky aye Reynolds aye Bossi aye Warr aye
Attest:

GAIL J. WETMORE, Borough Clerk

Final Passage: date: September 15, 2010 moved by Reynolds seconded by Spark
VOTE:
Spark aye Mikuletzky aye Reynolds aye Bossi aye Warr aye
Attest:

GAIL J. WETMORE, Borough Clerk

Approved:

_____ date: _____
KIRK O. LARSON, Mayor
Attest:

GAIL J. WETMORE, Borough Clerk