

Ordinance # 2010-9

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey Establishing Certain Requirements for Persons Who Control Refuse Containers and Dumpsters.

Be it ordained by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibiting the spilling, dumping, leaking, or otherwise discharging of liquids, semi-liquids, or solids from the aforementioned dumpsters and refuse containers to the municipal separate storm sewer system(s) operated by the Township of Ocean 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.

SECTION II. 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 Hainesport 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, or is captured by separate storm sewers or other sewerage or drainage facilities.

- 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.

SECTION III. 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(s) operated by the Township of Ocean.

SECTION IV. 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 associated with industrial activity under a valid NJPDES permit
- e. Containers that hold large bulky items (e.g., furniture, bound carpet, and padding)

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or Code Enforcement of the Township of Ocean.

SECTION VI. 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 one thousand two hundred fifty dollars (\$1,250.00)

SECTION VII. 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.

SECTION VIII. 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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 23rd day of September, 2010. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 14th day of October, 2010, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Diane B. Ambrosio, RMC
TOWNSHIP CLERK