

ORDINANCE NO. 2010-14

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY
OF OCEAN, STATE OF NEW JERSEY, AMENDING
CHAPTER 48 TO INCLUDE NEW SECTION 48-14
REQUIRING DUMPSTERS TO BE COVERED AT ALL TIMES**

NOW THEREFORE, BE IT ORDAINED, this 7th day of June,
2010 by the Township Committee of the Township of Barnegat, County of
Ocean, State of New Jersey, that Chapter 48 of the Borough Code is hereby
amended to include new Section 48-14 requiring dumpsters to be covered at
all times:

ARTICLE VI

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
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 Township of Barnegat 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

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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 conveyance (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 Barnegat 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.

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 under a valid NJPDES permit

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

SECTION V. Enforcement:

This ordinance shall be enforced by the Code Enforcement Officer of the Township of Barnegat.

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 \$500.00.

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 on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **June 7, 2010**. The

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Ordinance will be considered for second and final reading at a meeting of the Township Committee on **June 21, 2010, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

KATHLEEN T. WEST, Municipal Clerk

Prepared by:

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JJD:caf[Barnegat Ordinances 2010]

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The Township of Barnegat introduced the above ordinance at its **June 7, 2010** meeting. The Ordinance amends Chapter 48 to include new Section 48-14 requiring dumpsters to be covered at all times. The ordinance will be considered on second and final reading at the **June 21, 2010** meeting of the Township Committee. All meetings are held at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, commencing at 6:30 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 900 West Bay Avenue, Barnegat, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.

KATHLEEN T. WEST
Municipal Clerk
Township of Barnegat

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