

ORDINANCE 2010-10

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCE'S OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 396, STORMWATER MANAGEMENT, ENACTING ARTICLE V, SECTIONS 18-23

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach that Chapter 396, Article VI, Sections 18-23, of the Revised General Ordinances of the Borough of Bradley Beach shall be enacted to read as follows:

Article V – Refuse Containers / Dumpsters

(§396-18) Purpose:

This ordinance 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 storm water collection system(s) operated by the Borough of Bradley Beach or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(§ 396-19) 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.

MUNICIPAL STORM WATER COLLECTION (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 Borough of Bradley Beach 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.

(§ 396-20) Prohibited Conduct:

- A. 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.
- B. 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 Borough of Bradley Beach.

(§ 396-21) Exceptions to Prohibition:

The following items shall be excepted from the prohibition of this Article:

- 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)

(§ 396-22) Enforcement:

This Chapter shall be enforced by the Code Enforcement Officer of the Borough of Bradley Beach.

(§ 396-23) Penalties:

The penalty for violation of any provisions of this Chapter where no penalty or fine or imprisonment is provided shall be as provided in Chapter 1, Article II, General Penalty, of this Code. The penalty shall be in addition to any different type of penalty or sanction provided in this Chapter.

This Ordinance shall become effective upon final passage and publication according to law.

MARY ANN SOLINSKI
Borough Clerk

JULIE SCHRECK
Mayor

Introduced: September 28, 2010

Date of Hearing and Adoption: October 12, 2010 _____

Date of Publication: _____