

## **ORDINANCE 1030**

### **AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS, SPECIFICALLY SECTION 30-58 STORM WATER MANAGEMENT, OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, THE Board of commissioners of the Borough of Deal in the county of Monmouth, New Jersey, have caused Chapter XXX, Development Regulations to be amended and supplemented, complied and revised to become a part of the codification to be known as the "Revised General Ordinances of the Borough of Deal."

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL AS FOLLOWS:

#### **Refuse Containers/Dumpsters**

##### **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-liquid or solids from the containers to the municipal separate storm sewer system (s) operated by the Borough of Deal 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**

1. 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 Borough of Deal or other public body, and is designed and used for collecting and conveying stormwater.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garage pails, and plastic trash bags.
4. 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.
5. 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 (insert name of municipality).

**SECTION IV. Exceptions to Prohibition:**

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. 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 Police Department and/or other Municipal Officials of the Borough of Deal.

**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 the amount as specified in Chapter 5-9 Penalty of the Municipal Code of the Borough of Deal.

**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.

Introduction: April 13, 2010 By Commissioner De Lorenzo  
Seconded by Mayor Franco  
Roll Call: Ayes 2; Franco & De Lorenzo  
Absent 1; Ades

Adoption: April 27, 2010 Motion By Commissioner De Lorenzo  
Second Commissioner Ades  
Roll Call: Ayes 3; Franco, Ades & De Lorenzo