

**ORDINANCE 2016-011**

**AN AMENDED 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.**

**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.** Article II of Chapter 164 of the Borough Code of the Borough of Barnegat Light, to be entitled "Refuse Containers/ Dumpsters," is hereby amended and supplemented to provide revised Sections 164-18 & 19 to provide as follows:

**Chapter 164  
SOLID WASTE  
ARTICLE II  
Refuse Containers / Dumpsters**

**§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. Litter receptacles (other than dumpsters or other bulk containers);
- B. Individual homeowner trash and recycling containers;
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES (New Jersey Pollutant Discharge Elimination System) permit;
- D. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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 14th day of September, 2016, and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 East 7th Street, Barnegat Light, New Jersey, on the 12<sup>th</sup> day of October, 2016, at 5:00 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.

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**BRENDA L. KUHN**, Acting Municipal Clerk

**Passage on First Reading:**

**DATE:** September 14, 2016

**MOVED:** Reynolds

**SECOND:** Wellington

**VOTE:**

**AYES:** Sharpless, Wellington, Reynolds, Mikuletzky, Warr

**ABSENT:** Spark

Attest:

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**BRENDA L. KUHN**, Acting Municipal Clerk

**Final Passage:**

**DATE:** October 12, 2016

**MOVED:** Sharpless

**SECOND:** Reynolds

**VOTE:**

**AYES:** Spark, Sharpless, Wellington, Reynolds, Mikuletzky, Warr

Attest:

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**BRENDA L. KUHN**, Acting Municipal Clerk

**Approved:**

\_\_\_\_\_ **DATE:** \_\_\_\_\_  
**KIRK O. LARSON**, Mayor

Attest:

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**BRENDA L. KUHN**, Acting Municipal Clerk