

ORDINANCE #2020-09

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 571,
REFUSE CONTAINER/DUMPSTER

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 571 REFUSE CONTAINER/DUMPSTER

SECTION 1. 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 Lower 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 2. 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 Lower or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

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 3. 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 Lower

SECTION 4. 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 5. Enforcement: This ordinance shall be enforced by the Public Works Department, Code Enforcement, Police Department and/or other Municipal Officials of the Township of Lower

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

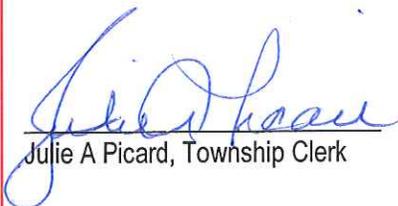
SECTION 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

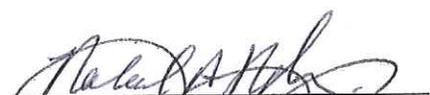
Introduced: February 12, 2020

Adopted: March 16, 2020


Julie A Picard, Township Clerk


Thomas Conrad, Councilmember


Kevin Coombs, Councilmember


Roland Roy, Councilmember


David Perry, Deputy Mayor


Frank Sippel, Mayor