

ORDINANCE NO. 09-15

**AN ORDINANCE AMENDING CHAPTER XVII, STREETS, SIDEWALKS AND
SANITATION,
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF OCEAN CITY**

BE IT ORDAINED, by the Mayor and Council of the City of Ocean City, County of
Cape May, State of New Jersey, as follows:

SECTION 1.

**Chapter 17 of the Revised General Ordinances of the City of Ocean City shall be amended
by adding the following:**

Section 17-9 Refuse Containers and Dumpsters

Section 17-9.1 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 City of Ocean City 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 17-9.2 Definitions:

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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 City of Ocean City 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 17-9.3 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 City of Ocean City.

Section 17-9.4 Exceptions to Prohibition:

- a. Litter receptacles (other than dumpsters or other bulk containers)
- b. Refuse containers at facilities authorized to discharge stormwater under a valid New Jersey Pollutant Discharge Elimination System (NJPDES) permit
- c. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

Section 17-9.5 Enforcement:

This ordinance shall be enforced by the Police Department, Zoning Official and/or Code Enforcement Officer of the City of Ocean City.

Section 17-9.6 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 \$100.00.


Section 17-9.7 Signs.

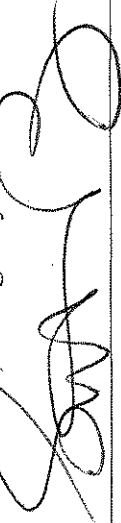
Every dumpster site in Ocean City shall have a sign at least eight inches (8") in width and ten inches (10") in height posted conspicuously at the site which shall contain the dumpster permit issued by the City, as well as a contact telephone number for people to call.

SECTION 2. All ordinances or portions thereof inconsistent with this ordinance are repealed to the extent of such inconsistencies.

SECTION 3. If any portion of this ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the ordinance which shall remain in full force and effect.

SECTION 4. This ordinance shall take effect in the time and manner prescribed by law.


James Ruffalo, Acting Mayor


Scott Ping, Council President

The above Ordinance was passed by the Council of Ocean City New Jersey, at a meeting of said Council held on the **14th** day of **May, 2009**, and was taken up for a second reading and final passage after it was amended at the table, at a meeting of said Council held on the **28th** day of **May, 2009** in Council Chambers, City Hall, Ocean City, New Jersey, at 7:00 o'clock in the evening


Linda MacIntyre, City Clerk