

15-1.6 Refuse Containers.

a. *Purpose.* The purpose of this subsection is to require all 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 Borough of West Long Branch 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.

b. *Definitions.* For the purpose of this subsection, the following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text of this subsection 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 separate storm sewer system (MS4) shall mean 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 West Long Branch or other public body, and is designed and used for collecting and conveying stormwater.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Refuse container shall mean any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Stormwater shall mean 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 shall mean the ocean and its estuaries, all springs, streams and bodies of surface and ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

c. *Prohibited Conduct.* Any person who controls, whether owned, leased, or operated, a refuse container 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 must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate stormwater system(s) operated by the Borough of West Long Branch.

d. *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 pick-up).

e. *Enforcement.* This subsection shall be enforced by the Director of Public Works, Recycling Coordinator, and/or Code Enforcement Officer of the Borough of West Long Branch.

f. *Penalties.* Any violation of this subsection may be heard on summons or complaint before the West Long Branch Municipal Court filed by any resident or official of the Borough. The penalty for a violation of this section shall not be less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, and the cost to the Borough for correction of the violation. (Ord. # O-12-6)