

2010-43  
**AN ORDINANCE OF THE TOWNSHIP OF  
LAKEWOOD, COUNTY OF OCEAN, STATE  
OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER XXXII  
(STORMWATER MANAGEMENT) OF THE  
CODE OF THE TOWNSHIP OF LAKEWOOD**

**BE IT ORDAINED** by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Chapter XXXII entitled "Stormwater Management" of the Code of the Township of Lakewood, shall be amended and supplemented by the addition of the following new Section 30-4 entitled "Refuse Containers/Dumpsters":

**30-4 Refuse Containers/Dumpsters**

**30-4.1 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 Lakewood Township 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.

**30-4.2 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 Lakewood Township or other public body, and is designed and used for collecting and conveying stormwater.

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.

#### **30-4.3 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 Lakewood Township.

#### **30-4.4 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).

#### **30-4.5 Enforcement:**

This Ordinance shall be enforced by Lakewood Township.

#### **30-4.6 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 a fine up to \$500.00 per offense.

**SECTION 2.** That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and publication as required by law.

### NOTICE

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the 24th day of June 2010, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on July 8, 2010. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

  
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MARYANN DEL MASTRO, RMC  
Township Clerk