

ORDINANCE 2020-03

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND ARTICLE V OF CHAPTER § 207, ENTITLED, "MAINTENANCE OF REFUSE CONTAINERS AND DUMPSTERS" TO ESTABLISH A REQUIREMENT THAT TEMPORARY DEMOLITION CONTAINERS BE PROPERLY COVERED DURING NON-WORKING HOURS

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Article V, entitled "Maintenance of Refuse Containers and Dumpsters," so as to require all temporary demolition containers to be covered during non-working hours. Section §207-29 entitled "Maintenance" is hereby amended in its entirety as follows:

**§ 207-29 Maintenance.**

A. Prohibited conduct.

- (1) Any person who owns, leases or otherwise uses 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.
- (2) 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 fluids, semi-fluids or solids to the municipal separate storm sewer system operated by the Borough of Bay Head.

B. The following refuse containers are exempt from the requirement hereinabove set forth in Subsection (A)(1).

- (1) Permitted temporary demolition containers. Temporary demolition containers may remain uncovered while active demolition, renovation, or construction work is being performed on the property, but shall be covered during periods of inactivity and during non-work hours, which are defined by code as all day Saturday and Sunday and Monday through Friday from 6:00 p.m. to 8:00 a.m.
  - (2) Litter receptacles other than dumpsters or other bulk containers.
  - (3) Individual homeowner trash and recycling containers.
- C. The following refuse containers are exempt from the requirement hereinabove set forth in Subsection (A)(1) and (A)(2).

- (1) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.

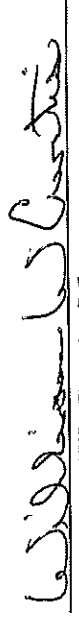
**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 3.** This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

  
Patricia M. Applegate, ~~Municipal~~ Clerk

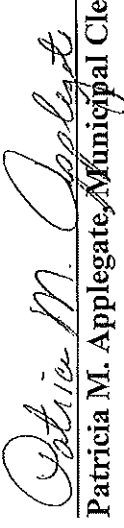
APPROVED:

  
William W. Curtis, Mayor

Introduced on First Reading:  
Introduced on Second Reading:  
Approved on Second Reading:

February 3, 2020  
March 2, 2020  
March 2, 2020

ATTEST:

  
Patricia M. Applegate, ~~Municipal~~ Clerk

APPROVED:

  
William W. Curtis, Mayor