

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 554-2025

**AN ORDINANCE AMENDING THE CITY CODE TO REQUIRE
COVERING OF DUMPSTERS IN TRANSIT**

WHEREAS, Article IV, Section 437-29 through 437-35 provides requirements for dumpsters and other refuse containers that are outdoors or exposed to stormwater; and

WHEREAS, the City Council has considered the matter and determined it is in the best interests of the public health, safety, and general welfare to amend the City Code to provide additional protections for dumpsters while in transit; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May as follows:

Section 1. Section 437 of the City of Cape May Code is amended to include the following **NEW ARTICLE AND NEW SECTION**:

Article VII Dumpsters in Transit to be Covered

§ 437-51 Policy.

The City of Cape May hereby finds the following:

- A. The Cape May County Municipal Utilities Authority(CMCMUA) requires all dump trucks, open-top trucks, roll-off containers, and other pick-up trucks used to transport and dispose of solid waste or other materials at the Sanitary Landfill Complex and Transfer Station to be fully covered and secured by canvas tarps, nylon nets, or other suitable material intended to prevent spillage of refuse and other debris from these vehicles.
- B. CMCMUA further mandates that all coverings must be tied down to ensure compliance with N.J.S.A. 39:4-77 and N.J.A.C. 7:26-3.4(i). Not doing so causes construction debris to be scattered on streets and roadways and poses an imminent threat to other vehicles and motorists, and to the public at large.
- C. All construction vehicles exiting the City for the Cape May County Landfill or transfer stations must use roadways that border intracoastal waterways and wetlands which are a necessary and vital resource to the environment and to our community and neighboring communities.
- D. The spillage of construction materials and debris, in addition to constituting a hazard to other motor vehicles and likely to result in accidents or collisions as a result of drivers

taking evasive action to avoid such hazards, and such spillage deposited on City streets causes stormwater outlets to become clogged and inoperable or allows for such debris to be discharged into the back bays and waterways. Such debris presents a further threat to the environment when such debris is blown into the adjacent waterways and wetlands thereby causing a threat to the ecology and the environment in general and also resulting in a threat to navigation and marine life.

- E. City Council therefore finds and determines that such spillage of construction materials and debris, some of which has toxic characteristics, and all of which is an unsightly, dangerous, and an unacceptable threat to the environment and to the public health, safety, and welfare and is, accordingly, hereby declared to constitute a public nuisance and which shall be remedied, to the extent possible, by the measures herein established.
- F. City Council further adopts such findings and regulations of the CMCMUA and deems the same necessary to promote the public health, safety, and welfare and intends that same be implemented within the City of Cape May.

§ 437-52 Requirements for Dumpsters in Transit.

- A. All dumpsters, dump trucks, flatbed trucks, construction vehicles and any other type of motor vehicle, including those with trailers carrying construction or demolition material or debris, and which are travelling on the streets of the City, shall have the materials being transported covered with a cover. To protect the environment and to prevent the spillage or discharge of such construction and/or demolition materials or other debris, the "cover" required by this Chapter and Ordinance must be one that is capable of covering the entire cargo space, and one that shall be firmly and securely affixed to the dumpster or cargo space and shall be securely affixed in four corners and at each side midpoint so as to prevent the intrusion of wind and other elements such as would cause spillage or discharge of the cargo being transported. This covering is in addition to the covering required by N.J.S.A. 39:4-77 and N.J.A.C. 7:26-3.4(i) in that this required covering shall be attached to the dumpster or cargo area containing the construction/demolition materials or other debris and not merely cover such cargo area.
- B. Such cover shall be kept in place at all times while in transit throughout the City and shall be secured in such manner to prevent spillage of debris, material, trash, or other material.
- C. Each and every dumpster delivered to a construction or demolition site in the City for use during construction or demolition, shall be equipped with a cover, or such cover shall be supplied by the owner providing the dumpster, and which shall be of sufficient size to completely and securely cover the dumpster, and such cover shall be capable of attachment thereto and shall be securely attached thereto and shall remain in place while in transit. The cover shall be made of such durable material as will cause the cover to be secured and to remain in place during transit within and outside the City.

- D. Such cover must be capable of covering the entire load of cargo and shall be secured in such manner as to prevent the spilling or discharge of debris or other materials while being transported from or through the City to the destined disposal site.
- E. The owner of the dumpster shall supply the cover required by this section and the dumpster shall not be removed from the construction or demolition site until and unless such cover is securely affixed to the dumpster.
- F. The owner of the dumpster, the contractor, and their employees and agents shall be jointly and severally responsible for compliance with these requirements and violations shall be punished as hereinafter provided.

§ 437-53 **Penalties.**

- A. The provisions of this ordinance are intended to be remedial in nature and enacted for the purpose of safeguarding the roads and highways, the waterways, wetlands, and the neighborhood where the construction site is located, the environment and the public health, safety, and welfare.
- B. Any violation of this chapter may result in an administrative penalty consisting of one or more of the following:
 - i. A revocation of the City permit allowing for the dumpster to be placed in the City street and the denial of future permits.
 - ii. Any person or entity adjudged guilty of violating this chapter in the municipal court, or other court of competent jurisdiction, shall also be subject to the general penalty provisions of Article III, Chapter 1 of the City Code.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. This ordinance shall take effect 20 days after passage and publication, according to law.

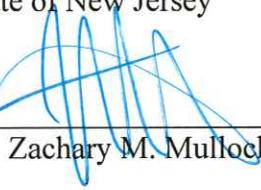
ATTEST:



Erin C. Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation of
the State of New Jersey

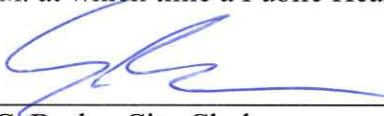
BY:



Zachary M. Mullock, Mayor

NOTICE

Ordinance 554-2025 was introduced at a Regular Meeting of the City Council of the City of Cape May on March 4, 2025, and was further considered for final passage during a Regular Meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on April 1, 2025 at 5:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier	X					
McDade	X					X
Bodnar	X				X	
Baldwin	X					
Mullock	X					

Introduced: March 4, 2025
1st Publication: March 12, 2025
2nd Reading & Adoption: April 1, 2025
Final Publication: April 9, 2025
Effective Date: April 29, 2025