

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE #2007-15

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 82, "LITTERING" OF THE REVISED GENERAL ORDINANCES

WHEREAS, the Township Committee of the Township of Andover desires to amend and supplement Chapter 82, "Littering" of the revised general ordinances, regarding the control of littering, in order to comply with recent legislation which formalizes the manner in which municipalities must deal with storm water issues.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. Chapter 82, "Littering", of the aforesaid Revised General Ordinances is hereby supplemented and amended to read as follows:

§ 82-1. Definitions and word usage.

A. Word usage. 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.

B. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

LITTER — Any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match of any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE — A container for the depositing of litter, whether it be a metal or plastic can or drum, with or without a plastic liner which shall be emptied or serviced regularly by a proprietor, owner, lessee, tenant, sponsor, occupant or person in charge of any dwelling, business or activity. Plastic or paper bags not placed in a litter receptacle as defined herein shall not be deemed to meet the requirement of this chapter.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES — Any dwelling house, building or other structure designed or used, whether wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard,

ground, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling house, building or other structure.

PUBLIC PLACE — Any street, sidewalk, alley or other public way, and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC STRUCTURE OR BUILDING — Any structure or building owned or operated by the federal, county or state government or any governmental agency.

REFUSE — All putrescible solid waste, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible wastes, such as but not limited to paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding, crockery, building materials and other similar materials.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks and also including vehicles designed for propulsion on snow and ice.

§ 82-2. Littering prohibited.

It shall be unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

§ 82-3. Illegal dumping.

A. It shall be unlawful for any person to discard or dump along any street, roadway, private property, on or off any right-of-way or any other place not specifically designated for the purpose of solid waste storage or disposal, any litter, including but not limited to household or commercial solid waste, rubbish, vehicles or vehicle parts, rubber tires, appliances, furniture or any other personal property.

B. It shall be unlawful for any person to place, deposit, or bury any asphalt, road millings, tree stumps, rock or concrete without having first obtained governmental approvals as required by law. Notwithstanding receipt of any required governmental approvals, it shall be unlawful to place, deposit or bury any asphalt, road millings, tree stumps, rock or concrete in pieces over 12 inches in any dimension on any parcel of land, public or private.

§ 82-4. Adequate containerization required.

A. Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such that a minimum there shall be no single linear quarter mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service stations islands; shopping centers; parking lots; campground and trailer parks; marinas, boat moorage and fueling stations; boat and launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals.

B. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

§ 82-5. Litter thrown from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Township.

§ 82-6. Handbills.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, road or other public place within the Township, nor shall any person hand out or distribute or sell any commercial handbills in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, road or other public within the Township for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 82-7. Uncovered vehicles.

A. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leading or otherwise escaping therefrom.

B. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefor.

§ 82-8. Storage of household solid waste.

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

§ 82-9. Storage of tires.

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

§ 82-10. Construction sites.

A. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after completion of any construction or demolition project.

B. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

§ 82-11. Open or overflowing waste disposal bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 82-12. Commercial establishments and residences.

A. It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleyways free from litter and other offensive material.

B. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway.

C. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 82-13. Improper disposal of waste.

A. Purpose. The purpose of this section is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Andover 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 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) and is designed and used for collecting and conveying stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STORMWATER — 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.

C. Prohibited conduct. No person shall spill, dump or dispose of materials other than stormwater to the municipal separate storm sewer system; or spill, dump or dispose of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system.

D. Exceptions. The following are exceptions to this section:

- (1) Water fine flushing and discharges from potable water sources.*
- (2) Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).*
- (3) Air-conditioning condensate (excluding contact and noncontact cooling water).*
- (4) Irrigation water (including landscape and lawn watering runoff).*
- (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.*
- (6) Residential car washing water and residential swimming pool discharges.*
- (7) Sidewalk, driveway and street wash water.*
- (8) Flows from fire-fighting activities.*
- (9) Flows from rinsing of the following equipment with clean water:*
 - (a) Beach maintenance equipment immediately following their use for their intended purposes; and*
 - (b) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage and exposed parts and does not apply to engines or other enclosed machinery.*

§ 82-14. Enforcing officer.

This chapter shall be administered and enforced by the Health Officer and/or the Township Recycling Coordinator.

§ 82-15. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of one or more of following: a fine of not more than \$1,000, imprisonment in the county jail for a term not to exceed 90 days, or to a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (N.J.S.A. 40:49-5)

SECTION 2. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on August 13, 2007. A public hearing regarding same will be held at a meeting scheduled for September 10, 2007 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Vita Thompson, R.M.C.
Municipal Clerk

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“LITTERING” OF THE REVISED GENERAL ORDINANCES**

NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 23rd day of August 2007. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 10th day of September 2007, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.
Municipal Clerk

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§ 82-7. Uncovered vehicles.

A. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leading or otherwise escaping therefrom.

B. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefor.

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§ 82-9. Storage of tires.

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

§ 82-10. Construction sites.

A. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after completion of any construction or demolition project.

B. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

§ 82-11. Open or overflowing waste disposal bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 82-12. Commercial establishments and residences.

A. It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleyways free from litter and other offensive material.

B. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway.

C. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 82-13. Improper disposal of waste.

A. Purpose. The purpose of this section is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Andover 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 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.

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PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

STORMWATER — 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.

C. Prohibited conduct. No person shall spill, dump or dispose of materials other than stormwater to the municipal separate storm sewer system; or spill, dump or dispose of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system.

D. Exceptions. The following are exceptions to this section:

- (1) Water fine flushing and discharges from potable water sources.*
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- (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.*
- (6) Residential car washing water and residential swimming pool discharges.*
- (7) Sidewalk, driveway and street wash water.*
- (8) Flows from fire-fighting activities.*
- (9) Flows from rinsing of the following equipment with clean water:*
 - (a) Beach maintenance equipment immediately following their use for their intended purposes; and*
 - (b) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage and exposed parts and does not apply to engines or other enclosed machinery.*

§ 82-14. Enforcing officer.

This chapter shall be administered and enforced by the Health Officer and/or the Township Recycling Coordinator.

§ 82-15. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of one or more of following: a fine of not more than \$1,000, imprisonment in the county jail for a term not to exceed 90 days, or to a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (N.J.S.A. 40:49-5)

SECTION 2. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Vita Thompson, R.M.C.
Municipal Clerk

INTRODUCED: August 13, 2007
ADOPTED: September 10, 2007
CERTIFIED: September 10, 2007

EFFECTIVE DATE: September 14, 2007