

TOWNSHIP OF EAST AMWELL
ORDINANCE NO. 23-13

AN ORDINANCE OF THE TOWNSHIP OF EAST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER 97 OF THE CODE OF THE TOWNSHIP OF EAST AMWELL, ENTITLED "LITTERING"

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, of the Township of East Amwell, County of Hunterdon, State of New Jersey that the Municipal Code of the Township of East Amwell is hereby amended as follows: Adjustments and new language are underlined thus and deletions are indicated with strikethroughs thus:

§ 97-2 Definitions. is hereby amended to read as follows:

~~As used in this chapter, the following terms shall have the meanings indicated~~

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 or any flaming or glowing material; or any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic, or paper containers or other packaging or construction material, but does not include the waste of primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing, or the spreading of fertilizer, manure or compost on lawns, gardens, farm fields, or other planted or cultivated areas.~~

LITTER RECEPTACLE

~~A container suitable for the depositing of litter.~~

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. 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 or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include grass clippings or other lawn or garden waste or the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

b. Litter Receptacle – a container suitable for the depositing of litter.

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

§ 97-2.1 Prohibited acts and regulated activities

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

2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle in violation of this ordinance, the operator or owner, or both, of the motor vehicle shall also be deemed to have violated this ordinance.

§ 97-11 Violations and penalties.

~~Any person, firm or corporation violating any provision of this chapter shall be subject to one or more of the following: a fine not to exceed \$1,000, a term of imprisonment of not to exceed 90 days, or a period of community service not to exceed 90 days. Each day that such violation shall occur shall constitute a separate offense.~~

§ 97-11 Improper Disposal of Waste

§ 97-11.1 Purpose: An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of East Amwell, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 97-11.2 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 the Township of East Amwell 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. 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.

§ 97-11.3 Prohibited Conduct: The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of East Amwell is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 97-11.4 Exceptions to Prohibition

a. Water line flushing and discharges from potable water sources

b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)

c. Air conditioning condensate (excluding contact and non-contact cooling water)

d. Irrigation water (including landscape and lawn watering runoff)

e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

f. Residential car washing water, and residential swimming pool discharges

g. Sidewalk, driveway and street wash water

h. Flows from firefighting activities

i. Flows from rinsing of the following equipment with clean water: - 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.

§ 97-12 Pet Waste Disposal

§ 97-12.1 Purpose: An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of East Amwell so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 97-12.2 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. Immediate – shall mean that the pet solid waste is removed at once, without delay.

b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

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

d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.

f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 97-12.3 Requirement for Disposal: All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 97-12.4 Exemptions: Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§ 97-13 Refuse Containers/Dumpsters

§ 97-13.1 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 the [insert name of municipality] 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.

§ 97-13.2 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 the Township of East Amwell 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.

§ 97-13.3 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 the [insert name of municipality].

§ 97-13.4 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).

§ 97-14 The balance of this Chapter shall remain unchanged.

§ 97-15 Enforcement. The provisions of this Article shall be enforced by the Police Department and/or other Municipal Officials of the Township of East Amwell.

§ 97-15.1 Violations and Penalty. 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 \$2,000; and/or up to 90 days community service; and/or up to 90 days imprisonment.

§ 97-15.2 Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§ 97-15.3 Effective date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCED/PASSED ON FIRST READING:

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
DENDIS	X			
MILLS	X			
RAMSEY	X			
DI PIRRO	X			
CASPER-BLOOM	X			

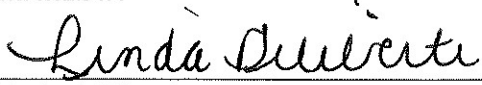
PUBLISHED: October 19, 2023


AMENDED: November 9, 2023

ADOPTED: November 9, 2023

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
DENDIS	✓			
MILLS	✓			
RAMSEY	✓			
DI PIRRO	✓			
CASPER-BLOOM	✓			

ATTEST:


Linda Giliberti, RMC
Township Clerk


Jenna Casper-Bloom
Mayor

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey at their meeting held in the Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ 08551.

Linda Giliberti, RMC
Township Clerk