

ORDINANCE # 2024-07

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 196, LITTERING

WHEREAS, on December 1, 2022, the New Jersey Department of Environmental Protection issued a Final Stormwater Discharge Master General Permit Renewal (Permit Number NJ0141852) in accordance with N.J.A.C. 7:14A; and as part of the above referenced permit renewal the Township of Allamuchy was reassigned to Tier A under N.J.A.C. 7:14a-25.3(a)1; and the requirements of the above referenced permit for municipalities assigned to Tier A includes a requirement to adopt certain community-wide ordinances; and the Township is required to adopt and enforce a litter ordinance or enforce the existing State litter statute at N.J.S.A 13:1E-99.3; and the NJDEP has created a model Litter Control ordinance for adoption by municipalities to comply with the permit requirements; and the Township Council of the Township of Allamuchy previously adopted Ordinance No. 9-89 on June 1, 1989 to create Chapter 196, Littering, within the Township Code; and the Township Council of the Township of Allamuchy further amended Section 196-11, Violations and penalties, of the Littering ordinance on September 7, 1989 by Ordinance No. 17-89; and the Township Council seeks to adopt the model Litter Control in order to satisfy the conditions of the NJDEP MS4 permit.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of Allamuchy Township, County of Warren, and State of New Jersey that Chapter 196, of the Littering for Allamuchy Township is hereby amended as follows:

Section I

Chapter 196, Littering, of the General Legislation is hereby amended in its entirety to meet the requirements of the NJPDES MS4 Permit.

§196-1 Purpose

To establish requirements to control littering in Allamuchy Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§196-2 Definitions

For the purpose of this Chapter, the following terms, phrases, words, and their derivations, shall have the meanings stated herein unless their use in the text of this Code clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes

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.

GARBAGE

Putrescible animal and vegetable waste resulting from handling, preparation, cooking and 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 or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, 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 suitable for the depositing of litter.

PERSON

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

PRIVATE PLACE

Any lot, plot, private drive, street, or alley preserved for the use of the owner thereof or such owner's agents, tenants, guests and/or invitees.

PUBLIC PLACE

Any street, sidewalk, boulevard, parking lot, alley, public way, public park, square, space, ground and building.

REFUSE

All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid or liquid industrial waste.

§196-3 Prohibited Conduct

- A. Littering prohibited. It shall be unlawful for any person or persons, firm, association or corporation, whether as principal or agent, to directly or indirectly deposit, spill or throw any garbage, litter or refuse in or upon any street, sidewalk, public place or private place within the Township of Allamuchy, except in public receptacles where provided or in authorized private receptacles provided for the collection of garbage or unless permission for doing so has first been obtained from the Township Council and/or any individual acting as an agent of the Township of Allamuchy.
- B. Proper placement in receptacles. Persons placing litter in public or private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public or private place.
- C. Deposit from vehicles or boats. No person, while a driver or passenger in a vehicle or boat, shall throw or deposit litter upon any street, public place or private place within the Township of Allamuchy. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this Chapter, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this Chapter.
- D. Littering waters. No person shall throw or deposit litter, garbage or refuse in any fountain, pond, lake, stream, or any other body of water in any park or elsewhere within the Township of Allamuchy.
- E. Sweeping into street; maintenance of sidewalks. No person shall sweep into or deposit in any gutter, street or other public place within the Township of Allamuchy any garbage, litter or rubbish, and such person shall keep the sidewalk abutting such street or public place free from litter.
- F. Tampering with receptacles; scattering contents. It shall be unlawful for any person to tamper with or scatter or to aid and abet in the tampering with or scattering of any of the contents from any public or private receptacle containing garbage, refuse, rubbish, junk or any other waste material which has been placed or deposited along any public or private highway, street, lane or alleyway for collection.
- G. Loads to be protected. No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load or contents from being blown or deposited upon any street, alley or other public or private place.

- H. Posting on public property. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized by the owners thereof or required by law.

§196-4 Exemptions

It shall be unlawful for any person or persons, firm, association or corporation, whether as principal or agent, to permit anyone directly or indirectly to dump on any public or private property any garbage, litter, refuse, junk, debris, stumps or other discarded materials without approval from the Township Council and/or any individual acting as an agent of the Township of Allamuchy. This prohibition shall not be interpreted to forbid the existence of properly maintained composting systems.

§196-5 Enforcement

This Chapter shall be enforced by the Recycling Coordinator, the Zoning Officer, the Building Inspector, or other code enforcement officer, the Township Engineer, the State Police, the Township Department of Health representative in the course of ordinary enforcement duties or the Superintendent/Supervisor of the Department of Public Works.

§196-6 Violations and Penalties

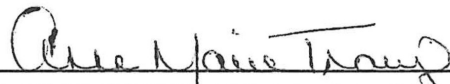
- A. Any person who shall be found to have violated any provision of this chapter shall, upon conviction, be liable to the general penalty in Chapter 1, Article II, General Penalty, of the Township Code.
- B. Upon conviction of any party of a violation of this chapter, in addition to the fine and/or imprisonment provided in Subsection A above, the Judge of the Township of Allamuchy may impose as an additional penalty the cost of the cleanup and removal of any material improperly dumped or littered on any private or public place within the Township of Allamuchy or, in lieu thereof, require an agreement with the person or persons so convicted to bear the responsibility for such cleanup upon terms and conditions satisfactory to the Court. Nothing contained in this section shall be deemed to be in lieu of or to affect the private property rights of any person upon whose property there shall have occurred illegal littering or dumping.

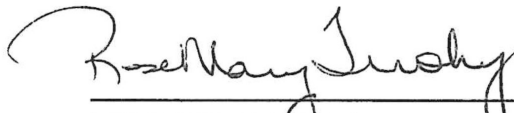
Section II

1. All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
2. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
3. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

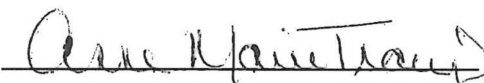
TOWNSHIP OF ALLAMUCHY


ANNE MARIE TRACY, Municipal Clerk


ROSEMARY TUOHY, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Allamuchy Township Mayor and Council held on March 27, 2024 and will be considered for final reading and adoption at the meeting of the Allamuchy Township Mayor and Council to be held on April 24, 2024 at 6:30 p.m. at the Municipal Building, 292 Alphano Road, Allamuchy, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.


ANNE MARIE TRACY, Municipal Clerk

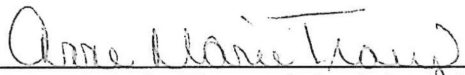
ORDINANCE # 2024-07

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 196, LITTERING


Take notice, the foregoing Ordinance was introduced and passed on first reading by the Township Council of the Township of Allamuchy on March 27, 2024 at a meeting of said Council held at Allamuchy Town Hall, Allamuchy, New Jersey and was given further consideration and finally passed at a meeting of the Allamuchy Township Council held April 24, 2024 at Allamuchy Town Hall, Allamuchy, N.J.

This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

ATTEST:



Anne Marie Tracy, Municipal Clerk



Rosemary Tuohy, Mayor