

**BOROUGH OF SUSSEX  
COUNTY OF SUSSEX  
ORDINANCE NO. 2023-28**

**AN ORDINANCE TO AMEND CHAPTER 3, ENTITLED “POLICE REGULATIONS” OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**

**BE IT ORDAINED** by the Borough Council of the Borough of Sussex in the County of Sussex, as follows:

**SECTION 1.** Paragraph (b), entitled “Litter”, of Section 3-8.1, entitled “Definitions”, of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is revised to read as follows:

- b. LITTER – Shall mean 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, 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.

**SECTION 2.** Section 3-8.1, entitled “Definitions”, of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is amended to add the following definitions:

LITTER RECEPTACLE – Shall mean a container suitable for the depositing of litter.

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

**SECTION 3.** Section 3-8.2, entitled “Litter in Public Places”, of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is hereby replaced with the following:

**§ 3-8.2 Littering prohibited.**

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place litter upon any public or private property, other than in a litter receptacle, or having done so, to allow such litter to remain.
- b. The owner or person in control of any private property shall at all times maintain their lands and premises free of litter.

**SECTION 4.** Section 3-8.3, entitled “Placement of Litter in Receptacles” of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is hereby replaced with the following:

**§ 3-8.3. Placement of Litter in Receptacles.**

- a. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any streets, sidewalks or other public place or upon private property.
- b. Public receptacles shall not be used by persons owning or occupying property in the vicinity of the public receptacles for the deposit of domestic, commercial and/or industrial litter arising from the conduct of their activities.

**SECTION 5.** Section 3-8.5, entitled of “Litter Thrown by Persons in Vehicles” of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is hereby replaced with the following:

**§ 3-8.5. Litter from Vehicles or Boats.**

No person, while a driver or passenger, in a vehicle or boat, shall throw or deposit litter upon any street or other public place or upon private property. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the vehicle or boat shall also be deemed to have violated this section.

**SECTION 6.** Section 3-8.8, entitled “Litter on Private Property” of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is hereby replaced with the following:

**§ 3-8.8 Enforcement; Violations and Penalties.**

- a. This section shall be enforced by the Sussex Borough Code Enforcement Officer.
- b. Any person who is found to be in violation of the provisions of this section shall be subject to the penalties set forth in Section 3-9.

**SECTION 7.** Section 3-8.9, entitled “Owner to Maintain Premises Free of Litter” of Section 3-8, entitled “Littering”, of Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex, is hereby repealed.

**SECTION 8.** Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is amended to replace Section 3-14 (Reserved), with the following:

**§ 3-14 Pet Waste Disposal.**

**§ 3-14.1. Definitions.**

**PET**

A domesticated animal, such as, for example, a dog or cat, but not including a disability assistance animal, kept for amusement or companionship.

**PET 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.

**PET SOLID WASTE**

Waste matter expelled from the bowels of the pet; excrement or feces.

**PROPERLY DISPOSE**

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

**§ 3-14.2. Requirement for Disposal.**

All pet owners/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 pet owner/keeper.

**§ 3-14.3. Exemptions.**

Any pet owner/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.

**SECTION 9.** Chapter 3, entitled “Police Regulations” of the Code of the Borough of Sussex is amended to replace Section 3-16 (Reserved), with the following:

**§ 3-16 Wildlife Feeding.**

**§ 3-16.1 Definitions.**

- a. FEED – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. WILDLIFE – all animals that are neither human nor domesticated.

**§ 3-16.2 Prohibited Conduct.** No person shall feed, in any public park or on any other property owned or operated by Sussex Borough, any wildlife, excluding confined wildlife (for example, wildlife

confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

**§ 3-16.3 Enforcement.**

- a. This section shall be enforced by the Sussex Borough Code Enforcement Officer.
- b. Any person found to be in violation of this section shall be ordered to cease the feeding immediately.

**§ 3-16.4 Violations and Penalties.** Any person who is found to be in violation of the provisions of this Section shall be subject to the penalties set forth in section 3-9.

**SECTION 10.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 11.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

**SECTION 12.** This Ordinance shall take effect after publication and passage according to law.

Attest:

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Antoinette Smith, Borough Clerk

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Edward Meyer, Mayor

**NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-28 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on November 9, 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on December 5, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

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Antoinette Smith, RMC