

## ORDINANCE #1751

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 3 "Police Regulations" Section 7 "Litter" to Comply with the NJPDES Municipal Stormwater Regulations Program

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 3, "Police Regulations," Section 7 "Litter" of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in underline; deletions are ~~stricken~~):

### § 3-7.1. 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, or having done so, to allow such litter to remain, except that the owner or person in control of private property may maintain authorized private litter receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any 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 motor vehicle or boat shall also be deemed to have violated this section.

### § 3-7.2. 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 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.

GARBAGE shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food, provided that nothing contained herein shall be deemed to apply to manure and compost heaps maintained in areas suitable to their use.

JUNK shall mean any apparatus or device, of whatever material, or any part or parts thereof, which may be discarded or be placed out of doors without protective covering. Any such apparatus or device placed on the land or property of another person without the consent and permission of the owner of such land or property shall be deemed discarded junk.

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 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 not including the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

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.

PUBLIC PLACE shall mean any and all streets, lanes, parkways, sidewalks, municipal parking lots, alleys or other public ways, and any and all public parks, squares, spaces, recreation areas, grounds and buildings.

REFUSE shall mean all putrescible and nonputrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, gravel, stones, rocks, rubble, construction materials, earth, dirt, ashes, sticks, tacks, nails or similar materials.

### **§ 3-7.3. Uses of Litter Receptacles.**

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 at 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 stations; parks; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. 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.

### **§ 3-7.4. Sweeping Litter into Gutters.**

No person shall sweep into or deposit in any gutter, street, catch basin or other public place within the township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. All sweepings shall be collected and properly containerized for disposal. Persons owning or occupying places of business within the township shall keep the sidewalks in front of their business premises free of litter.

### **§ 3-7.5. Litter in Lakes and Fountains.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, river or other body of water in a park or elsewhere within the township.

### **§ 3-7.6. Owner to Maintain Premises Free of Litter.**

No person shall throw or deposit litter on any private property within the township, whether owned by such person or not, and the owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this subsection shall not prohibit the storage of litter in suitable containers in a manner that is not unsightly and does not constitute a health hazard. § 3-7.7. 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

### **§ 3-7.8. Storage in Residential Zones.**

In areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items, it shall be unlawful for any residential property owner to store or

permit storage of tires or any bulky household waste, including household appliances, furniture and mattresses.

**§ 3-7.9. Reserved.**

**§ 3-7.10. Vehicle Loads Causing Litter.**

No person shall drive, move, stop or park any vehicle within the township unless the vehicle is so constructed and loaded as to prevent any load or contents from being blown, dropped, sifted, leaked or otherwise deposited upon any street or other public place or upon adjoining private property, nor shall any person drive or move any vehicle or truck within the township, the wheels or tires of which carry out or deposit in any street or other public place, mud, dirt, sticky substance or foreign matter of any kind. 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. § 3-7.11. Construction Sites.

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. 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.

**§ 3-7.12. Violations and Penalties.**

Any person violating any provision of this section shall, upon conviction thereof, be subject to a fine not to exceed \$100 for each violation. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense under this section. If any provision of this section is found to be invalid, it shall not affect the validity or enforceability of the remainder of this section.

**§ 3-7.13. Enforcement:**

**This section shall be enforced by the Zoning Enforcement Officer of the Township of Bernards.**

**Explanatory Statement:**

This ordinance aligns with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. Peter Messina took the Litter Ordinance and added language required by the NJDEP. Bernards Township must implement this ordinance on or before 10/1/05.

Barbara J. Pence, Administrator

Publication by Summary Pursuant to N.J.S.A.40:49-2

*This ordinance is consistent with the goals of the 2003 Bernards Township Master Plan and the State of New Jersey Stormwater Management Regulations. Language was added to the*

*township's current litter ordinance to be consistent with NJDEP stormwater regulations. No person will be permitted to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle, or having done so, to allow such litter to remain, except that the owner or person in control of private property may maintain authorized private litter receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any 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 motor vehicle or boat shall also be deemed to have violated this section.*

**TOWNSHIP OF BERNARDS  
PUBLIC NOTICE**

**Ordinance #1751** having been introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 8/10/04, and then ordered to be published according to law, will be further considered for final passage and adoption at a public hearing held at a meeting of said Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 9/28/04, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee  
Denise Szabo, Municipal Clerk

Note: the 9/28/04 meeting and PH were adjourned to 9/30/04

**TOWNSHIP OF BERNARDS  
Public Notice**

Notice is hereby given that Bernards Township Ordinance #1751, was introduced and passed on first reading at a meeting of the Township Committee, on 8/10/04, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 9/30/04.

Denise Szabo  
Municipal Clerk