ORDINANCE - 2005-32

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF COLTS NECK TO ESTABLISH CHAPTER 149 ENTITLED "LITTER CONTROL & IMPROPER DISPOSAL OF WASTE"

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

1. That The Code of the Township of Colts Neck is hereby amended and supplemented to create new Article I, Litter Control in new Chapter 149 "Litter Control and Improper Disposal of Waste" as follows:

CHAPTER 149
Litter Control and Improper Disposal of Waste

ARTICLE I
Litter Control

§ 149-1 Purpose:

To establish requirements to control littering in the Township of Colts Neck, so as to protect pubic health, safety and welfare and to prescribe penalties for the failure to comply.

§ 149-2 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 Article 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 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.

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

§ 149-3 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 or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§ 149-4 Enforcement:

This Article shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Colts Neck.

§ 149-5 Violations and penalties:

Unless otherwise specified herein, for a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding $1,000.00 or community service not exceeding 90 days, or any combination thereof.

2. That The Code of the Township of Colts Neck is herby amended and supplemented to create new Article II, "Improper Disposal of Waste" in new Chapter 149 "Litter Control and Improper Disposal of Waste" as follows:

ARTICLE II
Improper Disposal of Waste

§ 149-6 Purpose:

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 Colts Neck, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 149-7 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 Article 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 Colts Neck 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.

§ 149-8 Prohibited conduct:

The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Colts Neck is prohibited. The spilling, dumping or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutant to the municipal separate storm sewer system is also prohibited.

§ 149-9 Exceptions to prohibitions:

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 fire fighting activities

i. Flows from washing fire fighting equipment

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

- Beach maintenance equipment immediately following their use for their intended purposes; and

- 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.

§ 149-10 Enforcement:

This Article shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Colts Neck.

§ 149-11 Violations and penalties:

Unless otherwise specified herein, for a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding $1,000.00 or community service not exceeding 90 days, or any combination thereof.

3. Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

4. Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

5. Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

6. This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of the Township of Colts Neck on the 21st day of December, 2005

Benjamin T. Forester, Mayor

Robert Bowden, Township Clerk

ORDINANCE READING	DATE
1ST READING BY TITLE:	November 30, 2005
2ND READING BY TITLE:	December 21, 2005

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
Motion To Approve				X	
Motion Seconded					X
Approve	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					