**ORDINANCE 2023-15**

*Township of New Hanover*

*County of Burlington*

*State of New Jersey*

**ORDINANCE FOR LITTER CONTROL**

**WHEREAS,** the New Jersey Department of Environmental Protection adopted amendments to the New Jersey Stormwater Management Rules, N.J.A.C. 7:8 which, in part recommends the adoption at the municipal level of certain measures as part of a comprehensive stormwater management plan, including those contained herein; and

**BE IT ORDAINED** by the Township Committee of the Township of New Hanover in the County of Burlington, State of New Jersey, that:

**SECTION I. Purpose:**

An ordinance to establish requirements to control littering in **Township of New Hanover** so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. 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. 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, 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.

**SECTION III. 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.

**SECTION IV. Enforcement:**

This ordinance shall be enforced by the **Police Department and/or other Municipal Officials** of **Township of New Hanover**.

**SECTION V. Penalties:**

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 **$500.00**.

**SECTION VI. 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.

**SECTION VII. 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.

Introduction: July 11, 2023
Date of Publication: July 16, 2023

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| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK | **X** |  |  |  | SMITH | **X** |  |  |  |
| PAWLYZYN | **X** |  |  |  | PETERLA |  |  |  | **X** |
| MURPHY | **X** |  |  |  |  |  |  |  |  |
| MOTION | **PAWLYZYN** | SECOND | **SMITH** |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING |

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Township Committee of

the Township of New Hanover, Burlington County, New Jersey at a regular meeting held on July 11, 2023.

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Susan D. Jackson, RMC

Borough Clerk

Adopted: August 8, 2023

Date of Publication: August 13, 2023

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| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK | **X** |  |  |  | SMITH | **X** |  |  |  |
| PAWLYZYN | **X** |  |  |  | PETERLA | **X** |  |  |  |
| MURPHY | **X** |  |  |  |  |  |  |  |  |
| MOTION | **MURPHY** | SECOND | **SMITH** |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING |

 I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of the

Township of New Hanover, Burlington County, New Jersey at a regular meeting held on August 8, 2023.

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Susan D. Jackson, RMC

Borough Clerk

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Susan Jackson, RMC Paul Peterla

Township Clerk MAYOR