

Introduced: 06/13/2023
Public Hearing: 07/11/2023
Adopted:

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 13-2023**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY CREATING TITLE 9, PUBLIC PEACE, MORALS, AND
WELFARE, CHAPTER 9.16, LITTER CONTROL, OF THE TOWNSHIP CODE
OF ORDINANCES**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has determined that litter presents significant pollution hazards to streams and waterways, including those located in the Township of Tewksbury (the "Township"); and

WHEREAS, in August 2022, NJDEP re-classified 101 municipalities, including the Township, from MS4 Permit Program Tier B to Tier A; and

WHEREAS, the Township Committee finds and declares that in order to comply with the Tier A MS4 Permit Program requirement, it is in the best interests of the Township and its residents to require the proper disposal of litter.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 9, Public Peace, Morals, and Welfare, Chapter 9.16, Litter Control, of the Township Code of Ordinances is hereby created as follows:

9.16.010 – Purpose.

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

9.16.020 – Definitions.

The following terms, phrases, words and their derivations shall have the meanings stated herein.

- 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.

9.16.030- 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.

9.16.040 – Enforcement.

The provisions of this chapter may be enforced by any officer of the Township of Tewksbury.

9.16.050 – Violations and Penalty.

Any person who is found to be in violation of the provisions of this chapter shall be subject to the penalties set forth in the General Penalty Chapter of this Code.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on June 13, 2023 and adopted on _____.

Jennifer Ader
Township Clerk