TOWNSHIP OF PENNSVILLE

SALEM COUNTY, NEW JERSEY

ORDINANCE A-17-2019

Title: AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSVILLE ADDING CHAPTER 24 "STORMWATER REGULATIONS" TO THE REVISED ORDINANCES OF THE TOWNSHIP OF PENNSVILLE TO COMPLY WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS.

Date of Introduction: August 1, 2019

Anticipated Date of Adoption: August 15, 2019

Contents:

Ordinance
First Resolution
Notice of Introduction
Final Resolution
Notice of Adoption

ORDINANCE A-17-2019

Title: AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSVILLE ADDING CHAPTER 24 "STORMWATER REGULATIONS" TO THE REVISED ORDINANCES OF THE TOWNSHIP OF PENNSVILLE TO COMPLY WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS.

WHEREAS, the Township Administrator has advised the Members of the Township Committee (hereinafter Committee) that the most recent Stormwater Audit by the New Jersey Department of Environmental Protection has resulted in the need to revise the Township's Stormwater related Ordinances and;

WHEREAS, the Committee after reviewing the above mentioned recommendations concurred with the Township Administrator and;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and members of the Township Committee of the Township of Pennsville that the Revised Ordinances of the Township of Pennsville is amended as follows:

A. Add New Chapter 24, entitled "Stormwater Regulations" as shown in Exhibit A

(1) If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of this Ordinance as a whole or any part thereof.

(2) All Ordinance or parts of Ordinances heretofore adopted and that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

(3) This ordinance shall be effective upon its final passage, adoption and publication in accordance with law.

ADOPTED: August 15, 2019

ATTEST:

Angela N. Foote, Clerk

Approved by the Township Committee
Township of Pennsville – August 1, 2019

Chairman

First reading – August 1, 2019
Roll call vote:

	Yes	No	Abstaining	Absent
Marc Chastain	X			
Jeffrey Cook	X			
Robert McDade	X			
Richie Raine	X			
Chris Widger				

Adoption – August 15, 2019
Roll call vote:

	Yes	No	Abstaining	Absent
Marc Chastain	X			
Jeffrey Cook				X
Robert McDade	X			
Richie Raine	X			
Chris Widger				X

CHAPTER 24

STORMWATER REGULATIONS

ARTICLE 1 **PET WASTE**

24.1-1 Purpose
24.1-2 Definitions
24.1-3 Requirement for Disposal
24.1-4 Exemptions
24.1-5 Enforcement
24.1-6 Violations and Penalty
24.1-7 Severability
24.1-8 Effective Date

ARTICLE 2 **IMPROPER DISPOSAL OF WASTE ORDINANCE**

24.2-1 Purpose
24.2-2 Definitions
24.2-3 Prohibited Conduct
24.2-4 Exceptions to Prohibition
24.2-5 Enforcement
24.2-6 Penalties
24.2-7 Severability
24.2-8 Effective Date

ARTICLE 3 **WILDLIFE FEEDING ORDINANCE**

24.3-1 Purpose
24.3-2 Definitions
24.3-3 Prohibited Conduct
24.3-4 Enforcement
24.3-5 Violations and Penalties
24.3-6 Severability
24.3-7 Effective Date

ARTICLE 4 **REFUSE CONTAINERS / DUMPSTERS**

24.4-1 Purpose
24.4-2 Definitions
24.4-3 Prohibited Conduct
24.4-4 Exceptions to Prohibition
24.4-5 Enforcement
24.4-6 Penalties
24.4-7 Severability
24.4-8 Effective Date

ARTICLE 5 **ILLICIT CONNECTION ORDINANCE**

24.5-1 Purpose
24.5-2 Definitions
24.5-3 Prohibited Conduct
24.5-4 Enforcement
24.5-5 Penalties
24.5-6 Severability
24.5-7 Effective Date

ARTICLE 6 **YARD WASTE COLLECTION PROGRAM**

24.6-1 Purpose
24.6-2 Definitions
24.6-3 Yard Waste Collection
24.6-4 Enforcement
24.6-5 Violations and Penalties
24.6-6 Severability
24.6-7 Effective Date

ARTICLE 7 **CONTAINERIZED YARD WASTE**

24.7-1 Purpose
24.7-2 Definitions
24.7-3 Prohibited Conduct
24.7-4 Enforcement
24.7-5 Violations and Penalties
24.7-6 Severability
24.7-7 Effective Date

ARTICLE 8 **LITTER CONTROL**

24.8-1 Purpose
24.8-2 Definitions
24.8-3 Prohibited acts and Regulated Activities
24.8-4 Enforcement
24.8-5 Penalties
24.8-6 Severability
24.8-7 Effective Date

ARTICLE 1 PET WASTE

Sec. 24.1-1 Purpose

An ordinance to establish requirements for the proper disposal of pet solid waste in the **Township of Pennsville**, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Sec. 24.1-2 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 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. Immediate – shall mean that the pet solid waste is removed at once, without delay.

b. 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.

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

d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement

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

Sec. 24.1-3 Requirement for Disposal:

All pet owners and 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 person.

Sec. 24.1-4 Exemptions:

Any owner or 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.

Sec. 24.1-5 Enforcement:

The provisions of this Article shall be enforced by the **Township of Pennsville Animal Control Officer, Police Department**.

Sec. 24.1-6 Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of **not less than one hundred ($100.00) dollars - no greater than five hundred ($500.00) dollars**.

Sec. 24.1-7 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.

Sec. 24.1-8 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.

ALL OF WHICH IS ADOPTED this_____day of_____, 200_, by the_____.

ARTICLE 2 IMPROPER DISPOSAL OF WASTE ORDINANCE

Sec. 24.2-1 Purpose:

An ordinance 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 Pennsville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 24.2-2 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 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.

1. 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 Township of Pennsville or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. 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.

Sec. 24.2-3 Prohibited Conduct:

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

Sec. 24.2-4 Exceptions to Prohibition:

1. Water line flushing and discharges from potable water sources
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)

3. Air conditioning condensate (excluding contact and non-contact cooling water)
4. Irrigation water (including landscape and lawn watering runoff)
5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
6. Residential car washing water, and residential swimming pool discharges
7. Sidewalk, driveway and street wash water
8. Flows from fire fighting activities
9. 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.

Sec. 24.2-5 Enforcement:

This ordinance shall be enforced by the **Township of Pennsville Police Department**.

Sec. 24.2-6 Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine of **not less than five hundred ($500.00) dollars – no greater than five thousand ($5000.00) dollars.**

Sec. 24.2-7 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.

Sec. 24.2-8 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.

ARTICLE 3 WILDLIFE FEEDING

Sec. 24.3-1 Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Pennsville, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Sec. 24.3-2 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 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.

1. 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.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Wildlife – all animals that are neither human nor domesticated.

Sec. 24.3-3 Prohibited Conduct:

No person shall feed, in any public park or on any other property owned or operated by the Township of Pennsville, 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).

Sec. 24.3-4 Enforcement:

This ordinance shall be enforced by the Township of Pennsville Police Department. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

Sec. 24.3-5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than one hundred ($100.00) dollars - no greater than five hundred ($500.00) dollars.

Sec. 24.3-6 **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.

Sec. 24.3-7 **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.

ARTICLE 4 REFUSE CONTAINERS / DUMPSTERS

Sec. 24.4-1 Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the **Township of Pennsville** and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 24.4-2 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 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. 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 Township of Pennsville or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

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

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means 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.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Sec. 24.4-3 Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Pennsville.

Sec. 24.4-4. Exceptions to Prohibition:

a. Permitted temporary demolition containers

b. Litter receptacles (other than dumpsters or other bulk containers)

c. Individual homeowner trash and recycling containers

d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit

e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

Sec. 24.4-5. Enforcement:

This ordinance shall be enforced by the **Township of Pennsville Zoning Officer, Housing Official and or Assistant Housing Official.**

Sec. 24.4-6. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of **not less than one hundred ($100.00) dollars - no greater than five hundred ($500.00) dollars**.

Sec. 24.4-7. 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.

Sec. 24.4-8. 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.

ARTICLE 5 ILLICIT CONNECTION

Sec. 24.5-1 Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the **Township of Pennsville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 24.5-2 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 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic sewage - waste and wastewater from humans or household operations.

b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Pennsville, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. 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 Pennsville or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

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

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. 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.

Sec. 24.5-3. Prohibited Conduct:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the **Township of Pennsville** any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

Sec. 24.5-4. Enforcement:

This ordinance shall be enforced by the **Township of Pennsville Certified Public Works Manager**.

Sec. 24.5-5. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of **not less than five hundred ($500.00) dollars - no greater than five thousand ($5000.00) dollars**.

Sec. 24.5-6. 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.

Sec. 24.5-7. 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.

ARTICLE 6 YARD WASTE COLLECTION PROGRAM

Sec. 24.6-1 Purpose:

An ordinance to establish a yard waste collection and disposal program in the **Township of Pennsville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 24.6-2 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 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. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

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

c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

d. Yard Waste – means leaves and grass clippings.

Sec. 24.6-3 Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

Sec. 24.6-4 Enforcement:

The provisions of this ordinance shall be enforced by **Township of Pennsville Police Department**.

Sec. 24.6-5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of **not less than one hundred ($100.00) dollars - no greater than five hundred ($500.00) dollars**.

Sec. 24.6-6 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be 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.

Sec. 24.6-7 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.

ARTICLE 7 CONTAINERIZED YARD WASTE

Sec. 24.7-1 Purpose:

An ordinance to establish requirements for the proper handling of yard waste in the **Township of Pennsville**, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 24.7-2 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 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. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

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

c. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

d. Yard Waste – means leaves and grass clippings.

Sec. 24.7-3 Prohibited Conduct:

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

Sec. 24.7-4 Enforcement:

The provisions of this ordinance shall be enforced by **Township of Pennsville Police Department**.

Sec. 24.7-5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of **not less than one hundred ($100.00) dollars - no greater than five hundred ($500.00) dollars.**

Sec. 24.7-6 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.

Sec. 24.7-7 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.

ARTICLE 8 LITTER CONTROL

Sec. 24.8-1 Purpose

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

Sec. 24.8-2 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 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.

Sec. 24.8-3 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.

Sec. 24.8-4 Enforcement

This Ordinance shall be enforced by the Township of Pennsville Police Department

Sec. 24.8-5 Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than one hundred ($100.00) dollars – no greater than five hundred ($500.00) dollars.

Sec. 24.8-6 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.

Sec. 24.8-7 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