

**HARDING TOWNSHIP
ORDINANCE 11-2024
ORDINANCE OF THE TOWNSHIP OF HARDING TITLED, "LITTER CONTROL,"
ESTABLISHING REQUIREMENTS TO CONTROL LITTERING IN HARDING TOWNSHIP
PURSUANT TO N.J.S.A. 40:55D-53, ARTICLE XL, CHAPTER 225-195**

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") is responsible for implementing regulations pursuant to safety standards for stormwater management basins pursuant to N.J.S.A. 40:55D-95.1 (also known as the "Stormwater Management Regulations"); and

WHEREAS, the DEP's Stormwater Management Regulations take into consideration the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and the Dam Safety Act, N.J.S.A. 58:4-1 et seq.; and

WHEREAS, the DEP's regulations have certain effects upon municipalities, including but not limited to a municipality's planning powers pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; and the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and

WHEREAS, to be in compliance with the DEP's new Stormwater Management Regulations enacted in July of 2023, the Township is required to amend and/or create certain portions of its Township Code; and

WHEREAS, one of the requirements pursuant to the Stormwater Management Regulations is the regulation of litter; and

BE IT ORDAINED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: An ordinance to establish requirements to control littering in Harding Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION I. The Municipal Code, Article XL, Chapter 225-195, "Litter Control," is hereby created and shall read as follows:

I. 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 consistent 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" means 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" means a container suitable for the depositing of litter.

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II. Regulated Activities:

A. 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.

B. 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.

III. Enforcement: This ordinance shall be enforced by the Harding Township Police Department.

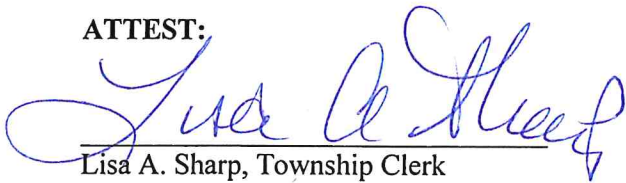
IV. Violations and Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of at least \$100.00 but not to exceed \$500.00.

V. 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 2. This ordinance may be renumbered for the purposes of codification.

SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:


Lisa A. Sharp, Township Clerk

TOWNSHIP OF HARDING


Timothy D. Jones, Mayor

INTRODUCED: April 15, 2024
PUBLIC HEARING: May 13, 2024
ADOPTED: May 13, 2024

ADVERTISED: April 18, 2024
ADVERTISED: May 16, 2024

Vote on Adoption:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN |
|----------------|--------|-------------------------------------|--------------------------|--------------------------|
| Ms. Chipperson | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dr.. Lacz | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 1st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | 2nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |