

**TOWNSHIP OF FLORENCE**

**ORDINANCE NO. 2006-05**

**An Ordinance of the Township of Florence Providing for Regulations Intended to Protect the Stormwater System, Protect the Environment and to Control Litter, Yard Waste, Pet Waste, Illicit Connections to the Stormwater System, Containerized Waste, Wild Life Feeding and other practices that impact on water quality.**

**WHEREAS**, the effective management of stormwater and the improvement of the quality of stormwater has been declared to be the public policy of the State of New Jersey, and various ordinances have been recommended by the New Jersey Department of Environmental Protection for enactment by each municipality in order to further the public policy, and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Florence, as follows:

**Section 1:** The Florence Township Code is hereby amended by adding a new Chapter 90, as follows:

Chapter 90

Environmental Protection  
Litter, Pet Waste, Protection of Stormwater System

**§ 90-1 Findings.** The Township Council finds that the effective management of stormwater and the improvement of the quality of stormwater has been declared to be the public policy of the State of New Jersey, and that it is both appropriate and necessary for the Township of Florence to establish, consistent with the recommendations of the New Jersey Department of Environmental Protection, regulations that will improve the quality of stormwater runoff, and protect the environment, including regulations on litter, pet waste, wild life feeding, yard waste collection, containerized waste, improper disposal and illicit connections to the stormwater system.

**§ 90-2. Purpose:** It is the purpose of this Chapter to establish regulations for the protection of the environment and to establish requirements to control littering, pet waste, yard waste and for the protection of the Stormwater System in the Township of Florence so as to protect public health, safety and welfare

§ 90-3. **Definitions:** For the purpose of this chapter, 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. Domestic sewage - waste and wastewater from humans or household operations.
- c. 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
- d. 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 [insert name of municipality], 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.
- e. Immediate – shall mean at once, without delay
- f. 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)).
- g. 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.
- h. Litter Receptacle – a container suitable for the depositing of litter.
- i. 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 [insert name of municipality] or other public body, and is designed and used for

- collecting and conveying stormwater. 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.”
- j. 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
  - k. 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.
  - l. 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.
  - m. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  - n. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship
  - o. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
  - p. Pet solid waste 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
  - q. 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.
  - r. 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.
  - s. 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.
  - t. Wildlife – all animals that are neither human nor domesticated.

- u. Yard Waste – means leaves and grass clippings.

**§ 90-4. Littering.** 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. 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.

**§ 90-5. Circulars, handbills, advertisements.** It shall be unlawful to scatter or throw upon the streets, sidewalks, alleys or public places or to tack or nail upon any telegraph, telephone or trolley poles or trees in the Township of Florence any posters, pamphlets, circulars, handbills, advertisements or paper or to scatter or throw the same in or upon any porch, step, stoop or vestibule of any building or upon the yard or lot fronting or bordering on the streets, alleys or public places aforesaid, provided that nothing herein shall be construed to prevent the delivery or distribution of posters, pamphlets, circulars, handbills or advertisements enclosed in envelopes or appropriately secured at the property entrance or to apply to the delivery of the same to individuals personally or to the issue, circulation and sale of newspapers.

**§ 90-6 Use of litter receptacles.** Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas such that, at a minimum, there shall be no single linear quarter-mile without receptacle: buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat-launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

**§ 90-7. Illegal dumping.** It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances or furniture, or on private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

**§ 90-8. Storage of household solid waste.** It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential or on properties in residential use, except in a fully enclosed structure or during days designated for the collection of bulky items.

**§ 90-9. Storage of tires.** It shall be unlawful for any residential property owner or owner of properties in residential use to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

**§ 90-10. Storage of vehicles.** It shall be unlawful for any residential property owner to park or

permit the parking of any vehicle on his or her residential front lawn for more than two (2) consecutive hours in any one-week period.

**§ 90-11. Requirements for transporting loads.** It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefor.

**§ 90-12. Construction sites.** It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

**§ 90-13. Open or overflowing waste-disposal bins prohibited.** It shall be unlawful for any residential or commercial property owner to permit open or overflowing disposal bins on his or her property.

**§ 90-14. Responsibilities of owners and occupants.** It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive materials. No person shall sweep into or deposit into any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

**§ 90-14. 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 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 the prohibited placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or the party shall be deemed in violation of this chapter.

**§ 90-15. Yard Waste Control Required.** 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.

**§ 90-16. Pet Waste.** 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, except that any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while the animal is being used for that purpose.<sup>1</sup>

**§ 90-17. Wildlife Feeding Prohibited.** No person shall feed, in any public park or on any other property owned or operated by the Township of Florence any wildlife, excluding confined wildlife.

**§ 90-18. Illicit Connection to Stormwater System.** 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 Florence any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§ 90-19. Improper Disposal through the Stormwater System.** The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Florence 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. The following are exceptions to the prohibition:

- 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 rinsing of the 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.

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<sup>1</sup> See also §41-12 which requires the proper disposal of pet waste.

## **Section 2: Penalties**

Any person who violates any provision of this ordinance shall be subject to the penalties as set forth in Section 1-10 of the Florence Code.

## **Section 3: Effective Date**

This ordinance shall take effect immediately upon the approval and publication of notice of adoption as provided by law.

## **Section 4: Ordinance Provisions Repealed**

The following provisions of the Florence Township Code are hereby repealed as of the effective date of this ordinance, the provisions of the repealed sections having been incorporated into this ordinance:

Chapter 95 – Litter

## **Section 5: Severability**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

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**Take Notice** that the Ordinance identified above amends Adopts a new Chapter in the Florence Township Code to enact regulations recommended by the New Jersey Department of Environmental Protection for the protection of the environment and the stormwater system by controlling litter, yard waste, pet waste, illicit connections to the stormwater system and practices that impact on water quality.

The Ordinance has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on January 18, 2006. It will be considered for final passage after public hearing to be held on February 1, 2006, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

Joy M. Weiler, RMC, CMC  
Township Clerk