

ORDINANCE NO. 14 2023

**ORDINANCE OF THE BOROUGH OF BRANCHVILLE, COUNTY OF SUSSEX, STATE OF NEW JERSEY CREATING CHAPTER 32 ENTITLED "LITTER CONTROL" AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the New Jersey Department of Environmental Protection is requiring all New Jersey municipalities to adopt certain ordinances in order to comply with the Tier A Stormwater Requirements; and

**WHEREAS**, certain model ordinances were provided to the Borough by the Department for introduction and subsequent adoption; and

**WHEREAS**, the Borough Council of the Borough of Branchville believes the adoption of these ordinances is in the best interest of the Borough and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Branchville, County of Sussex, State of New Jersey, that Chapter 32 entitled "Litter Control" be created as follows:

**SECTION I.**

**§ 32-1. Purpose.**

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

**§ 32-2. 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.

**§ 32-3. 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.

**§ 32-4. Enforcement.**

This Ordinance shall be enforced by the New Jersey State Police, Sussex County Health Department, and the Branchville Borough Zoning Officer.

**§ 32-5. 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 not to exceed two thousand dollars (\$2,000.00).

**SECTION II. Repealer.**

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Branchville inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION III. Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

**SECTION IV. Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Branchville held on \_\_\_\_\_, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on \_\_\_\_\_, 2023 at 7:00 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Wantage Avenue, Branchville, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

---

Borough Clerk