

**TOWNSHIP OF BURLINGTON**

**ORDINANCE  
05-OR-026**

**AN ORDINANCE OF THE TOWNSHIP OF BURLINGTON,  
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,  
ESTABLISHING REQUIREMENTS FOR LITTER CONTROL, AND  
SPECIFICALLY TO ADD A NEW SECTION  
ENTITLED 14:22 (LITTER CONTROL)**

**WHEREAS**, the recently enacted NJDEP Stormwater Management Rules (NJAC 7:8) requires municipalities, in accordance with their Municipal Stormwater General Permit, to establish requirements to control littering so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply; and

**WHEREAS**, the NJDEP, in order to insure uniformity and consistency, has provided model Ordinances for use by Municipalities; and

**WHEREAS**, this Ordinance is consistent with the model ordinance supplied by the NJDEP for improper waste disposal;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF BURLINGTON, COUNTY OF BURLINGTON, AND STATE OF NEW  
JERSEY, AS FOLLOWS:**

**14:22-1      PURPOSE:**

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

**14:22-2      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.

**14:22-3 PROHIBITED ACTS AND 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, or having done so, to allow such litter to remain.
- 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.

**14:22-4 ENFORCEMENT:**

This Ordinance shall be enforced by the Police Department of the Township of Burlington.

**14:22-5 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 \$500.00.

**14:22-6 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.

**14:22-7 CONSISTENCY:**

All Ordinances, or parts of Ordinances inconsistent with the provisions hereof, are hereby repealed insofar as said inconsistency exists.

**14:22-8 EFFECTIVE DATE:**

This Ordinance shall take effect immediately upon final passage and publications required by law.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on September 27, 2005 and will be considered for final passage after a public hearing at a regular meeting of the Township Council to be held on October 11, 2005 at the Township Municipal Building, Burlington Township, New Jersey at 7:00 P.M.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on October 11, 2005.

  
 ANTHONY J. CARNIVALE, JR., RMC  
 Municipal Clerk

  
 SANDRA V. STEWART  
 President of Council