

AN ORDINANCE AMENDING CHAPTER 4, SECTION 1.1 AND SECTION 1.7 AND ESTABLISHING SECTION 1.8 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

(ILLEGAL DUMPING)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY, in the county of Essex and State of New Jersey that Chapter 4 Section 1 of the Revised General Ordinances of the Township of West Orange is hereby amended and supplemented as follows:

I. PURPOSE

The purpose of this ordinance is to update the provision of the Municipal Code of the Township of West Orange governing Litter and Hazardous Waste to (i) amend the Definitions to include additional terms that fall within the scope of litter and hazardous waste and (ii) establish a subsection on illegal dumping to prevent the disposal of trash generated at one location and disposed of at another location without legal permission. Such addition promotes and protects the environment and the public health, safety and welfare of the township as of the effective date of the enactment of this chapter.

II. CHAPTER 4, SECTION 1.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

4-1.1 Definitions.

As used in this section:

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Hazardous Waste shall mean (a) any material or substance that, by reason of its composition or characteristics, is either (i) toxic or hazardous waste as defined in either the Solid Waste Disposal Act, 42 U.S.C 6901 et seq. as replaced, amended or supplemented, or any laws of similar purpose or effect, and such rules or regulations promulgated thereunder, or (ii) special nuclear or by-product materials within the Atomic Energy Act or effect, and such rules or regulations promulgated thereunder; or (b) other materials which the New Jersey Department of Environmental Protection or the United States Environmental Protection Agency or any governmental body shall determine from time to time is harmful, toxic or dangerous or otherwise ineligible for disposal at the selected facility.

Litter shall mean 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 unlit 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 generated by a pedestrian, passerby or customer as a result of consuming in a public area, opening a product which produces wrappers or packaging, disposal of products and similar waste. Litter also includes sidewalk and street sweepings.

Litter Receptacle shall mean any container designated for the depositing of litter.

Public Place is any and all streets, boulevards, alleys, beaches or public ways, and any and all public parks, squares, spaces, docks, grounds and buildings.

Recyclable Materials shall mean those materials which would otherwise become nonhazardous solid waste and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products as defined within the West Orange Municipal Code.

Refuse shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar items.

Solid Waste shall be defined as set forth in N.J.A.C. 7:26-1.6 or any successor or amendment under applicable State law and shall include each Solid Waste Type as defined in N.J.A.C. 7:26-2.13(g) or any amendments thereto.

Vehicle shall mean every vehicle in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

III. CHAPTER 4, SECTION 1.7 SHALL BE AND IS HEREBY AMENDED AND ESTABLISHED TO INCORPORATE THE FOLLOWING:

4-1.7 Penalties

~~a. — Anyone found guilty of violating any provision of this section shall, for each and every violation, be liable, upon conviction, to a fine in the minimum amount of \$100 and shall and shall also be liable to the maximum penalty stated in Chapter 1, Section 1-5.~~

4-1.7 Illegal Dumping and Litter Prohibited

a. It shall be unlawful for any person to transport or dispose of solid waste in excess of 0.148 cubic yards or 30 U.S. gallons of liquids to or at disposal sites, which are not authorized by the New Jersey Department of Environmental Protection to accept solid waste.

- b. It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, litter receptacle, any household or commercial property, liter, solid waste, rubbish, refuse, recyclable materials, hazardous waste, vehicle or vehicle parts, furniture or private property in any place not specifically designated for the purpose of solid waste storage or disposal.
- c. No person who owns any property in the Township or who is in possession of the property, or who is in control of the property shall allow or permit any person or entity to dump any solid waste, rubbish, refuse, or other material defined in this section upon the property.
- d. In addition to the penalties set forth in Section 1.8, any person or entity who violates this Section and refuses or neglects to abate or remedy the condition complained of within 10 days after receipt of notice, shall be liable for all costs and reimburse the Township of West Orange for all expenses related to abating the violation.

IV. CHAPTER 4, SECTION 1.8 SHALL BE AND HEREBY IS ESTABLISHED TO INCORPORATE THE FOLLOWING:

4-1.8 Penalties

- a. Anyone found guilty of violating any provision of this section shall, for each and every violation, be liable, upon conviction, to a fine in the minimum amount of \$100 and shall also be liable to the maximum penalty stated in Chapter 1, Section 1-5.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**SUSAN McCARTNEY
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: February 1, 2022

ADOPTED: February 15, 2022

Legislative History

The purpose of this ordinance is to update the provision of the Municipal Code of the Township of West Orange governing Litter and Hazardous Waste to (i) amend the Definitions to include additional terms that fall within the scope of litter and hazardous waste and (ii) establish a subsection on illegal dumping to prevent the disposal of trash generated at one location and disposed of at another location without legal permission. Such addition promotes and protects the environment and the public health, safety and welfare of the township as of the effective date of the enactment of this chapter.