**CITY OF ESTELL MANOR, NJ**

**ORDINANCE #04-2024**

**Ordinance REPEALING AND REPLACING Chapter 249 OF THE CODE OF THE CITY OF ESTELL MANOR CONCERNING LITTER CONTROL; and Repealing All Ordinances Heretofore Adopted, The Provisions Of Which Are Inconsistent Herewith**

**WHEREAS,** the New Jersey Department of Environmental Protection (NJDEP) has determined that over 90% of New Jersey’s waterways are impaired and over 60% can be attributed to pollutants from stormwater runoff; and

**WHEREAS,** in 2004 the Municipal Separate Storm Sewer System (MS4) permitting program was created, and is required by both federal and state regulations, to address water quality and flooding issues in municipal stormwater systems; and

**WHEREAS,** the MS4 Tier A Permit was recently updated with a new permitting process that became effective January 1, 2023, affecting 557 of the municipalities within New Jersey that are now required to secure a Tier A MS4 Tier A Permit; and

**WHEREAS,** the City of Estell Manor, which was previously included within the Tier B Permit group which required less stringent regulations, is now required to obtain a Tier A Permit; and

**WHEREAS,** municipalities that are newly included within the Tier A Permit municipalities have been granted until May 1, 2024 to adopt ordinances consistent with the new MS4 Tier A Permit requirements; and

**WHEREAS,** it is necessary for the City of Estell Manor to adopt the necessary ordinances so as to qualify for the MS4 Tier A Permit.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Estell Manor, County of Atlantic and State of New Jersey, that:

 **SECTION 1. Chapter 249 of the Code of the City of Estell Manor entitled “Littering” and is hereby replaced with the title “Litter Control” and shall read as follows:**

**Chapter 249 Litter Control**

**ARTICLE I. Purpose**

**§ 249-1 Purpose**

An ordinance to establish requirements to control littering in the City of Estell Manor, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**ARTICLE II. Definitions**

**§ 249-2 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.

**ARTICLE III. Prohibited Acts and Regulated Activities**

**§ 249-3 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.

**ARTICLE IV. Enforcement**

**§ 249-4 Enforcement**

This ordinance shall be enforced by the New Jersey State Police and by any other individual authorized by law to enforce the same.

**ARTICLE V. Violations and Penalties**

**§ 249-5 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 and penalties consistent with those set forth within Chapter 1, Article II, §1.3 *et. seq.*

 **SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

 **SECTION 3.** This Ordinance shall take effect upon its final passage and publication as provided by law.

CITY COUNCIL OF

THE CITY OF ESTELL MANOR,

COUNTY OF ATLANTIC and ATTEST:

STATE OF NEW JERSEY

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Elizabeth Owen, Mayor Lisa Marcolongo, RMC, CMR

 City Clerk

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| **COUNCIL MEMBER** | **MOTION** | **YES** | **NO** | **ABSTAIN** | **ABSENT** |
| GIVENS |  | X |  |  |  |
| MASKER  | 1 | X |  |  |  |
| MADDOX |  | X |  |  |  |
| DILG | 2 | X |  |  |  |
| MAYOR OWEN  |  | X |  |  |  |

 ***FIRST READING:*  March 5, 2024**

 ***PUBLICATION:*  March 14, 2024**

 ***FINAL PASSAGE:*  April 2, 2024**

 ***PUBLICATION:* April 9, 2024**

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