

Pet Waste Ord

6-6 Public Nuisance.

No person owning, keeping, harboring or in charge of a dog shall:

- a. Permit or allow the dog to be or become a public nuisance or create a condition hazardous to health.
- b. Permit or allow any dog to howl, yelp, whine or bark continually in such a manner as to disturb unreasonably any person or neighborhood.
- c. Permit or allow any female dog in season to be maintained out of doors unless suitable means have been employed to control the attraction of other dogs.
- d. Permit or allow any dog to trespass on private property, or to trespass on public property so as to damage any property or thing of value.
- e. Permit or allow any dog habitually to snap, growl, snarl, jump upon or otherwise threaten persons lawfully using private property, the public streets or other public places.
- f. Permit or allow any dog to chase, run after, or jump at vehicles using the public streets.
- g. Permit or allow any dog to soil, defile, or defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property. The restriction in this subsection shall not apply to that portion of the street lying between the curblines or edges of pavement if no curbs exist or the traveled way if no pavement exists, which shall be used to curb such dog under the following conditions:
 1. The person who so curbs such dog shall immediately remove all feces deposited by such dog by a sanitary method approved by the local health authority.
 2. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in a sanitary manner approved by the local health authority.

(Ord. 69-16, S 3; Ord. 75-23, S 3; Ord. 98-34, S 1)

3-1 Litter.

3-1.1 *Definitions.* As used in this section:

- a. "Litter" shall mean garbage, refuse and rubbish as defined herein, and all other waste material which if thrown, deposited, or allowed to stand as herein prohibited, tends to create a danger to public health, safety, welfare and the aesthetic well-being of the municipality.
- b. "Garbage" shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- c. "Refuse" shall mean all putrescible and nonputrescible solid waste, except body wastes, including, by way of example, but not limitation; garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles or parts of vehicles, vehicle tires, furniture, household or commercial appliances, mattresses, and solid market and industrial waste.
- d. "Rubbish" shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, **yard** clippings, leaves, wood, glass, bedding, crockery and similar materials.
- e. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.
- f. "Persons" shall mean any natural person, firm, partnership, association, corporation, company or organization or entity of any kind.
- g. "Public place" shall mean all streets, sidewalks, boulevards, alleys, beaches or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.
- h. "Quasi-public place" shall mean sidewalks, parking lots, landscaped areas, detention basins, and all other outside areas which are open to the public or to which the public is invited and all other outside areas in and around establishments which are open to the public or to which the public is invited.

3-1.2 *General Prohibitions.* No person shall sweep, throw, deposit or dump litter in or on any property whether occupied, open or vacant and whether owned by that person or another person or in a public or quasi-public place or pond, lake or stream or other body of water within the township, except in public receptacles or in private receptacles for collection; nor shall any person that is the owner or occupant of a public or quasi-public place allow litter to stand or remain in the public or quasi-public place of which the said person is the owner or occupant, whether the owner or occupant placed the litter on the property or not. Said public receptacles shall not be used by persons for the deposit of domestic, commercial and industrial litter, and said private receptacles shall only be utilized by the persons owning or renting said receptacles or by others authorized by the said owners or renters of the private receptacles.

3-1.3 *Placing in Receptacles and Supplying of Receptacles.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner which prevents the litter from being carried or deposited by the elements of animals upon a public place or upon private property, including that person's property. All owners of public or quasi-public places shall provide for themselves and their tenants adequate receptacles for the deposit of all litter generated by their or their tenant's businesses. All open or overflowing commercial, industrial, residential or other waste disposal receptacles are prohibited. Litter receptacles will be placed in accordance with subsection 3-1.3 hereof.

3-1.4 *Sweeping into Gutters Prohibited.* No person, including merchants owning or occupying a place of business, shall sweep into or deposit in a gutter, road, street, catch basin, right-of-way or other public place within the township the accumulation of litter from a building or lot or from a public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk, walkway, alley and curb abutting said property free from obstruction and nuisances of every kind and to keep said sidewalk, walkway, alley and curbs free from litter. Litter receptacles will be placed in accordance with subsection 3-1.3 hereof.

3-1.5 *Litter Thrown by Persons in Vehicles.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter in or upon any public, quasi-public or private property.

3-1.6 *Transportation from Outside Township.* No person shall bring, cart, remove, transport or collect any litter from outside the township and bring it into the township for the purpose of dumping or disposing thereof. No truck or other vehicle containing litter which has been transported into the township shall be parked or allowed to remain standing on any street in the township or on any public property for a period in excess of two hours.

3-1.7 *Truck Loads and Tires Not to Deposit Litter.* No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place, or quasi-public or private place. Nor shall any person drive or move any vehicle or truck within the township the wheels or tires of which carry onto or deposit, in any street, alley or other public place or quasi-public place, mud, dirt, sticky substances or foreign matter of any kind.

3-1.8 *Handbills.* Advertisements, handbills, circulars and papers may be distributed in the township only if they are so securely placed at each dwelling that they will not be blown away by the wind; otherwise no person shall place any advertisement, handbill, circular or paper on or in any public street, sidewalk, building or vehicle within the township.

a. *Throwing or Distributing Commercial Handbills in Public Places.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the township, nor shall any person hand out, distribute or sell any commercial handbill in any public place; provided that it shall not be unlawful on any sidewalk, street or other public place within the township for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill to any person willing to accept it.

b. *Placing Commercial and Noncommercial Handbills on Vehicles.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept.

c. *Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

d. *Prohibiting Distribution of Handbills where Property Posted.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so if there is placed on the premises in a conspicuous position near the entrance a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in a manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises.

e. *Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant or other person then present; provided that in the case of inhabited private premises which are not posted, as provided in this subsection, the person, unless requested by anyone upon the premises not to do so, shall have the authority to place or deposit the handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets, or other public places. Mailboxes may not be so used when prohibited by Federal postal law or regulations.

f. *Exemptions for Mail and Newspapers.* The provisions of this subsection shall not apply to the distribution of mail by the United States postal service nor to newspapers.

g. *Posting of Notices Restricted.* No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized by the owners thereof or required by law.

3-1.9 *Outside Storage.*

a. There will be no outside storage of the following items:

1. Bulky household items - by way of example, but not limitation: appliances, furniture (that designated for outside use being excepted) and mattresses.

2. Tires and other vehicle parts.

b. The above prohibitions shall not apply to items placed outside on days designated for the collection of same.

c. Construction debris. No person shall allow the accumulation of litter on or around a construction site, or its storage in such a manner that it is likely to be blown, carried or deposited by the elements or animals about the construction site or upon a public place or upon private property.

3-1.10 *Violation and Penalties.* The penalties imposed for violations of this section shall be governed by section 3-21 of this chapter.

3-24 Improper Disposal of Waste.

3-24.1 *Purpose.* The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Warren, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. (Ord. No. 05-33)

3-24.2 *Definitions.* For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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. *Municipal separate storm sewer system (MS4)* shall mean 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 the Township of Warren or other public body, and is designed and used for collecting and conveying stormwater.

b. *Person* shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

c. *Stormwater* shall mean 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.

3-24.3 *Prohibited Conduct.* The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Warren 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.

3-24.4 *Exceptions to Prohibition.*

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters)
- 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 firefighting activities
- i. Flows from rinsing of the following equipment with clean water:
 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 2. 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 residential 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.

3-24.5 *Enforcement.* This section shall be enforced by the township police department, township zoning officer, township health officer and/or the township construction official.

3-24.6 *Penalties.* Any person(s) who continues to be in violation of the provisions of this section, after being duly notified, shall be subject to the penalties set forth in section 3-21.

3-5.4 *Wildlife Feeding*

a. *Purpose.* The purpose of this subsection is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Warren Township or other public body, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

b. *Definitions.* For the purpose of this subsection, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this subsection 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.

1. *Feed* shall mean 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.

2. *Person* shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

3. *Wildlife* shall mean all animals that are neither human nor domesticated.

c. *Prohibited Conduct.* No person shall feed, in any public park or on any other property owned or operated by Warren Township or other public body, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

d. *Enforcement.*

1. This subsection shall be enforced by the Police Department and/or Health Department of Warren Township.

2. Any person found to be in violation of this subsection shall be ordered to cease the feeding immediately.

e. *Violations and Penalties.* Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to the penalties set forth in section 3-21 of this code.

3-25 Yard Waste.

3-25.1 *Purpose.* The purpose of this section is to establish requirements for the proper handling of yard waste in the Township of Warren, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

3-25.2 *Definitions.* For the purpose of this section, the following terms, phrases and words shall have the meanings stated herein.

a. *Containerized* shall mean 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. *Street* shall mean 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 be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

c. *Yard waste* shall mean branches, leaves, grass clippings, and other vegetative debris.

3-25.3 Prohibited Conduct.

a. 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 within 15 feet of an inlet to the township's stormwater sewer system.

b. 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 wastes in the street, unless the yard waste is containerized. 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 property owner shall be deemed in violation of this section.

3-25.4 *Enforcement.* This section shall be enforced by the health officer or the Warren Township Police Department.

3-25.5 *Penalties.* Any person, firm, corporation or other entity which violates or neglects to comply with this section shall be subject to a fine of not less than twenty-five (\$25.00) dollars upon a first conviction; not less than one hundred (\$100.00) dollars upon a second conviction; and not less than three hundred (\$300.00) dollars upon a third or subsequent conviction.

8-10 Illicit Connection to Storm Sewer System.

8-10.1 Purpose.

The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Warren or Township of Warren Sewerage Authority, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

8-10.2 Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. *Domestic sewage* shall mean waste and wastewater from humans or household operations.
- b. *Illicit connection* shall mean any physical or nonphysical 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 Township of Warren or other public body, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. *Industrial waste* shall mean nondomestic 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)).
- d. *Municipal separate storm sewer system (MS4)* shall mean 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 the Township of Warren or other public body, and is designed and used for collecting and conveying stormwater.
- e. *NJPDES permit* shall mean 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.
- f. *Non-contact cooling water* shall mean 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 algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. *Person* shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
- h. *Process wastewater* shall mean 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.
- i. *Stormwater* shall mean 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.

8-10.3 Prohibited Conduct.

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 Warren any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

8-10.4 Enforcement.

This section shall be enforced by the Warren Township Police Department, the Warren Township Zoning Officer and/or the Warrant Township Construction Officer.

8-10.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to the penalties set forth in section 3-21 of this revision.

BH:7-1 Code Established.

Pursuant to R.S. 26:3-69.1 et seq., a code regulating the manner in which refuse may be stored, collected and disposed of; declaring and defining certain conditions as nuisances; fixing the responsibilities and duties of persons storing, collecting or disposing of refuse and providing for issuance of permits to collect refuse, described and commonly known as the Solid Waste Code of New Jersey (1959), is hereby adopted as amended by this chapter. A copy of the code, as amended, is annexed hereto and made a part hereof without inclusion of the text herein.

BH:7-2 Public Record.

Three copies of the code, as amended, have been placed on file in the office of the health officer of the board of health and shall remain on file there for the use and examination of the public.

BH:7-3 Deletions to Code.

Section 6.2 of the code is amended to exclude therefrom the last sentence thereof.

BH:7-4 Additions to Code.

Section 6.3: All vehicles used for the purpose of collecting garbage shall be fully enclosed except for such minimum openings as are necessary for the introduction of refuse, except that an open vehicle may be used as a temporary emergency substitute for an enclosed vehicle which is disabled provided such temporary emergency use of an open vehicle does not exceed three days or is authorized for a longer period in writing by the health officer.

Section 6.4: No vehicle containing any quantity of garbage shall be parked anywhere in the township for a period of time exceeding four hours, regardless of whether such vehicle is operable or disabled.

BH:7-5 Amendments to Code.

Section 7: Standards for Storage Facilities for Solid Waste.

a. All owners, lessees and occupants of new industrial, institutional (including, without limitation, nursing homes and assisted living facilities), commercial, multi-family housing (housing having three or more units of dwelling space) buildings, and all applicants for development requiring subdivision or site plan approval, shall provide storage facilities for solid waste and source separation of all recyclable materials required by the Somerset County recycling plan, in accordance with the standards set forth in this section.

b. Any owners, lessees or occupants of existing industrial, institutional (including, without limitation, nursing homes and assisted living facilities), commercial or multi-family housing buildings, who shall be penalized for violation of the code two or more times during any 12 month period, shall forthwith provide storage facilities for solid waste and source separation of all recyclable materials required by the Somerset County recycling plan, in accordance with the standards set forth in this section.

c. The facilities to be provided for the storage of solid waste shall consist of one or more enclosed unroofed structures providing for the separate storage of garbage and recyclables. The minimum size of the structure shall be 10 feet by 20 feet. The sides and back wall of the structure shall be of cinder block or other material approved by the board of health or its representative and the walls shall be not less than seven feet high. The floor shall be concrete or other cleanable material properly sloped to provide drainage. The front of the structure shall consist of lockable gates to prevent unauthorized usage or access. A hose bib shall be provided within a reasonable distance to provide water for cleaning.

d. The storage facilities shall be located in a convenient and safe location in the rear or side yard of the premises, in a place accessible to the solid waste collector and all set-back lines shall be strictly observed. Signs clearly identifying the recycling area and the materials accepted therein shall be posted at the point of access to the storage area. Individual dumpsters (roll-off containers) and other containers shall be equipped with signs indicating the materials to be placed therein.

e. The storage facilities shall be kept neat and clean and in an aesthetically pleasing manner and shall not be allowed to become a source of foul odors, and attraction or harborage for insects or rodents, or any other nuisance. Garbage shall be

stored in covered dumpsters or other appropriate covered containers. Dumpsters and containers containing garbage shall be kept securely covered and shall not be overloaded so as to prevent proper closing of the covers.

f. The board of health may grant variations from the provisions of this section where, by reason of physical features or a situation uniquely affecting a property, the strict application of this section would result in practical difficulties or undue hardship upon the owner, lessee or occupant, or where alternate facilities are proposed for solid waste storage, equal to or better than those prescribed by this section.

g. Any person who disposes, dumps, throws, drops, discards, or otherwise places waste of any nature upon public or private property, of which such person is not the owner, lessee or occupant, or has not received the owner's, lessee's or occupant's consent to do so, shall be in violation of this section. The discovery, in illegally disposed of waste, of identifying materials bearing a person's name and address, shall give rise to a rebuttable presumption that such person was the illegal disposer.

h. This section may be enforced by any Warren Township health officer, sanitarian, code enforcement official, building or zoning officer, police officer, or any other person authorized to do so by the board of health.

BH:7-6 Permits.

BH:7-6.1 *Fees.* Persons engaged in the business of collecting or disposing of refuse shall annually secure from the board of health a permit for each vehicle used to collect refuse, the fee for which shall be five (\$5.00) dollars. Such permits shall expire annually on December 31. Such permits shall not be issued until a license has been obtained from the township committee. An application for all permits shall describe and identify by a motor vehicle registration number the vehicle to be covered thereby and shall identify the location where the applicant shall dispose of the refuse. A vehicle used to collect refuse shall be inspected by the health officer prior to issuance of a permit.

BH:7-6.2 *Refusal or Revocation of Permits.* A permit may be refused or revoked by the board of health, upon hearing for any reason affecting the public health including, but not limited to, inadequate or dilapidated equipment, lack of an approved disposal site, or repeated or gross violations of this chapter or the code established hereby.

BH:7-7 Penalties.

Any person, firm, corporation, partnership or other entity, who shall violate or fail to comply with any of the provisions of this chapter or the code established hereunder, or with any order of the board of health or its representative made pursuant hereto, shall be subject to a penalty of not less than one hundred (\$100.00) dollars or more than five hundred (\$500.00) dollars for each offense. Each day during which a particular violation continues shall constitute a separate offense.

BH:7-1 Code Established.

Pursuant to R.S. 26:3-69.1 et seq., a code regulating the manner in which refuse may be stored, collected and disposed of; declaring and defining certain conditions as nuisances; fixing the responsibilities and duties of persons storing, collecting or disposing of refuse and providing for issuance of permits to collect refuse, described and commonly known as the Solid Waste Code of New Jersey (1959), is hereby adopted as amended by this chapter. A copy of the code, as amended, is annexed hereto and made a part hereof without inclusion of the text herein.

BH:7-2 Public Record.

Three copies of the code, as amended, have been placed on file in the office of the health officer of the board of health and shall remain on file there for the use and examination of the public.

BH:7-3 Deletions to Code.

Section 6.2 of the code is amended to exclude therefrom the last sentence thereof.

BH:7-4 Additions to Code.

Section 6.3: All vehicles used for the purpose of collecting garbage shall be fully enclosed except for such minimum openings as are necessary for the introduction of refuse, except that an open vehicle may be used as a temporary emergency substitute for an enclosed vehicle which is disabled provided such temporary emergency use of an open vehicle does not exceed three days or is authorized for a longer period in writing by the health officer.

Section 6.4: No vehicle containing any quantity of garbage shall be parked anywhere in the township for a period of time exceeding four hours, regardless of whether such vehicle is operable or disabled.

BH:7-5 Amendments to Code.

Section 7: Standards for Storage Facilities for Solid Waste.

a. All owners, lessees and occupants of new industrial, institutional (including, without limitation, nursing homes and assisted living facilities), commercial, multi-family housing (housing having three or more units of dwelling space) buildings, and all applicants for development requiring subdivision or site plan approval, shall provide storage facilities for solid waste and source separation of all recyclable materials required by the Somerset County recycling plan, in accordance with the standards set forth in this section.

b. Any owners, lessees or occupants of existing industrial, institutional (including, without limitation, nursing homes and assisted living facilities), commercial or multi-family housing buildings, who shall be penalized for violation of the code two or more times during any 12 month period, shall forthwith provide storage facilities for solid waste and source separation of all recyclable materials required by the Somerset County recycling plan, in accordance with the standards set forth in this section.

c. The facilities to be provided for the storage of solid waste shall consist of one or more enclosed unroofed structures providing for the separate storage of garbage and recyclables. The minimum size of the structure shall be 10 feet by 20 feet. The sides and back wall of the structure shall be of cinder block or other material approved by the board of health or its representative and the walls shall be not less than seven feet high. The floor shall be concrete or other cleanable material properly sloped to provide drainage. The front of the structure shall consist of lockable gates to prevent unauthorized usage or access. A hose bib shall be provided within a reasonable distance to provide water for cleaning.

d. The storage facilities shall be located in a convenient and safe location in the rear or side yard of the premises, in a place accessible to the solid waste collector and all set-back lines shall be strictly observed. Signs clearly identifying the recycling area and the materials accepted therein shall be posted at the point of access to the storage area. Individual dumpsters (roll-off containers) and other containers shall be equipped with signs indicating the materials to be placed therein.

e. The storage facilities shall be kept neat and clean and in an aesthetically pleasing manner and shall not be allowed to become a source of foul odors, and attraction or harborage for insects or rodents, or any other nuisance. Garbage shall be

stored in covered dumpsters or other appropriate covered containers. Dumpsters and containers containing garbage shall be kept securely covered and shall not be overloaded so as to prevent proper closing of the covers.

f. The board of health may grant variations from the provisions of this section where, by reason of physical features or a situation uniquely affecting a property, the strict application of this section would result in practical difficulties or undue hardship upon the owner, lessee or occupant, or where alternate facilities are proposed for solid waste storage, equal to or better than those prescribed by this section.

g. Any person who disposes, dumps, throws, drops, discards, or otherwise places waste of any nature upon public or private property, of which such person is not the owner, lessee or occupant, or has not received the owner's, lessee's or occupant's consent to do so, shall be in violation of this section. The discovery, in illegally disposed of waste, of identifying materials bearing a person's name and address, shall give rise to a rebuttable presumption that such person was the illegal disposer.

h. This section may be enforced by any Warren Township health officer, sanitarian, code enforcement official, building or zoning officer, police officer, or any other person authorized to do so by the board of health.

BH:7-6 Permits.

BH:7-6.1 *Fees.* Persons engaged in the business of collecting or disposing of refuse shall annually secure from the board of health a permit for each vehicle used to collect refuse, the fee for which shall be five (\$5.00) dollars. Such permits shall expire annually on December 31. Such permits shall not be issued until a license has been obtained from the township committee. An application for all permits shall describe and identify by a motor vehicle registration number the vehicle to be covered thereby and shall identify the location where the applicant shall dispose of the refuse. A vehicle used to collect refuse shall be inspected by the health officer prior to issuance of a permit.

BH:7-6.2 *Refusal or Revocation of Permits.* A permit may be refused or revoked by the board of health, upon hearing for any reason affecting the public health including, but not limited to, inadequate or dilapidated equipment, lack of an approved disposal site, or repeated or gross violations of this chapter or the code established hereby.

BH:7-7 Penalties.

Any person, firm, corporation, partnership or other entity, who shall violate or fail to comply with any of the provisions of this chapter or the code established hereunder, or with any order of the board of health or its representative made pursuant hereto, shall be subject to a penalty of not less than one hundred (\$100.00) dollars or more than five hundred (\$500.00) dollars for each offense. Each day during which a particular violation continues shall constitute a separate offense.