

**TOWNSHIP OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE NO. 2017-17**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND  
STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING  
CHAPTER 82 ENTITLED "LITTERING"**

**WHEREAS**, the Township Committee has reviewed and assessed the Township Code section regarding litter specifically in light of complaints from residents that dumping of litter and construction materials brought in from outside the Township has been observed; and

**WHEREAS**, the Township Committee has determined that the issue must be addressed in order to ensure that there is no illegal littering or dumping occurring within the Township; and

**WHEREAS**, the Township Committee has determined that it is in the Township's best interest to amend the Code to address this situation.

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey as follows:

**SECTION 1.** Chapter 82 "Littering" is amended to read as follows:

§82-2 "Littering Prohibited" shall be amended:

It shall be unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

No person shall bring, cart, remove, transport or collect any litter from outside the Township and bring same into the Township for the purpose of dumping or disposing thereof without prior necessary approvals.

§82-3 "Illegal dumping" shall be amended:

- A. It shall be unlawful for any person to discard or dump along any street, roadway, private property, on or off any right-of-way or any other place not specifically designated for the purpose of solid waste storage or disposal, any litter, including but not limited to household or commercial solid waste, rubbish, vehicles or vehicle parts, rubber tires, appliances, furniture or any other personal property.
- B. It shall be unlawful for any person to place, deposit, or bury any asphalt, road millings, tree stumps, rock or concrete without having first obtained governmental approvals as required by law. Notwithstanding receipt of any required governmental approvals, it shall be unlawful to place, deposit or bury any asphalt, road millings, tree stumps, rock or concrete in pieces over 12 inches in any dimension on any parcel of land, public or private.
- C. It shall be unlawful for any person to place, dump, discard or deposit in or about any dumpster, bulk container or demolition container any off-site accumulated garbage, litter, refuse, or rubbish, including construction, demolition, industrial, building, institutional and commercial debris and materials without having first obtained governmental approval as required by state or local law and the permission of the property or business owner.

§82-14 Enforcing officer shall be amended to read:

This chapter shall be administered and enforced by the Health Officer, the Township Recycling Coordinator, Township Police Officers and/or Township Zoning Officer.

§82-15 "Violations and penalties" shall be amended:

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of one or more of the following: a fine of not less than \$2,500 for a first offense, up to \$5,000 for a second offense and up to a maximum of \$10,000 for a third and each and every subsequent offense, imprisonment in the county jail for a term not to exceed 90 days, or to a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (N.J.S.A. 40:49-5)

Additionally, each individual convicted of a violation of this Chapter of the Code must make restitution in the form of reimbursement to the Township and/or the property or business owner for all costs and expenses incurred from the storage and/or legal disposal of such materials.

The remainder of this Chapter remains as is.

**SECTION 2.** All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

**VOTE:**

**Yes: Bensley, Blackburn, Mc Govern, Walsh**

**No: 0**

**Absent: 0**

I, Diana Francisco, Municipal Clerk of the Township of Andover, do hereby certify that the above is a true and accurate copy of an ordinance adopted by the Andover Township Committee on November 27, 2017.



Diana Francisco, Administrator/Clerk

**Introduction: November 13, 2017**

**Adoption: November 27, 2017**

**Publication: December 1, 2017**