

Ordinance # 2020-13

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING ILLICIT CONNECTIONS AND SPILLING/DUMPING OF MATERIALS TO PRINCETON'S STORMWATER SEWER SYSTEM; THE FEEDING OF WILDLIFE IN PRINCETON'S PARKS AND ON OTHER MUNICIPALLY-OWNED PROPERTIES; THE REMOVAL OF PET WASTE; LITTERING; AND THE COLLECTION OF GRASS CLIPPINGS, AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Engineering Department has recommended that certain updates be made to applicable portions or articles of the following chapters for purposes of ensuring continued compliance with applicable stormwater regulations:

- Chapter 34 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Water and Sewers;"
- Chapter 16 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Recreation and Parks and Similar Places;"
- Chapter 6 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Animal Control;" and
- Article II of Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968,"

entitled “Anti-Littering Regulation;” and

- Chapter 19 of the “Code of the Township of Princeton, New Jersey, 1968,” entitled “Streets, Sidewalks, Bike Lanes and Shared Use Paths,” and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

1. Illicit connections to municipal storm sewer system. Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”), entitled “Water and Sewers,” is hereby amended by adding the following new definition of “person” to section 34-7(b) thereof:

Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

2. Spilling, dumping or disposal of materials to municipal storm sewer system.

Chapter 34 of the Borough Code, entitled “Water and Sewers,” is hereby amended by adding a new section 34-7A thereto, which shall read as follows:

Sec. 34-7A. Prohibition of dumping, etc. to municipal separate storm sewer systems.

- (a) 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(s) operated by the municipality, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- (b) Definitions. For the purpose of this section, the terms, phrases, words, and their derivations used herein shall have the meanings stated in section 34-7(b) above 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.

(c) Prohibited Conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the municipality of Princeton 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.

(d) Exceptions to prohibition:

1. Water line flushing and discharges from potable water sources.
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
3. Air conditioning condensate (excluding contact and non-contact cooling water).
4. Irrigation water (including landscape and lawn watering runoff).
5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
6. Residential car washing water, and residential swimming pool discharges.
7. Sidewalk, driveway and street wash water.
8. Flows from fire-fighting activities.
9. Flows from rinsing of the following equipment with clean water:
 - a. Beach maintenance equipment immediately following their use for their intended purposes; and
 - b. 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 residual 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.

(e) Enforcement. This section shall be enforced by the municipal engineer, superintendent of public works and/or police department.

(f) Penalties. Any person violating the provisions of this section shall be subject to the general penalty set forth in section 1-6 of this Code.

3. Wildlife feeding in municipal parks or on other municipal property. Chapter 16 of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”), entitled “Recreation and Parks and Similar Public Places,” is hereby amended by updating section 16-7 as follows (additions are underlined; deletions are [bracketed]):

Sec. 16-7. No wildlife feeding.

(a) The purpose of this section is to prohibit the feeding of unconfined wildlife in any municipal park or on any other property owned or operated by the municipality of Princeton, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(b) Prohibition. It shall be unlawful for any person to[: (a)F]feed, in any municipal park or recreation area, or on any other property owned or operated by the municipality, any wildlife, excluding confined wildlife (for example, wildlife confined to zoos, parks or rehabilitation centers, or unconfined wildlife at environmental educational centers).

[(b)](c) Definitions. For purposes of this section, the following terms, phrases, words and their derivatives 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 text, 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. 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 nor shall it be deemed to apply to any agent specifically authorized by the municipality to hunt white-tail deer for deer management purposes.

(2)"Person" shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

~~[(2)](3)~~ "Wildlife" shall mean all animals that are neither human nor domesticated.

~~[(c)](d)~~ This section shall be enforced by the police department. Any person found in violation of this section shall be ordered to cease the feeding immediately and be subject to penalties and fines as provided for in section 1-6 of this Code.

4. Pet waste removal. Chapter 6 of the Borough Code, entitled "Animal Control," is hereby amended by updating section 6-11 as follows (additions are underlined; deletions are [bracketed]):

Sec. 6-11. Removal of Pet [Dog Waste and Other Animal and Fowl] Waste Required.

(a) The purpose of this section is to establish requirements for the proper disposal of pet solid waste in the municipality, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

(b) 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.

(1) "Immediate" shall mean that the pet solid waste is removed at once, without delay.

(2) "Owner/Keeper" shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

(3) "Person" shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

(4) "Pet" shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship. For purposes of this section, it shall include any fowl or other animal that is possessed, maintained, housed or harbored or otherwise in custody of any owner or keeper.

(5) "Pet solid waste" shall mean waste matter expelled from the bowels of the pet; excrement.

(6) “Proper disposal” shall mean placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

(c) All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person. This shall include, but not be limited to: any common thoroughfare, sidewalk, passageway, bypath, play area, park, including a dog park or municipal park, recreation or reservation area, or any place where people congregate or walk, or upon any public property whatsoever.[No person owning, harboring, keeping or in charge of any dog or other animal or fowl shall allow such dog, animal or fowl to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, including a dog park or municipal park, recreation or reservation area, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the prior permission of the owner of said property, except if the person who owns, harbors, keeps or is in charge of such dog or other animal or fowl shall immediately remove all feces deposited by such dog or other animal or fowl and dispose of it by placing it in a bag to be sealed or by an equally sanitary method and removing it from the property.]

(d) This Section 6-11 supplements subsection 16-6(c)2 of the Princeton Township Code, within Section 16-6 entitled “Prohibited uses of the Princeton parks and recreation areas; general regulations and restrictions.”

(e) Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(f) The provisions of this section shall be enforced by the police department and the Princeton board of health.

(g) Any person(s) who is found to be in violation of the provisions of this section shall be subject to the fines and penalties set forth in section 6-12 below.

5. Littering. Chapter 14 of the Township Code is hereby amended by updating Article II. thereof, entitled “Anti-Littering Regulation,” as follows (additions are underlined; deletions are [bracketed]):

Sec. 14-14. Purpose.

The purpose of this article is to establish requirements to control littering in Princeton, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 14-15. Definitions.

[As used in this article, the word or phrases shall have the meanings indicated unless otherwise required by the context:] For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

Commercial matter or material. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

Commercial premises. A building or buildings or any part thereof, and the lot or tract of land upon which the building or buildings are situated, where commercial activity of any kind takes place. Commercial activity shall include, but is not limited to, automobile service stations; stores for retail sales; liquor stores; taverns and inns; restaurants, including, but not limited to, drive-in restaurants, snack bars, hot dog, hamburger, and ice cream stands; professional activities, including, but not limited to medical, dental, legal, architectural, accounting; personal services, including, but not limited to real estate, insurance, barber shops, hairdressers, repair shops of all kinds, shopping centers; and amusements, including, but not limited to, movies, skating rinks, bowling alleys, whether part of a shopping area or not.

Garbage. The animal and vegetable and other organic wastes resulting from the handling, preparation, cooking and consumption of food or other products.

Litter. Garbage, refuse, and rubbish, as defined herein, and all other waste material[, such as chemical, building and automobile shop,] which is discarded or thrown or deposited as herein prohibited. “Litter” shall include, but not be limited to, 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.

Litter receptacle. A container suitable for the depositing of litter.

Occupant. Any person having actual possession of the premises or any part thereof.

Operator. Any person having charge, care or control of the premises or any part thereof, whether with or without the consent of the owner.

Owner. Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care of control of any premises as owner or agent of the owner, or as fiduciary, administrator, administratrix, trustee, receiver or guardian of the estate or as mortgagee in possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises subject or assigned by said lessee.

Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Private property. Any dwelling or structure, whether or not occupied, and any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling or structure.

Public ways adjacent to private property. The areas between the edge of the pavement or traveled portion of a highway, street or road, whether or not curbed, and the adjacent private property line, and all areas used for any public park, playground, municipal building or other installation, including driveways, parking areas, walks, paths and other public ways thereupon.

Refuse. All putrescible and non-putrescible solid wastes (except body wastes), including but not limited to garbage and rubbish.

Rubbish. Non-putrescible solid wastes, consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes,

cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, except natural fall of leaves and needles left undisturbed.

Sec. 14-16. Acts of litter prohibited.

No person shall throw, drop, discard, deposit, leave, abandon or place any litter of any nature upon public or private (including commercial) property located in Princeton other than in a litter receptacle, or having done so, allow such litter to remain [place upon, deposit, throw upon, leave or abandon upon any commercial, private or public property located within the municipality any litter, other than in a litter receptacle].

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this article, the operator or owner, or both, of the vehicle or boat shall also be deemed to have violated this section.

Sec. 14-17. Duty to keep commercial premises sanitary.

Occupants, owners, and/or operators of commercial premises within the municipality shall be responsible for removing litter from the sidewalks, walkways, pedestrian areas and parking areas during every day the premises are open for business. The areas shall be swept or otherwise cleaned as often as is necessary to maintain it free of litter.

Sec. 14-18. Removal of litter from commercial premises.

Every owner, operator and/or occupant of commercial premises shall have the duty and responsibility of providing sufficient and suitable litter receptacles with tightfitting covers for receiving and holding litter; and the litter receptacles shall be maintained in a manner, with the cover in place so as to avoid the creation of a nuisance.

Sec. 14-19. Additional acts prohibited.

No person shall place or cause to be placed upon, delivered, deposited, thrown upon, left or abandoned within or upon any private property or public ways adjacent to private property in the municipality any garbage, cans, bottles, cartons and other types of refuse or rubbish, or any handbills, advertisements, brochures, flyers, shoppers or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever.

Sec. 14-20. Exceptions.

The provisions of section 14-19 shall not be applicable to the delivery of:

(a) Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.

(b) Parcels, packages and materials by vendors organized for such purposes, and those delivered by vendors where ordered by or on behalf of the owner or occupant of the recipient premises.

(c) Newspapers and other publications and periodicals that are solicited or subscribed to by the owner or occupant of the recipient premises, provided that such material is placed firmly in a receptacle designed for such purpose, or there being no such receptacle, is tightly secured or packaged so as to prevent blowing or scattering upon the recipient premises or adjacent areas.

(d) Unsolicited and unsubscribed newspapers, publications and other periodicals that are wholly or partially of a commercial nature, provided that such material is placed firmly in a receptacle designed for such purpose, or there being no such receptacle is tightly secured or packaged so as to prevent blowing or scattering upon the recipient premises or adjacent areas.

(e) Laundry, dry cleaning, dairy, bakery and similar food products, and commercial product sampling, by agreement with or invitation of the owner or occupant of the recipient premises.

(f) Solicitation cards, brochures and flyers by duly authorized bona-fide non-profit charitable organizations, including, but not limited to, United Fund, American Red Cross, religious, educational, medical and volunteer police, fire and ambulance organizations, provided that such material is tightly secured or packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

(g) Non-commercial handbills of a political or other nature whose distribution is protected by constitutional rights of free speech, provided that such handbills are tightly secured or packaged in such manner as not to blow and scatter upon the recipient premises or adjacent areas.

Sec. 14-21. Objection to delivery of unsolicited, commercial publications.

The owner or occupant of any property within the municipality shall have the right, at any time, in writing, either by certified mail or in person, to transmit to the local office of the publisher and/or distributor of any unsolicited or unsubscribed newspapers, publications or other periodicals that are wholly or partially of a commercial nature, a notice of objection to the continued delivery of any such unsolicited and unsubscribed material. Such notice of objection shall clearly identify the property to which the continued delivery of any such unsolicited or unsubscribed material is

objected. Any publisher and/or distributor who receives said notice of objection, shall comply with said notice within fourteen days of receipt of said notice and shall discontinue the delivery of the objected to material to the property identified by said notice. Such notice of objection shall continue in effect until revoked, and it shall be deemed a violation of this article for any person, including, but not limited to, a publisher and/or distributor to deliver, continue to deliver or cause to be delivered any such unsolicited and unsubscribed material to the property of any such objecting owner or occupant.

To facilitate cooperative action with regard to violations as herein described, any owner or occupant of any property within the municipality who has transmitted written notice of objection as provided for herein to the publisher and/or distributor, may file a copy of said notice and all subsequent correspondence pertaining to said notice with the municipal clerk, who will maintain a file of such correspondence for public inspection. Said municipal clerk files are to be kept current by removing therefrom any correspondence which is more than three years old.

Sec. 14-22. Placement and servicing of litter receptacles in public places.

Litter receptacles shall be required in the following areas:

(a) In buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas;

(b) At any and all special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals.

The owners of the above mentioned places or the sponsors of the above-mentioned events, as the case may be, shall be responsible for providing and servicing the receptacles at such times and in such a manner that clean and adequate storage in the receptacles is maintained at all times.

Sec. 14-23. Separate violations.

Each violation of the provisions of this article shall be deemed a separate violation whether it shall occur on the same day or on succeeding days.

Sec. 14-24. Violations and penalties.

Any person, firm or corporation violating any provisions of this article shall be liable in the municipal court for fines as follows:

- (a) For the first violation, a fine of not less than one hundred dollars.
- (b) For a second violation, a fine of not less than two hundred dollars.
- (c) For a third violation, a fine of not less than three hundred dollars.
- (d) For each subsequent violation within one year of the date of the first violation, a fine of not less than five hundred dollars.

Sec. 14-25. Severability.

Every section or provision of this article shall be deemed a separate provision to the extent that if any portion shall be declared invalid, such determination shall not affect the remaining parts of this ordinance, which shall remain in force and effect to the extent severable.

Sec. 14-26. Enforcement.

This article shall be enforced by the police department and/or health department of the municipality of Princeton.

6. Street and sidewalks. Chapter 19 of the Township Code, entitled “Streets, Sidewalks, Bike Lanes and Shared Use Paths,” is hereby amended by adding a new definition of “person” to section 19-1.1 thereof, which shall read as follows:

Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

7. Leaf, branch and log removal program. Chapter 19 of the Township Code, entitled “Streets, Sidewalks, Bike Lanes and Shared Use Paths,” is hereby amended by updating section 19-1.3 within article IA (concerning the leaf, branch and log removal program) to read as follows (additions are underlined; deletions are [bracketed]):

Sec. 19-1.3. Introduction; intent.

- (a) Princeton residents shall be permitted to dispose of leaves, branches and logs in accordance with the requirements set forth in this article.
- (b) It shall be the municipality’s policy to encourage residents to:

- (1) Participate in the program described in this article; or
- (2) To minimize the negative environmental and budgetary impacts of the leaf, branch and log program and to provide flexibility apart from the schedule, to compost, chip and/or mulch leaves, branches and logs on their own property; or
- (3) Take leaves, branches and logs to the Lawrence Township Ecological Facility, or such other ecological facility that may be designated by the municipality, for disposal.

(c) The intent of this article is to:

- (1) Keep Princeton's streets, roads, sidewalks, bike paths and public right-of-ways free from debris for the safe passage of vehicles, including emergency vehicles, pedestrians and bicycles[.];
- (2) Preserve and protect public property and public health, safety and welfare;
- (3) Assist residents in the disposal and removal of leaves, branches and logs in an orderly and organized fashion; and
- (4) Satisfy Princeton's stormwater management planning requirements.

(d) The collection of grass clippings is not part of this program. No person shall include grass clippings in the leaves, branches and logs left for collection under this article, nor shall the municipality be responsible for collecting grass clippings under this article.

8. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

9. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

10. Effective date. This ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of this ordinance shall be applicable within Princeton upon

taking effect and shall become a part of the new Princeton Code once completed and adopted.

Delores Williams, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

STATEMENT OF PURPOSE: The purpose of this ordinance is to make various “housekeeping” changes to the provisions of the Princeton Code dealing with illicit connections and spilling/dumping of materials to Princeton’s stormwater sewer system; the feeding of wildlife in Princeton’s parks and on other municipally-owned properties; the removal of pet waste; littering; and the leaf, brush and log removal program.