

No. 6FB(S) 1st Reading JUL 23 2019 **Ordinance**
 of the
 No. 6PSF-K Public Hearing AUG 07 2019 **City of Newark, N.J.**
 No. 6PSF-K 2nd Rdg. and Final Passage
 No. Reconsidered
 Approved as to Form and Legality on Basis of Facts Set Forth
 Corporation Counsel
 Council member McIven presents the following Ordinance:

Date to Mayor AUG 08 2019
 Date Returned AUG 09 2019
 Date Resubmitted to Council
 Date Advertised 1st Reading JUL 27 2019
 Final Reading
 Factual contents certified to by
 Title

AN ORDINANCE TO AMEND TITLE XV, SOLID WASTE MANAGEMENT, CHAPTER 6, DISPOSAL FACILITIES AND DUMPING, ARTICLE 4, OWNER TO MAINTAIN PREMISES FREE OF LITTER OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO INCREASE FINES PER OFFENSE.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown as underlined and bold. Deletions are shown as strikethroughs.

SECTION 1: Title 15, Solid Waste Management, Chapter 6, Disposal Facilities and Illegal Dumping, Article 4, Owner to Maintain Premises Free of Litter of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

15:6. DISPOSAL FACILITIES AND ILLEGAL DUMPING.

15:6-1. DISPOSAL FACILITIES.

All disposal facilities located in the City shall comply with all provisions of the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et al, and all applicable laws, rules and regulations of the Federal, State and local government.

15:6-2. DUMPING, DEPOSITING OR PLACING OF REFUSE PROHIBITED.

- a. It shall be unlawful for any person to deposit, place or dump, or to permit the dumping, depositing or placing of any litter, solid waste, paper, rubbish, trade waste or refuse upon any land, in any stormwater sewer, or in any waterway of the City, except for those disposal methods permitted in 15:4-1 et seq., supra.
- b. It shall be unlawful for any person to deposit, place or dump or to permit the placing, depositing or dumping of any litter, solid waste, paper, rubbish, trade waste or refuse from any vehicle or any boat within the City.

15:6-3. PERSONS PERMITTING DUMPING; VIOLATION.

No person who owns any property in the City or who is in possession of the property, or who is in control of the property, shall allow or permit any person to dump any solid waste, refuse or other material defined in this Title upon the property.

15:6-4. OWNER TO MAINTAIN PREMISES FREE OF LITTER.

- a. The owner of any property shall at all times maintain the premises free of debris and litter. This action shall not be construed to prohibit the storage of refuse in proper receptacles for collection. Any person, firm or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation

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Date

promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First offense. A fine of ~~one hundred (\$100.00)~~ three hundred (\$300.00) dollars.
2. Second offense. A fine of ~~two hundred (\$200.00)~~ five hundred (\$500.00) dollars.
3. Third offense. A fine of ~~three hundred fifty (\$350.00)~~ seven hundred fifty (\$750.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

- b. The owner may designate another person to be responsible for maintain the premises free of debris and litter by filing a notice with the Department of Public Works, Division of Sanitation in the City of Newark describing the name and address of the person responsible for maintaining the premises free of litter. The person so designated shall be jointly responsible with the owner for maintaining the premises free of debris and of litter.

15:6-5. REMOVAL OF MATERIAL DUMPED ILLEGALLY.

Any person violating any provisions of Chapter 6 of this Title shall immediately remove all of the material which the person has illegally dumped or deposited.

15:6-6. REWARDS.

A reward of two hundred fifty dollars and zero (\$250.00) cents shall be paid to any person or persons providing information leading to the detection and apprehension of any person found guilty of violating Sections 15:6-2 or 15:6-3. The reward is to be payable for conviction out of the fund established for this purpose, but no such reward may be paid to any public employee whose duty it is to investigate or to enforce the law. The Director of the Department of Engineering is authorized to and shall award the reward without the consent of the Municipal Council upon proof of conviction of such person or persons. The director of engineering and director of finance, prior to issuing the reward, shall affirm by way of affidavit that they received the appropriate documentation establishing the Court's reliance upon information received by that person or persons in its finding of guilt of the violator. A bi-annual report of the rewards distributed during each six (6) month period shall be prepared by the Director of Engineering and the Director of Finance and filed with the Office of the City Clerk.

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SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3: The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends Title 15, Solid Waste Management, Chapter 6, Disposal Facilities and Illegal Dumping, Article 4, Owner to Maintain Premises Free of Litter to increase fines per offense.

CERTIFIED TO BY ME THIS

AUG 12 2019

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador					Osborne					Amador					Osborne				
Gonzalez					Quintana					Gonzalez					Quintana				
James					Ramos, Jr.					James					Ramos, Jr.				
McCallum, Jr.					Crump					McCallum, Jr.					Crump				
McIver					President					McIver					President				
✓ - Indicates Vote										AB - Absent									
										NV - Not Voting									

JUL 23 2019

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on

Adopted on second and final reading after hearing on AUG 07 2019

Approved
Rejected

Mayor

Council President

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.