

Appendix L

Ordinances



UNION COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE #-2024

DECEMBER 4, 2024

AN ORDINANCE TO AMEND “THE LAWS OF UNION COUNTY: ADMINISTRATIVE CODE AND POLICIES AND GENERAL LEGISLATION” BY AMENDING, PART I -ADMINISTRATIVE CODE: CHAPTER 1, UNION COUNTY GOVERNMENT STRUCTURE: ARTICLE XVI- DEPARTMENT OF HUMAN SERVICES; ARTICLE XIX- DEPARTMENT OF ENGINEERING, PUBLIC WORKS & FACILITIES MANAGEMENT; ARTICLE XXIV- DEPARTMENT OF ECONOMIC DEVELOPMENT; AND PART II-POLICIES AND GENERAL LEGISLATION: CHAPTER 46, EXCAVATIONS AND CONSTRUCTION PROJECTS; CHAPTER 49, FEES; AND CHAPTER 131, STREETS AND SIDEWALKS.

BE IT ORDAINED. by the Union County Board of County Commissioners that the “Laws of Union County” are hereby amended, including appropriate and necessary changes to the Table of Contents thereof, to be as follows:

Chapter 131, SREETS AND SIDEWALKS

ARTICLE VI, Litter Control

§ 131-22. Purpose: An ordinance to establish requirements to control littering in the County of Union streets parks, rest areas, properties and maintenance facilities to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 131-23. 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 consistent 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” means 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” means a container suitable for the depositing of litter.

C. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 131-24. Regulated Activities:

A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon the public property maintained by the County of Union other than in a litter receptacle.

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.

§ 131-25. Exemptions: None.

§ 131-26. Enforcement. This ordinance shall be enforced by the County of Union.

§ 131-27. 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 no less than \$100 and not to exceed \$500.

§ 131-28. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

ARTICLE VII, Pet Waste

§ 131-29. Purpose: An ordinance to establish requirements for the proper disposal of pet solid waste in the County of Union to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 131-30. 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 consistent 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. “Owner/Keeper” means 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.

B. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. “Pet” means any domesticated animal kept for companionship.

D. “Pet solid waste” means feces from any domesticated animal.

E. “Proper disposal” means placement in a designated waste receptacle, or other suitable 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.

§ 131-31. Regulated Activities: 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.

§ 131-32. Exemptions: Any owner or keeper who requires the use of a disability assistance animal for disabilities such as vision or hearing loss, or other physical disabilities, shall be exempt from the provisions of this section while such animal is being used for that purpose. This exemption is not applicable to pets that are exclusively emotional support animals.

§ 131-33. Enforcement. This ordinance shall be enforced by the County of Union.

§ 131-34. 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 not to exceed \$100.00.

§ 131-35. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding

or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

ARTICLE VIII, Wildlife Feeding

§ 131-36. Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the County of Union to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 131-37. 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 consistent 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. "Feed" means to distribute or scatter any edible material with the intention of feeding or attracting wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

B. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. "Wildlife" means any undomesticated animal and includes all organisms that live wild in an area.

§ 131-38. Regulated Activities. No person shall feed, in any public park or on any other property owned or operated by the County of Union, any wildlife.

§ 131-39. Exemptions. Exemptions include unconfined wildlife at environmental education centers and feral cats as part of an approved Trap-Neuter-Release program.

§ 131-40. Enforcement. This ordinance shall be enforced by the County of Union. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§ 131-41. 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 not to exceed \$100.00.

§ 131-42. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

AND, BE IT FURTHER ORDAINED, in case any section, subsection, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance, and to this end, the provisions of each section, paragraph, subdivision, clause or provision of this ordinance are hereby declared to be severable;

AND, BE IT FURTHER ORDAINED, that each section of this ordinance shall take effect at the time and in the manner provided by law, unless otherwise indicated.

PREAMBLE

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING A CODIFICATION OF THE LAWS, ORDINANCES, POLICIES AND RESOLUTION OF UNION COUNTY, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; AND SAVING FROM REPEAL CERTAIN LEGISLATION NOT INCLUDED THEREIN” ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION ON AUGUST 19, 1993.

AN ORDINANCE AMENDING THE “ADMINISTRATIVE CODE OF UNION COUNTY”, TO PROHIBIT THE SPILLING, DUMPING, OR DISPOSAL OF MATERIALS OTHER THAN STORMWATER TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AT COUNTY HIGHWAYS AND PROPERTY.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the Administrative Code of the County of Union is hereby amended to add the following sections:

CHAPTER 131- Streets and Sidewalks

ARTICLE IV – Improper Disposal into Storm Sewers

§ 131-10 Purpose

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) at county highways and property, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 131-11 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use for the purpose of this ordinance 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. County highway – any highway or other thoroughfare operated by the COUNTY OF UNION (including a maintenance facility or rest area for such a thoroughfare).
- b. Municipal separate storm sewer system (MS4)– 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 COUNTY OF UNION or other public body, and is designed and used for collecting and conveying stormwater.
- c. Stormwater – 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.
- d. Person – any individual (including but not limited to a County employee, officer or agent), corporation company, partnership, firm, association or political subdivision of this State whose conduct on County property or highways is subject to ordinance by the County.
- e. County - COUNTY OF UNION
- f. County property – lands and buildings owned or controlled by the COUNTY OF UNION

§ 131-12 Prohibited Conduct

All persons are prohibited from:

- a. Spilling, dumping, or disposing of materials other than stormwater to the municipal separate storm sewer system located at county highways and property.
- b. Spilling, dumping, or disposing of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system located at county highways and property.

§ 131-13 Exceptions to Prohibition

- a. Water line flushing and discharges from potable water sources;
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
- 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 fire fighting activities;

- i. Flows from rinsing of the following equipment with clean water:
 - 1. 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 in the above situations is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 131-14 Violations:

- a. **Any County officer, staff member, employee, or agent who is found to be in violation of this ordinance in addition to the penalties set forth below may be subject to dismissal, removal, reduction of salary, suspension, demotion, or other disciplinary action in accordance with applicable New Jersey statutes and relevant contracts or agreements.**
- b. **Any person who has entered into a contract or agreement with the County to provide equipment, materials, supplies, or services on County property, and who is found to be in violation of this ordinance, shall in addition to any sanctions set forth below shall also be subject to sanctions in accordance with the contract or agreement.**
- c. **Any other person or entity who violates this ordinance shall upon conviction thereof, be liable to fine of not less than \$250 nor more than \$500 for each violation. Each day that a violation continues beyond a given deadline shall constitute a separate and distinct offense and additional penalties may be imposed, including 90 days imprisonment or 90 days community service, or both fines and penalties, at the discretion of any municipal or Superior Court Judge.**
- d. **Any person who continues to be in violation of this ordinance, after being duly notified, is subject to ejection from County property and if the person refuses to leave after being asked to leave, to prosecution for criminal trespass under N.J.S. §2C:18-3.**

- e. Any person who violates this ordinance may also be subject to prosecution under applicable Federal or New Jersey statutes.**

PREAMBLE

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE ADOPTING A CODIFICATION OF THE LAWS, ORDINANCES, POLICIES AND RESOLUTION OF UNION COUNTY, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; AND SAVING FROM REPEAL CERTAIN LEGISLATION NOT INCLUDED THEREIN" ADOPTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION ON AUGUST 19, 1993.

AN ORDINANCE AMENDING THE "ADMINISTRATIVE CODE OF UNION COUNTY", TO PROHIBIT ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS OPERATED BY THE COUNTY OF UNION.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the Administrative Code of the County of Union is hereby amended to add the following sections:

CHAPTER 131- Streets and Sidewalks

ARTICLE III - Storm Sewers

§ 131-5. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the COUNTY OF UNION, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 131-6 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 ordinance 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. Most of 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 - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical 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 COUNTY OF UNION, unless that discharge is authorized under a NJPDES permit other than the Public Complex Stormwater General Permit (NJPDES Permit Number NJ0141879) or the Highway Agency Municipal Stormwater General Permit (NJPDES Permit Number NJ0141887). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic 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) – 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 COUNTY OF UNION or other public body, and is designed and used for collecting and conveying stormwater.

- e. NJPDES permit – 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 - 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 algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. Person – any individual (including but not limited to a COUNTY OF UNION officer, agent, professional staff member and other employee), corporation, company, partnership, firm, association, or political subdivision of this State, whose conduct on County property is subject to ordinance by the COUNTY OF UNION.
- h. Process wastewater - 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 – 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.
- j. County - COUNTY OF UNION
- k. County property – lands and buildings owned or controlled by the COUNTY OF UNION.
- l. County highway - any highway or thoroughfare operated by the COUNTY OF UNION (including a maintenance facility or rest area for such a thoroughfare).

§ 131-7 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 COUNTY OF UNION, any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 131-8 Enforcement

For the purposes of this ordinance, the employees of the following COUNTY OF UNION Divisions and Bureaus shall be designated as enforcement officers:

- a. Division of Police
- b. Bureau of Inspections
- c. Bureau of Environmental Enforcement

§ 131-9 Violations:

- a. Any County officer, staff member, employee, or agent who is found to be in violation of this ordinance in addition to the penalties set forth below may be subject to dismissal, removal, reduction of salary, suspension, demotion, or other disciplinary action in accordance with applicable New Jersey statutes and relevant contracts or agreements.

- b. Any person who has entered into a contract or agreement with the County to provide equipment, materials, supplies, or services on County property, and who is found to be in violation of this ordinance, shall in addition to any sanctions set forth below shall also be subject to sanctions in accordance with the contract or agreement.

- c. Any other person or entity who violates this ordinance shall upon conviction thereof, be liable to fine of not less than \$250 nor more than \$500 for each

violation. Each day that a violation continues beyond a given deadline shall constitute a separate and distinct offense and additional penalties may be imposed, including 90 days imprisonment or 90 days community service, or both fines and penalties, at the discretion of any municipal or Superior Court Judge.

- d. Any person who violates this ordinance may also be subject to prosecution under applicable Federal or New Jersey statutes.

- e. Any person who violates this ordinance may also be subject to prosecution under applicable Federal or New Jersey statutes.**

ARTICLE II, Diversion of Water on County Roads

[Adopted 3-8-1973 as Res. No. 248-73]

§ 131-3. Establishment of policy.

The installation of pumping devices whereby water is delivered onto County roads shall be and the same is absolutely prohibited.

§ 131-4. Distribution of copies.

Copies of this Article shall be forwarded to the Building Departments of every municipality within the County of Union with the direction that they take cognizance of same and take whatever steps are necessary to implement the County policy established hereby.

ARTICLE V, DUMPSTERS AND OTHER REFUSE CONTAINERS

[Adopted 10/14/10 by Ord. No. 710-2010]

§ 131-15. Establishment. There is hereby established an ordinance requiring dumpsters and refuse containers to be covered at all times and prevented from discharging into the Municipal Separate Storm Sewer System of the County of Union and/or into State waters.

§ 131-16. 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 Ordinance 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) – 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 [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

- d. Stormwater – means 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.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 131-17. Violations – Failure to abide by the following prescribed conduct will be a violation of this ordinance: Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the County of Union.

§ 131-18. Exceptions: The following exceptions will not be considered to be a violation of this ordinance:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 131-19. Enforcement. For the purpose of this ordinance, the employees of the following COUNTY OF UNION Divisions and Bureaus shall be designated as enforcement officers:

- D. Division of Police
- E. Bureau of Inspections
- F. Bureau of Environmental Enforcement

§ 131-20. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed **\$500.00 for each violation.**

§ 131-21. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.