

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2025-09

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE STORMWATER CONTROL PROVISIONS OF LAFAYETTE TOWNSHIP, ADDING UPDATED DEFINITIONS TO ORDINANCE 21-2; ADDING ORDINANCE 21-14 TO ADDRESS IMPROPER DISPOSAL OF WASTE; ADDING ORDINANCE 21-15 TO ADDRESS LITTER CONTROL; ADDING ORDINANCE 21-16 TO ADDRESS PET WASTE; ADDING ORDINANCES 21-17 TO ADDRESS REFUSE CONTAINERS/DUMPSTERS; ADDING 21-18 ADDRESSING YARD WASTE COLLECTION AND ADDING 21-19 TO 21-22 AS SECTIONS RESERVED FOR FUTURE IMPLIMENTATION OF OTHER STORMWATER CONTROL PROVISIONS; AND TO RENUMBER EXISTING ORDINANCES 21-11, 21-12, AND 21-13 AS ORDINANCES 21-23, 21-24, AND 21-25 RESPECTIVELY

WHEREAS, on July 1, 2022 the New Jersey Department of Environmental Protection (NJDEP) issued letters by certified mail to numerous municipalities in the State of New Jersey as Notice for Reassignment from a Tier B to Tier A Municipality under the Municipal Separate Storm Sewer (MS4) NJPDES Permit Program; and

WHEREAS, the Township of Lafayette regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, on July 17, 2023, the New Jersey Department of Environmental Protection (NJDEP) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules; and

WHEREAS, the NJDEP’s action in this regard affected one hundred four (104) Tier B municipalities and reassigned these 104 municipalities a Tier A designation under the permit program, with Lafayette Township being included in the said reassignment; and

WHEREAS, Lafayette Township has undertaken significant efforts to implement the required changes to transition from a Tier B to Tier A Municipality under the Municipal Separate Storm Sewer (MS4) NJPDES Permit Program; and

WHEREAS, Lafayette Township is required under the new NJDEP standards to, amongst many other tasks, adopt numerous community wide Ordinances within their Stormwater Chapter.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, that Chapter 21 of the Revised General Ordinances of the Township of Lafayette being Stormwater Control supplemented as follows:

SECTION 1. ORDINANCE 21-2

DEFINITIONS is supplemented to add the following model definitions which shall be added in alphabetical order to the existing definitions:

IMMEDIATE - shall mean that the pet solid waste is removed at once, without delay.

LITTER - 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.

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 are owned or operated by the Township of Lafayette or other public body and is designed and used for collecting and conveying stormwater.

OWNER/KEEPER- 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.

PET - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE - waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL - placement in a designated waste receptable, 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 property treatment and disposal.

REFUSE CONTAINER - any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

STREET - means an improved or unimproved public road in a city or town which includes driving lanes, shoulders, gutters, curbs, sidewalks, and parking areas.

YARD WASTE - means loose leaves and grass clippings.

SECTION 2. ORDINANCE 21-14 - IMPROPER DISPOSAL OF WASTE

21-14.1 Purpose:

An ordinance 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 Lafayette so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

21-14.2 Prohibited Conduct:

The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Lafayette Township 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.

21-14.3 Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water source.
- 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 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.
 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 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 re-use or properly discarded.
 3. 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.

SECTION 3. ORDINANCE 21-15 - LITTER CONTROL

21-15.1 Purpose:

An ordinance to establish requirements to control littering in Lafayette Township, including in or near a Municipal Separate Storm Sewer System (MS4) so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

21-15.2 Prohibited Acts and Regulated Activities:

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property, including but not limited to, municipal separate storm sewer systems (MS4) operated by the Township of Lafayette, other than in a litter receptacle, or having done so, to allow such litter to remain.
- 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.

SECTION 4. ORDINANCE 21-16 - PET WASTE

21-16.1 Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste, in Lafayette Township so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

21-16.2 Requirement for Disposal:

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.

21-16.3 Exemptions:

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.

SECTION 5. ORDINANCE 21-17 - REFUSE CONTAINERS/ DUMPSTERS

21-17.1 Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) (MS4) operated by the Township of Lafayette and/or the waters of the State so as to protect public health safety and welfare, and to prescribe penalties for failure to comply.

21-17.2 Prohibited Conduct:

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) (MS4) operated by the Township of Lafayette.

21-17.3 Exceptions to Prohibition:

- 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).

SECTION 6. ORDINANCE 21-18 - YARD WASTE COLLECTION PROGRAM

21-18.1 Purpose:

An ordinance to establish a yard waste collection and disposal program in Lafayette Township so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

21-18.2 Prohibited Conduct:

- a. No person shall sweep, rake, blow, or otherwise place yard waste into the street unless it is for a scheduled collection.
- b. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection.
- c. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection. Placement of such yard waste on the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately.

SECTION 7. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 8. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 9. This Ordinance shall take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Township Committee of the Township of Lafayette, Sussex County, New Jersey held on April 1, 2025 and will be considered for final passage after public hearing at a regular meeting of the Township Committee to be held on May 6, 2025 at 7:00pm in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

ANNAROSE FEDISH, RMC
Municipal Clerk