

§ 26-1. STORMWATER MANAGEMENT.

§ 26-1.1. Scope, Purpose and General Intent. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

- a. **Policy Statement.** The general intent of this section is to manage the increase rate and velocity of surface water runoff created by alterations in the ground cover and natural runoff patterns. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure best management practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- b. **Purpose.** It is the purpose of this section to establish minimum stormwater management requirements and controls for "major development," as defined in Subsection 26-1.2 and to reduce the amount of nonpoint entering source pollution entering surface and ground waters. Unmitigated stormwaters from areas altered by development may pose public health and safety threats. This section establishes the administrative mechanisms necessary for the City of Summit to ensure proper stormwater management. This section is written to work in conjunction with current state and federal regulations. This section guides development in a manner that is proactive and minimizes harmful impacts to natural resources. To protect the public health, safety and welfare of the citizens of the City of Summit and surrounding communities, this section is deemed necessary and essential in order to:
 1. Prevent artificially induced flood damage to public health, life, and property;
 2. Minimize increased stormwater runoff rates and volumes;
 3. Minimize the deterioration of existing structures that would result from increased rates of stormwater runoff;
 4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;
 5. Prevent an increase in nonpoint source pollution and enhance the quality of nonpoint runoff by water retention measures;
 6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
 7. Control and minimize soil erosion and the transport of sediment;

8. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;
9. Maintain adequate base flow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
10. Protect all surface water resources from degradation; and
11. Protect groundwater resources from degradation and diminution.
12. Prevent degradation of river and stream biota caused by excessive flushing and sedimentation.
13. Reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks.
14. Prevent the degradation of property by enhancing the environmental character of the rivers and streams of the City.

c. Applicability.

1. This section shall be applicable to the following major developments:
 - (a) Nonresidential major developments; and
 - (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21. The provisions of both this section and the RSIS are to be applied and reviewed concurrently for any residential development.
2. This section shall also be applicable to all major developments undertaken by the City of Summit.

d. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this section are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and New Jersey Stormwater BMP Manual application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

e. Prohibition of Activities Resulting in Stormwater Runoff Damage. No person shall obstruct or otherwise interfere with any drainageway, stormwater, stormwater runoff, or watercourse in such a manner as to cause or result in stormwater runoff damage.

§ 26-1.3. General Standards. [Ord. No. 06-2701 § 1; Ord. No. 06-2718 § 1; amended 3-16-2021 by Ord. No. 21-3229]

- a. Design and Performance Standards for Stormwater Management Measures.
 1. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - (a) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
 2. The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 26-3. PET WASTE.

§ 26-3.1. Purpose. [Ord. No. 05-2666 § 1]

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

§ 26-3.2. Definitions. [Ord. No. 05-2666 § 1]

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.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

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.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

PET SOLID WASTE — Shall mean waste matter expelled from the bowels of the pet; excrement.

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.

§ 26-3.3. Requirement for Disposal. [Ord. No. 05-2666 § 1]

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.

§ 26-3.4. Exemptions. [Ord. No. 05-2666 § 1]

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.

§ 26-4. LITTER CONTROL. [Ord. No. 05-2666 § 1]

(See Chapter 3, POLICE REGULATIONS, Section 3-7, LITTER PREVENTION REGULATIONS.)

§ 26-5. IMPROPER DISPOSAL OF WASTE.

§ 26-5.1. Purpose. [Ord. No. 05-2666 § 1]

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 (MS4) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-5.2. Definitions. [Ord. No. 05-2666 § 1]

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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is

designed and used for collecting and conveying stormwater.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER — Shall mean 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.

§ 26-5.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

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

§ 26-5.4. Exceptions to Prohibitions. [Ord. No. 05-2666 § 1]

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters)
- 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 or hot tub discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from firefighting activities
- i. Flows from rinsing of the following equipment with clean water: Beach maintenance equipment immediately following their use for their intended purposes; and - 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.

§ 26-6. WILDLIFE FEEDING.

§ 26-6.1. Purpose. [Ord. No. 05-2666 § 1]

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

§ 26-6.2. Definitions. [Ord. No. 05-2666 § 1]

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.

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.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE — Shall mean all animals that are neither human nor domesticated.

§ 26-6.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

No person shall feed, in any public park or on any other property owned or operated by the City of Summit, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 26-6.4. Enforcement. [Ord. No. 05-2666 § 1]

With respect to this section, any person found to be in violation of this section shall be ordered to cease the feeding immediately.

§ 26-7. CONTAINERIZED YARD WASTE.**§ 26-7.1. Purpose. [Ord. No. 05-2666 § 1]**

The purpose of this section is to establish requirements for the proper handling of yard waste in the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-7.2. Definitions. [Ord. No. 05-2666 § 1]

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.

CONTAINERIZED — Shall mean the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET — Shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, County, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE — Shall mean leaves and grass clippings.

§ 26-7.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

- a. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street.
- b. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this section.

§ 26-8. YARD WASTE COLLECTION PROGRAM. [Ord. No. 05-2666 § 1]

(See Chapter 23, SOLID WASTE MANAGEMENT)

§ 26-9. ILLICIT CONNECTIONS.

§ 26-9.1. Purpose. [Ord. No. 05-2666 § 1]

The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the City of Summit, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-9.2. Definitions. [Ord. No. 05-2666 § 1]

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. 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.

DOMESTIC SEWAGE — Shall mean waste and wastewater from humans or household operations.

ILLICIT CONNECTION — Shall mean any physical or nonphysical 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 City of Summit, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Shall mean nondomestic 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)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT — Shall mean 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.

NON-CONTACT COOLING WATER — Shall mean 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.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER — Shall mean 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, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER — Shall mean 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.

§ 26-9.3. Prohibited Conduct. [Ord. No. 05-2666 § 1]

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the City of Summit any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 26-10. FERTILIZER APPLICATIONS REGULATIONS.**§ 26-10.1. Purpose. [Ord. No. 09-2863 § 1]**

The purpose of this section is to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality.

§ 26-10.2. Basis for Background. [Ord. No. 09-2863 § 1]

Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Placement of fertilizer shall be performed with a properly calibrated spreader to place the proper amount of nutrients in the soil. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

§ 26-10.3. Definitions. [Ord. No. 09-2863 § 1]

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.

- a. Buffer shall mean the land area, ten (10') feet in width, adjacent to any waterbody.

(The buffer to ten (10') feet in width, with the additional requirement that a drop spreader be used for fertilizer application.

- b. Fertilizer shall mean a fertilizer material, mixed fertilizer or any other substance containing one (1) or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- c. Impervious surface shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.
- d. Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- e. Phosphorus fertilizer shall mean any fertilizer that contains phosphorus, expressed as P2OS, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.
- f. Soils Test shall mean a technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research Extension.
- g. Waterbody shall mean a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

§ 26-10.4. Prohibited Conduct. [Ord. No. 09-2863 § 1]

No person may do any of the following:

- a. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- b. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- c. Apply fertilizer within the buffer of any waterbody. All fertilizer applied within twenty-five (25') feet of a waterbody shall be spread with a drop spreader only.
- d. Apply fertilizer more than fifteen (15) days prior to the start of or at any time after the end of the recognized growing season (Summit is in Zone 6b) March 1 to November 15.
- e. Apply fertilizer without a properly calibrated spreader. The spreader shall be calibrated to the manufacturer's specifications.

§ 26-10.5. Phosphorus Fertilizer Application. [Ord. No. 09-2863 § 1]

No person may do the following:

- a. Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
- b. Exceptions.
 1. Application of phosphorus fertilizer needed for:
 - (a) Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,
 - (b) Re-established or repairing a turf area.
 2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.
 4. Application of phosphorus fertilizer to Reeves-Reed Arboretum container plantings, flowerbeds, or vegetable gardens.
 5. Application of phosphorus fertilizer to City of Summit properties.

§ 26-10.6. Severability. [Ord. No. 09-2863 § 1]

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

§ 26-12. REFUSE CONTAINERS/DUMPSTERS.**§ 26-12.1. Scope and Purpose. [Ord. No. 10-2908 § 1]**

The purpose of this section requires 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 City storm sewer system(s) operated by the City of Summit and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 26-12.2. Definitions. [Ord. No. 10-2908 § 1]

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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — Shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Summit or other public body, and is designed and used for collecting and conveying storm water.

PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

STORMWATER — Shall mean 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.

WATERS OF THE STATE — Shall mean 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.

§ 26-12.3. Prohibited Conduct. [Ord. No. 10-2908 § 1]

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 City of Summit.

§ 26-12.4. Exceptions to Prohibition. [Ord. No. 10-2908 § 1]

- 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).

§ 26-12.5. Enforcement and Penalties. [Ord. No. 10-2908 § 1]

The enforcement of Section 26-12 shall be in accordance with Section 26-14. Penalties for violations of this section shall be in accordance with section 26-15.

§ 26-15. VIOLATIONS AND PENALTY FOR SECTIONS 26-3 THROUGH 26-10. [Ord. No. 05-2666 § 4; Ord. No. 09-2863 § 3; Ord. No. 10-2902 § 2]

- a. Any person(s) who is found to be in violation of the provisions of Sections 26-3 through 26-10 shall be subject to an initial fine of one hundred (\$100.00) dollars per violation, which shall increase by one hundred (\$100.00) dollars for each subsequent violation.
- b. The provisions of Section 26-15 shall not apply to Section 26-11.

§ 3-7. LITTER PREVENTION REGULATIONS.

§ 3-7.1. Purpose. [Ord. No. 1736, Preamble]

The Common Council of the City of Summit, County of Union, has determined that the deposit of garbage, cans, bottles, cartons, and other types of refuse, together with handbills, advertisements, brochures, flyers, shoppers, and other unsolicited commercial matter, printed or otherwise, on private property and public ways adjacent to private property, creates an unsightly and unsanitary condition within the City of Summit and may signal the absence of the residents of the property and thereby constitutes both a public and private nuisance.

§ 3-7.2. Definitions. [Ord. No. 1736 § 1; 1983 Code Part VI T.19 § 1]

As used in this section:

PRIVATE PROPERTY — Shall mean and include any dwelling or structure, whether or not occupied, as well as any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling or structure.

PUBLIC PROPERTY — Shall mean and include the areas from the side edge of a highway, street or road, whether or not curbed, to and including the sidewalk, if any, and if no sidewalk, to the front property line of the adjacent private property, and all areas used for streets, any public park, playground, municipal building or other public installation, including driveways, parking area, walks, paths and other public ways thereupon.

§ 3-7.3. Acts of Litter Prohibited. [Ord. No. 1736 § 2; 1983 Code Part VI T.19 § 2]

It shall be unlawful for any person to place upon, deliver, deposit, throw upon, leave or abandon within or upon any private property or public property in the City any garbage, cans, bottles, cartons and other types of refuse, or any handbills, advertisements, brochures, flyers, or other unsolicited commercial matters printed or otherwise, of every kind or nature whatsoever.

§ 3-7.4. Exceptions. [Ord. No. 1736 § 3; 1983 Code Part VI T.19 § 3]

The provisions of this section 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 and in accordance with the rules of utilities licensed or regulated for such purposes, and those delivered by vendors where ordered by the owner or occupant of the recipient premises.
- c. Newspapers and other publications and periodicals only if subscribed to by the owner or occupant of the recipient premises, provided either (1) placed firmly in a receptacle designed for such purpose or (2) if none, then tightly wrapped or otherwise bound to prevent blowing or scattering upon the recipient premises or

adjacent areas.

- d. 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.
- e. Solicitation cards, brochures and flyers by duly authorized bona fide nonprofit charitable organizations, including, but not limited to, United Way, American Red Cross, religious, educational, medical and Volunteer Police, Fire and Ambulance organizations, provided packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas and provided same are permitted under the terms of the Charitable Solicitation Ordinance.
- f. Noncommercial handbills of a political or other nature whose distribution is or may be protected by constitutional rights of free speech, provided packaged and placed in such manner as not to blow and scatter upon the recipient premises or adjacent areas.
- g. Unsolicited and unsubscribed newspapers, publications and other periodicals of a commercial nature, in whole or in part, provided distribution of same is in compliance with this section, and further provided packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

§ 3-7.5. Unsolicited and Unsubscribed Commercial Publications; Licenses. [Ord. No. 1736 § 4; 1983 Code Part VI T.19 § 4; Ord. No. 2254 § 5 II; Ord. No. 2393 § 1; Ord. No. 02-2553; Ord. No. 06-2740; Ord. No. 10-2918]

The delivery of unsolicited and unsubscribed newspapers, publications and other periodicals of a commercial nature, in whole or in part, shall qualify for the exception provided for in subsection 3-7.4g subject to and contingent upon initial and continuing compliance with the following requirements:

- a. License. The publisher or distributor shall, prior to such delivery, apply to the City Clerk for an annual license, to be effective from July 1 to the following June 30 (or any portion thereof), on forms to be prescribed by the City Clerk, requiring, in part, complete information about the publisher, distributor, the publication concerned, frequency of distribution and designating specific persons (with addresses and telephone numbers) responsible for compliance with this section. The fee for a license shall be one hundred sixty-five (\$165.00) dollars per year, or any portion thereof, to cover costs of processing the applications and administering the requirements provided for herein.
- b. Objection to Delivery.
 - 1. The owner or occupant of any property within the City shall have the right, in writing, at any time, to transmit to any of the specifically designated persons referred to in the preceding subsection notice of objection to the continued delivery of any such unsolicited and unsubscribed publication by a licensee, and the licensee shall prepare and maintain at all times on a current basis, a list

of the names and addresses of such objectors which shall be sent to the City Clerk upon request.

2. Such notice of objection shall continue in effect until revoked, and it shall be deemed a violation of this section for any licensee to deliver, or continue to deliver, any such unsolicited and unsubscribed publication to any such objecting owner or occupant whose name appears on the list of objectors.
3. If the newspaper is delivered in error to an owner or occupant on the list of objectors, the publisher or distributor shall be required to retrieve it from the property by mid-day of the next business day after the owner or occupant on the list of objectors notifies the publisher or distributor of the objected delivery.
4. Failure of the publisher or distributor to retrieve the newspaper, or if the newspaper is delivered a third time within any twelve (12) month licensing period to any single address on the list of objectors shall be considered a violation of this section of the Code.
5. A publisher or distributor with a license and a plan to prevent littering who has shown flagrant disregard of the desires of an owner or occupant on the list of objectives shall be deemed to have violated this section.

c. **Plan to Prevent Littering.** If the periodical is a newspaper distributed free of charge on approximately a weekly basis, the newspaper may annually submit to the City Clerk, prior to distribution, a plan to prevent the newspaper from becoming a litter problem and to accommodate such persons who may object to delivery. If such plan is found to be satisfactory to the City Clerk, such periodical shall not be prevented from having its license granted or renewed in the absence of flagrant violations of the plan which the periodical shall fail to cure.

§ 3-7.6. Suspension and Revocation of License. [Ord. No. 1736 § 5; 1983 Code Part VI T.19 § 5; Ord. No. 2393 § 1]

The City Clerk may, in addition to the penalties provided for herein for violations, either suspend, revoke or refuse to renew any such license where ten (10) or more violations of this section by the licensee shall have occurred within any annual license period, provided the licensee is first given ten (10) days advance written notice of any such action and a hearing. Such action shall not be taken by the City Clerk if such licensee submits, and attempts to effectively implement, a plan to prevent any further violations. In the event that the City Clerk fails to grant, suspends, revokes, or refuses to renew any such license, the licensee shall have the right to appeal to the Common Council.

§ 3-7.7. Repeated Violations. [Ord. No. 1736 § 6; 1983 Code Part VI T.19 § 6; Ord. No. 2393 § 1]

Each violation of the provisions of this section, whether the same shall occur on the same day or on succeeding days, shall be deemed to be a separate violation hereof.

§ 3-7.8. Violations and Penalties. [Ord. No. 1736 § 7; 1983 Code Part VI T.19 § 7; Ord. No. 2393 § 1]

Any person, firm or corporation violating any of the provisions of this section shall pay a fine not exceeding one hundred (\$100.00) dollars.