

ORDINANCE NO. 177-10

**ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE UNIFIED
LAND DEVELOPMENT ORDINANCE AND THE VOORHEES TOWNSHIP CODE**

WHEREAS, the Zoning Officer and Construction Code Official of the Township have received complaints from residents regarding the parking of commercial vehicles in residential areas as well as the repairing of vehicles not registered to the owners of residents in Voorhees Township in increasing numbers which have become a nuisance to other residents as well as a public safety and property maintenance concern; and

WHEREAS, the Zoning Officer has also recommended various technical changes to certain sections of Chapter 150 of the Unified Land Development Ordinance ("ULDO") for better administration and implementation of the ULDO and the Township Code; and

WHEREAS, the Mayor and the Township Committee of the Township of Voorhees have deemed it in the best interest of the public health, safety and welfare to implement these changes as set forth above; and

WHEREAS, this Ordinance was referred to the Planning Board of the Township of Voorhees pursuant to the New Jersey Municipal Land Use Law; and

WHEREAS, the Planning Board of the Township of Voorhees has recommended the adoption of this Ordinance and has determined that it is consistent with the Township Master Plan.

NOW THEREFORE, be it Ordained by the Mayor and the Township Committee of the Township of Voorhees, County of Camden, State of New Jersey that the Voorhees Township Code be supplemented and amended as follows:

SECTION 1: Section 150.12 entitled, "Litter Control" shall be relocated to Chapter 130 entitled, "General Offenses" which shall be amended and supplemented as follows:

LITTER CONTROL

§ 130.55 Purpose. The purpose of this section is to establish requirements to control littering in the Township so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

§ 130.56 Definitions. 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 in the singular number include the plural number. The word ***SHALL*** is always mandatory and not merely directory.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PRIVATE RECEPTACLE. A litter storage or collection receptacle approved by the Township.

GARBAGE. Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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.

PARK. A park, playground, recreation center or any other public area owned or used by the Township or local authorized governmental agencies and devoted to active or passive recreation.

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

PRIVATE PREMISES. Any dwelling, house, building or other structure designated or used either wholly or in part for private residential purposes, whether inhabited or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE. Any or all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE. All solid waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH. Solid waste consisting of both combustible and noncombustible wastes such as paper, wrappings, cigars, cigarettes, cardboard, tin cans, scrap metals, yard clippings, leaves, wood, glass, bedding, crockery and similar material.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway.

§ 130.57 Prohibited Acts and Regulated Activities.

(A) It shall be unlawful for any person to throw, drop, deposit, discard or otherwise place any litter of any nature upon any public or private property other than in a authorized private receptacle or public receptacle for such purpose, or having done so, to allow such litter to remain.

(B) No person shall sweep into or deposit into any gutter, street or other public place the accumulation of any litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of the property free of litter. This provision shall not apply to those periods of time fixed by the Township for the collection of litter.

(C) No person, while driver or passenger in any vehicle or boat, shall throw or deposit litter upon any street, public place or upon private property. Whenever any litter is thrown, is discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the vehicle or boat shall also be deemed to have violated this section.

(D) No person shall load, drive or move any truck or other vehicle unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being void or deposited upon any street or any public place.

(E) No person shall throw or deposit any litter in any fountain, stream, river, skating rink or any other body of water in a park or recreation area or elsewhere in the Township.

(F) No person shall throw or deposit litter on any occupied or vacant private property whether owned by such person or not, provided the owner or person in control of the property may maintain private receptacles for collection of litter.

§ 130.57 Owner or Occupant Responsible. The owner, agent, lessee, tenant, occupant or other person who manages or controls a building or lot shall be jointly or severally responsible for keeping the sidewalk, flagging, curbstone and the airshafts, areaways, backyards, courts, parking lots and alleys free from litter.

§ 130.58 Enforcement. This section shall be enforced by the police department and/or the local code enforcement official of the Township.

§ 130.59 Penalties. Any person who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$250.00 for each offense.

SECTION 2: The Table of Contents for Chapter 130, entitled "General Offenses - Litter" shall be amended as follows:

Litter Control

- 130.55 Purpose
- 130.56 Definitions
- 130.57 Owner or Occupant Responsible
- 130.58 Enforcement
- 130.59 Penalties
- 130.60 – 130.62 – To be deleted

SECTION 3: Section 150.13 entitled, "Improper Disposal of Waste to Municipal Separate Storm Sewer System" shall be relocated to Chapter 51 entitled, "SEWERS" as Section 51.26 with a separate heading entitled, "Improper Disposal of Waste to Municipal Separate Storm Sewer System".

SECTION 4: Section 150.14 entitled, "Wildlife Feeding" shall be relocated to and replace Chapter 131 entitled, "Animals" which shall be amended and supplemented as follows:

Chapter 131 – Wildlife Feeding

§ 131.01 Purpose. 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 Township so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

§ 131.02 Definitions. 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. 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. Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE. All animals that are neither human nor domesticated.

WILD WATERFOWL or MIGRATING WATERFOWL. Those non-domesticated species of birds known as swans, geese, gulls, brants, ducks or other types of waterfowl, which are not owned, housed and maintained on private property by the owner or occupant of such property.

§ 131.03 Prohibition on Feeding Wildlife, Wild Waterfowl and Migrating Waterfowl. It shall be unlawful for any person to feed, cause to be fed or provide food for any wildlife, wild waterfowl or migrating waterfowl or to create any condition or allow any condition to exist which results in a threat to the health, safety or welfare of any wildlife, wild waterfowl or migratory waterfowl except confined wildlife such as wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers.

§ 131.04 Enforcement. This section shall be enforced by the police department and/or the local code enforcement official of the Township. Any person found to be in violation of this section shall be ordered to cease the feeding immediately.

§ 131.05 Penalties. Any person who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$250.00 for each offense.

SECTION 5: The Table of Contents for Chapter 131, entitled "Animals" shall be amended as follows:

Chapter 131 – Wildlife Feeding

- 131.01 Purpose
- 131.02 Definitions
- 131.03 Prohibition on Feeding all Wildlife, Wild Waterfowl and Migrating Waterfowl
- 131.04 Enforcement
- 131.05 Penalties

SECTION 6: Section 150.15 entitled, "Illicit Connections to Municipal Separate Storm Sewer System" shall be relocated to Chapter 51 entitled, "SEWERS" as Section 51.27.

SECTION 7: The Table of Contents for Chapter 51, entitled "SEWERS" shall be amended as follows:

Add:

- 51.26 Improper Disposal of Waste to Municipal Separate Storm Sewer System
- 51.27 Illicit Connections to Municipal Separate Storm Sewer System

SECTION 8: Section 150.07(H) shall be amended and supplemented as follows:

(H) No truck, van, bus, trailer or other commercial vehicle in excess of 8,000 lbs. registered weight shall be permitted in any residential zone or any in residential areas of the TC-Township Center or GB2 – General Business 2 Zones, except for the purpose of picking up or making deliveries in the regular course of business within such residential zone or area or for the purpose of installing, maintaining or otherwise performing public utility service. Only one truck, van, bus, trailer, taxi-cab or other commercial vehicle under 8,000 lbs. registered vehicle weight shall be permitted to be parked on a lot in any residential zone or any residential areas in the Township or of the TC-Township Center or GB2-General Business 2 zones.

SECTION 9: Add Section 150.07(M) as follows: No passenger vehicle or commercial vehicle under 8,000 lbs. registered vehicle weight shall be repaired or attempted to be repaired in any manner on any residential property in any residential zone in the Township or in any residential areas of the TC-Township Center or GB2 - General Business 2 zones unless said vehicle is registered to the owner, a resident member of the owner's family or a registered tenant of the owner of that residential property.

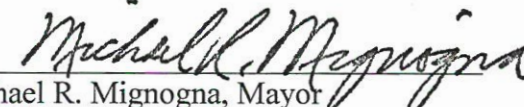
SECTION 10: If any subsection, paragraph subsection, clause or provision of this ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to that section, paragraph, subsection, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 11: This ordinance shall take effect upon final adoption, publication and filing of a copy of said ordinance with the Camden County Planning Board, all in accordance with the law.

ATTEST

TOWNSHIP OF VOORHEES


Jeanette Schelberg, RMC


Michael R. Mignogna, Mayor

Introduced: November 29, 2010
Adopted: December 30, 2010

camden county
Improvement Authority

1909 Route 70 East, Suite 300
Cherry Hill, New Jersey 08003
tel: (856) 751-CCIA (2242)
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James P. Blanda
Executive Director

Improvement Authority Members

William R. Hosey, Chair
Linda M. Rohrer, Vice Chair
Louis Cappelli, Jr., Freeholder Liaison
Joseph P. Schooley
Karl N. McConnell
Jason D. Gonzalez

Emailed

January 04, 2011

Jeanette Schelberg,
Township Clerk
620 Berlin Road
Voorhees, NJ 08043

RE: Filing of Municipal Master Plan / Ordinance Amendment with County Planning Board

Dear Ms. Schelberg,

Thank you for recently filing with the Camden County Planning Board a copy of the Ordinance numbered 177-10 in accordance with the Municipal Land Use Law (MLUL - N.J.S.A. 40:55D-13(3) and 16) and the County Planning Act (CPA - N.J.S.A. 40:27-4).

We appreciate your continued cooperation in filing copies of municipal plan amendments, elements and land use/zoning ordinances with the County Planning Board so that we may keep our files current. Please send all future amendments to:

Simeon Martello, Planning Coordinator
Camden County Planning Board
Charles J. DePalma Complex
2311 Egg Harbor Road
Lindenwold, New Jersey 08021 or planner@camdencounty.com

If you have any further questions, please feel to contact me at (856) 751-2242 or planner@camdencounty.com. Thank you.

Sincerely,



Andrew Levecchia
Senior Planner

CC: Municipal Planning Board Secretary
Hon. Louis Cappelli, Jr., Freeholder Liaison, Camden County Improvement Authority
Hon. Ian Leonard, Freeholder Liaison, Camden County Planning Board
Kevin Besica, County Engineer
George Jones, Chairman, Camden County Planning Board
Nicole Nestopoulous, Camden County Planning Board Secretary