

AN ORDINANCE AMENDING AND REPLACING CHAPTER III
CONDUCT AND PROHIBITIONS, SECTION 3-12 LITTERING

WHEREAS, the Borough is required to adopt and enforce certain ordinances to restrict Litter and Littering in the Borough; and

WHEREAS, the governing body has determined the language contained in the existing Ordinance as set forth in Chapter III, section 3-12 is not sufficient to reach the goals of the governing body;

THEREFORE; IT IS ORDAINED, by the Borough Council of Victory Gardens as follows:

INTRODUCTION: That the entire language of the current Section 3-12 be deleted from the Code of the Borough and in its stead the following language be substituted:

SECTION I. PURPOSE: This Ordinance establishes requirement to control littering in the Borough of Victory Gardens, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply. It is further ordained

SECTION II. 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 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. 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 or cigar or butt of same, any 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.
- B. Litter Receptacle- a container suitable for the depositing of litter.
- C. Person- and individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. PROHIBITED ACTS AND REGULATED ACTIVITIES:

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. 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 IV: USE OF LITTER RECEPTACLES:

Litter receptacles and their servicing of same are required at the following public places which exist in the Borough including; sidewalks used by pedestrians in active retail commercially- zoned areas. The proprietors of these places shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

SECTION V: ILLEGAL DUMPING:

It shall be unlawful for any person to discard or dump along any street or road, on or off any right of way, any household or commercial solid waste, rubbish, refuse, junk vehicle or vehicle parts, rubber tires, appliances, furniture or private property in any place not specifically designated for the purpose of solid waste storage or disposal.

SECTION VI: OPEN OR OVERFLOWING WASTE DISPOSAL BINS;

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his property.

SECTION VII: ENFORCEMENT:

This ordinance shall be enforced by the Code Enforcement Officer or Property Maintenance Officer and such other person(s) as the governing body shall designate from time to time.

SECTION VIII: 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 (One Hundred Dollars) for the first offense and not

to exceed \$250.00 (Two Hundred Fifty Dollars) for each successive violation.

SECTION IX: SEVERABILITY:

Each section, subsection, sentence, clause and phrase of this ordinance is declare 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, old, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

SECTION X : EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

BOROUGH OF VICTORY GARDENS

DAVID HOLEMAN, Mayor

ATTEST:

DEBORAH EVANS, Borough Clerk

INTRODUCED:

I hereby certify that the above is a true copy of the ordinance passed by the Mayor and Council of the Borough of Victory Gardens, Morris County at a regular meeting held on the _____ day of _____, 2021.

DEBORAH EVANS, Borough Clerk

ADOPTED:

FEINTUCH, PORWICH & FEINTUCH
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