

TOWNSHIP OF NORTH BERGEN

HUDSON COUNTY, NEW JERSEY

AN ORDINANCE TO ESTABLISH LITTER CONTROL FOR THE TOWNSHIP OF NORTH BERGEN

WHEREAS, the Township of North Bergen has been issued a General Stormwater Permit by the New Jersey Department of Environmental Protection Agency, which requires the establishment and adoption of litter control ordinance for the Township; and

WHEREAS, the Ordinance shall prohibit litter and further the public health and welfare; and

WHEREAS, the Board of Commissioners wishes to adopt said Ordinance as required by the stormwater permit and applicable laws and regulations.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that:

SECTION I. Purpose:

An ordinance to establish requirements to control littering in Township of North Bergen, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

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, 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 – a container suitable for the depositing of litter.

c. Person – any 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. Enforcement:

This ordinance shall be enforced by the Police Department of the Township of North Bergen.

SECTION V. 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 \$250.00.

SECTION VI. Separability:

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.

SECTION VII. 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.

Introduced: September 14, 2005

Published: Sept. 17, 2005 & Oct. 3, 2005

Adopted: Sept. 28, 2005

Attest: Carol Ann Fontana
Township Clerk

<u>Commissioner Cabrera</u>	<u>Absent</u>
<u>Commissioner Ferraro</u>	<u>Yes</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Pascual</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>