

BOROUGH OF MOUNTAINSIDE

FIRST READING

SECOND READING

Introduced by: Councilman Mortimer

Councilman Mortimer

Seconded by: Councilman Messler

Councilman Mirabelli

Roll call vote: Ayes: 5 Nays: 0 5 Ayes: 0 Nays:

Absent: Councilman Schon

Councilman Schon

Date: October 18, 2005

November 29, 2005

ORDINANCE 1098-2005

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE CONTROL OF LITTER IN COMPLIANCE WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORM WATER REGULATIONS

WHEREAS, The Borough of Mountainside has been designated a Tier A municipality under the NJDEP's Stormwater Regulation Program and, therefore, as part of the Borough's NJPDES permit requirements for its stormwater system the Borough is required to implement certain best management practices through the passage of municipal ordinances including this ordinance on litter removal; and

WHEREAS, It is understood that stormwater/nonpoint sources are a significant source of pollution in the waters of our state and the Borough desires to do its part to protect the waters of this state.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside, County of Union State of New Jersey as follows:

SECTION I. Purpose:

An ordinance to establish requirements to control littering in the Borough of Mountainside, 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 V. Enforcement:

The provisions of this Article shall be enforced by the Police Department and the Board of Health of Borough of Mountainside.

SECTION VI. Violations and Penalty:

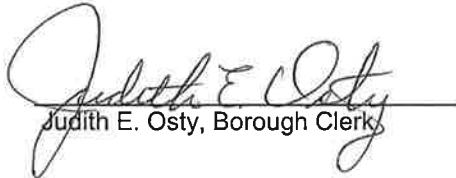
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as provided for in N.J.S.A. 40: 49-5.

SECTION VII. Severability:

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 VIII. Effective date:

This Ordinance shall take effect upon final passage and publication as provided by law.


Judith E. Osty, Borough Clerk


Robert F. Viglianti, Mayor