

BOROUGH OF GARWOOD

ORDINANCE NO. 05-18

AN ORDINANCE TO AMEND CHAPTER 99 (LITTERING) OF THE CODE OF THE BOROUGH OF GARWOOD TO ESTABLISH REQUIREMENTS TO CONTROL LITTERING IN THE BOROUGH OF GARWOOD, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF GARWOOD:

SECTION 1. Chapter 99 (Littering) of the Code of the Borough of Garwood is hereby amended by adding Article IV A (Litter control), to read as follows:

**ARTICLE IV A
LITTER CONTROL**

§ 99-26.1. Purpose.

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

§ 99-26.2. 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.

§ 99-26.3. 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.

§ 99-26.4. Enforcement.

This ordinance shall be enforced by the Police Department and Board of Health of the Borough of Garwood.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

INTRODUCED: MAY 24, 2005

ADOPTED: June 14, 2005

APPROVED:

DENNIS J. McCARTHY, Mayor

ATTEST:

CHRISTINA M. ARIEMMA, Municipal Clerk

RECORDED VOTE	INTRODUCTION	ADOPTED
COUNCIL PRESIDENT TUCKER	AYE	AYE
COUNCILMAN DeFILIPPO	AYE	AYE
COUNCILMAN LOMBARDO	AYE	ABSENT
COUNCILMAN MITCHELL	AYE	AYE
COUNCILMAN SCHADEWALD	AYE	AYE
COUNCILWOMAN VILLAGGIO	AYE	AYE