

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 18-2005

**AN ORDINANCE TO AMEND THE ORDINANCE OF THE
TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AND SPECIFICALLY
CHAPTER 126 LITTERING PROVISIONS**

BE IT ORDAINED, by the Township of Pemberton, in the Township of Pemberton, County of Burlington and State of New Jersey, as follows:

SECTION I. INTRODUCTION.

WHEREAS, as a requirement of the Pemberton Township Municipal Stormwater General Permit, it is necessary to adopt and enforce a variety of Ordinances dealing with the proper disposal of specific waste; and

WHEREAS, one of those requirements is to adopt and enforce an Ordinance to establish amendments to the existing Ordinance to establish requirements to control littering in Pemberton Township; and

WHEREAS, Pemberton Township intends to amend this Ordinance to comply with any Pinelands Commission requirements, if and when made available.

SECTION II.

This is an Ordinance to amend certain provisions of Chapter 126 to establish requirements to control littering in Pemberton Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. The amendments to the Ordinance are set forth below.

- a. The title of Chapter 126 shall be changed to "Litter Control".
- b. Section 126-1 is hereby amended as follows: The introduction to the definitions will read as follows:

"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."

- c. In Section 126-1, the definition for "litter" is hereby amended as follows:

Litter – any used or unconsumed substance or waste materials 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.

- d. The definition of "person" is hereby amended as follows:

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

The definitions section is hereby amended to add the following additional provision:

Litter Receptacle – a container suitable for the depositing of litter.

SECTION III.

Section 126-2 is hereby amended as follows:

Section 126-2A shall read as follows:

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.

Section 126-2B is hereby amended to read as follows:

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 126-2C shall be as expressly provided for in present Section 126-2.

SECTION IV.

Section 126-7A is hereby amended as follows:

Section 127-7A shall read as follows:

Enforcement. This Ordinance shall be enforced by the Police Department and Code Enforcement Officer of Pemberton Township.

Section 126-7B shall read as expressly provided for in present Section 126-7 of the Township Ordinance.

SECTION V.

Section 126-10 is hereby amended as follows:

Section 126-10A shall provide as follows:

Any person found to be in violation of this Ordinance shall be issued a written warning for a first offense. Second and subsequent offenses shall be subject to the penalties provided for in the general penalty provisions of the Pemberton Township Code.

Section 126-10A shall become Section 126-10B and the present Section 126-10B shall become Section 126-10C.

SECTION VI.

All Ordinances, or parts of Ordinances, inconsistent with the provisions hereof, are repealed insofar as said inconsistency exists.

SECTION VII.

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.

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

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 18-2005**

**AN ORDINANCE TO AMEND THE ORDINANCE OF THE
TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AND SPECIFICALLY
CHAPTER 126 LITTERING PROVISIONS**

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on September 15, 2005, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on October 6, 2005, at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, New Lisbon, New Jersey, at 7:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

MARY ANN YOUNG, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 18-2005**

**AN ORDINANCE TO AMEND THE ORDINANCE OF THE
TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AND SPECIFICALLY
CHAPTER 126 LITTERING PROVISIONS**

Notice is hereby given that Ordinance No. 18-2005 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on October 6, 2005. Said Ordinance shall take effect in accordance with law.

ATTEST:

MARY ANN YOUNG, CMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR _____

Robert McCullough

DATE _____

ATTEST:

MARY ANN YOUNG, CMC, TOWNSHIP CLERK