

LITTER

Section 1. Subsection 3-1.2 entitled "Littering Prohibited" in section 3-1 entitled "Littering and Illegal Dumping" is amended in its entirety to read as follows:

3-1.2 Littering Prohibited. It is unlawful for any person to litter in violation of section 3-20 of this chapter.

Section 2. Subsection 3-1.12 entitled "Littering from Vehicles Prohibited" is hereby repealed.

Section 3. There is hereby created a new subsection 3-20 entitled "Litter Control" which reads as follows:

3-20 LITTER CONTROL.

3-20.1 Purpose. An ordinance to establish requirements to control littering in Bernardsville Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

3-20.2 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.

3-20.3 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.

3-20.4 Enforcement. The provisions of this Article shall be enforced by the Code Enforcement Officer, the Board of Health and the Police Department of Bernardsville Borough.

3-20.5 Penalties. Any person who violates any provision of this section shall be liable, upon conviction, to the penalties stated in Chapter I, section 1-5.