

XI-4

**TOWNSHIP OF BERKELEY HEIGHTS
ORDINANCE NO. 12-05**

**“INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 13 - PUBLIC SERVICES
TO ESTABLISH A NEW CHAPTER 13.17 ENTITLED “STORMWATER
CONTROL” SECTION 13.17.040 ESTABLISHING REQUIREMENTS TO
CONTROL LITTERING OF THE CODE OF THE TOWNSHIP OF BERKELEY
HEIGHTS”**

BE IT ORDAINED by the Township Committee of the Township of Berkeley Heights that Section 13.17.040 of Chapter 13.17 of the Municipal Code of the Township of Berkeley Heights entitled “Stormwater Control”, be and is hereby amended as follows:

1. Title 13 is revised as follows:

13.17.040 CONTAIN YARD WASTE

SECTION I. 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 or mining or other extraction processes, logging, saw milling, 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 2. PROHIBITED ACTS AND REGULATED ACTIVITIES

1. It shall be unlawful for any person to throw, drop, discard or other wise place any litter or 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 3. ENFORCEMENT

This Ordinance shall be enforced by the Director of Public Works of the Township of Berkeley Heights.

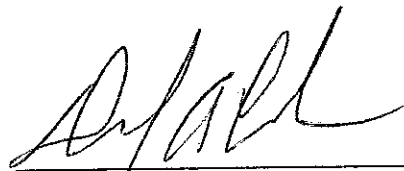
SECTION 4. PENALTIES

Any person or persons, firm or corporation, who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) and upon default in the payment thereof to imprisonment in the county jail for a period not exceeding thirty (30) days or both, in the discretion of the magistrate before whom such conviction may be had.

2. All Ordinances of the Township of Berkeley Heights that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not effect the remaining portion of this Ordinance.
4. This Ordinance shall take effect after final hearing and publication according to law.


INTRODUCED the 8th day of March, 2005.

ADOPTED the 22nd day of March, 2005



DAVID A. COHEN
Chairman (Mayor) Township Committee

ATTEST:

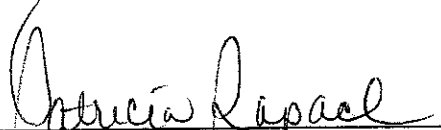


PATRICIA A. RAPACH
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Committee of the Township of Berkeley Heights, County of Union and State of New Jersey, on 3/8/05 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 22, 2005, at 8:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.


Patricia A. Rapach, RMC/CMC
Township Clerk

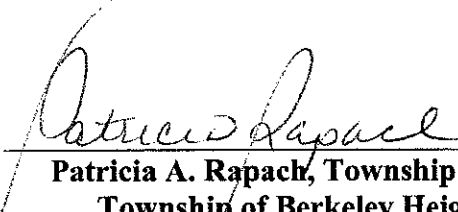
**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON MARCH 8, 2005:**

**“AN ORDINANCE TO AMEND TITLE 13 - PUBLIC SERVICES TO ESTABLISH A
NEW CHAPTER 13.17 ENTITLED “STORMWATER CONTROL” SECTION
13.17.040 ESTABLISHING REQUIREMENTS TO CONTROL LITTERING OF THE
CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS”** (Explanation: This Ordinance
establishes requirements to control littering in Berkeley Heights)

I, Patricia A. Rapach, Township Clerk of the Township of Berkeley Heights, County of
Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on
Final Passage by the Township Committee of the Township of Berkeley Heights at its
meeting held on March 22, 2005.



**Patricia A. Rapach, Township Clerk
Township of Berkeley Heights**