

ORDINANCE #2020-03

AMENDING CHAPTER 419 LITTERING, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, per Department of Environmental Protection regulations, all municipal ordinances must meet the current requirements of the Storm Water Act; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following Amendments be made to Chapter 419:

Section 1. Purpose:

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

Section 2. Definitions: 419-1 ; the following definitions shall be replaced:

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.

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.

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

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

Section 3. Prohibited acts and regulated activities:

Section 419-2 shall be replaced with:

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 419-3 shall be replaced with:

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 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 5. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 12, 2020

Adopted: March 16, 2020

Julie A Picard, Township Clerk

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor