

# **BOROUGH OF ROCKLEIGH**

## **ORDINANCE #2023-6**

### **AN ORDINANCE TO ESTABLISH REGULATIONS TO CONTROL LITTERING AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

#### **Section 1. Purpose.**

This Ordinance is intended to establish regulations to control littering to protect the public health, safety and welfare and to prescribe penalties for the failure to comply.

#### **Section 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.

#### **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.**

- a. 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.
- b. 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. Enforcement.**

This Ordinance shall be enforced by the Police Department providing police services to the Borough of Rockleigh or such other municipal officials as may be designated by the Mayor and Council.

**Section 5. Penalties.**

Any person who is convicted of violating any provision of this Ordinance shall be subject to such fine and general penalty as set forth in §1-5, General Penalty, of the Code of the Borough of Rockleigh, within the discretion of the Municipal Court Judge.

**Section 6. Severability.**

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such subject shall be rendered.

**Section 7. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 8. Effective Date.**

This Ordinance shall take effect after publication thereof and final passage as required by law.

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**JAMES PONTONE, Mayor**

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**MARCELLA GIAMPICCOLO, RMC  
Borough Clerk**

Introduced:  
Adopted:  
Approved: