

**ORDINANCE 333-24**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER FREEHOLD AMENDING CHAPTER 17 SOLID WASTE MANAGEMENT, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF UPPER FREEHOLD.**

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Upper Freehold that Chapter 17, of the Municipal Code of the Township of Upper Freehold is hereby amended, with the following Section 17-8 entitled Litter Control added as follows:

**SECTION 1.** Chapter 17 is amended as follows:

**§ 17-8 LITTER CONTROL.**

**§ 17-8.1 Purpose.**

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

**§ 17-8.2 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.

**§ 17-8.3 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.

**§ 17-8.4 Enforcement.**

This ordinance shall be enforced by the Township of Upper Freehold Code Enforcement Officer.

**§ 17-8.5 Penalties.**

Any person who violates or fails to comply with any provision of this section or any rule or regulation promulgated pursuant thereto by resolution of the Township Committee to the penalty stated in Chapter 1, Section 1-5.

**SECTION 2. REPEALER.**

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3. INCONSISTENT ORDINANCES.**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4. SEVERABILITY.**

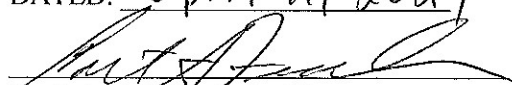
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

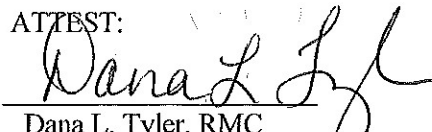
**SECTION 5. EFFECTIVE DATE.**

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

Approved on First Reading: February 1, 2024

Approved, Passed & Adopted: April 11, 2024

DATED: April 11, 2024  
  
Dr. Robert A. Frascella, Mayor

ATTEST:  
  
Dana L. Tyler, RMC  
Municipal Clerk/Administrator