

HILLSBOROUGH TOWNSHIP

ORDINANCE NO.2005- 41

An Ordinance amending Chapter 309, Titled “Garbage, Rubbish and Refuse”, of the code of the Township of Hillsborough, by adding an Article II, Titled “Litter Control”, Sections 309-4 through 309-10.

Be it Ordained by the Township Committee of the Township of Hillsborough, in the County of Somerset, and State of New Jersey as follows:

1. Chapter 309 of the Code of the Township of Hillsborough is amended by adding an Article III, titled “Litter Control”, sections 309-4 through 309-10 as follows:

Chapter 309

GARBAGE, RUBBISH AND REFUSE

Litter Control

Article II

309-4. Purpose:

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

309-5. 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.

- 1a. 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, bagged 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.
- 2b. Litter Receptacle – a container suitable for the depositing of litter.
- 3c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

309-6. 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.

309-7. Enforcement:

This ordinance shall be enforced by the Health Officer of the Township of Hillsborough.

309-8. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the provisions of this ordinance, after being duly notified, shall be subject to Imprisonment in the Somerset County Jail or in any place provided by the Township of the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding One thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days.

309-9. 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.

309-10. 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.

Introduced: 9/13/05
Published: 9/22/05
Public Hearing: 10/11/05
Adopted: 10/11/05
Published: 10/20/05

ATTEST:

**HILLSBOROUGH
COMMITTEE**

TOWNSHIP

By: _____
Kevin P. Davis, Clerk/Administrator

By: _____
Robert C. Wagner, Jr., Mayor