

**"AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
CHAPTER XVII, CREATING SECTIONS 17-3 AND 17-4 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY
OF OCEAN, STATE OF NEW JERSEY, ENTITLED SOLID WASTE
MANAGEMENT"**

05-08

17-3 LITTER CONTROL

17-3.1 Purpose.

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

17-3.2 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.

Hazardous substances — shall mean for the purposes of this section the "environmental hazardous substances" on the environmental hazardous substance list adopted by the New Jersey Department of Environmental Protection pursuant to section 4 of P.L.1983, c. 315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the federal

Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C.s.1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C.s.9601 et seq.). Hazardous substances shall also mean during winter months snow, ice, and such residual debris resulting from the plowing, shoveling or snow-blowing operations from a private or quasi-public property of the Borough

17-3.3 Prohibited Acts and Regulated Activities.

17-3.3a. 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.

17-3.3b. 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.

17-3.3c. It shall be unlawful for any person to place or allow to be placed any hazardous material upon any public road, street or alley within the Borough of Lakehurst.

17-3.4 Enforcement.

This ordinance shall be enforced by the police department and code enforcement officer of the Borough of Lakehurst.

17-3.5 Penalties.

Any person(s) who is found to be in violation of the provisions of 17-3 .3a or 17-3.3c shall be subject to a fine of not less than \$ 100.00; for a violation of 17-3.3b the person(s) shall be subject to a fine of not less than \$ 200.00.

17-4 YARD WASTE

17-4.1 Purpose.

An ordinance to establish requirements for the proper handling of yard waste and disposal in the Borough of Lakehurst, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

17-4.2 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.

Bundle – means yard waste cut to a length not to exceed four (4) feet and securely tied in a bundle not more than two (2) feet thick.

Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

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

Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

Yard Waste – means leaves, tree trimmings, hedge clippings and similar material.

17-4.3 Prohibited Conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste in the street. Yard waste that is containerized or bundled as appropriate, may be placed inside the curb line for collection on scheduled days as established by the municipality. If yard waste that is not containerized is placed for collection, the party responsible for placement of yard waste must remove the yard waste or said party shall be deemed in violation of this ordinance.

At no time may grass clippings be placed on the street or left for municipal collection.

17-4.4 Enforcement.

The provisions of this ordinance shall be enforced by the police department and the code enforcement officer.

17-4.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$ 1,250.00,

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.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Stephen F. Childers
Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Ordinance #05-0.8 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XVII CREATING SECTION 17-3 AND 17-4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED SOLD WASTE MANAGEMENT" was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventeenth day of March, 2005.

Bernadette Dugan, RMC
Municipal Clerk