

ORDINANCE NO. 320
AN ORDINANCE TO ESTABLISH
REQUIREMENTS TO CONTROL LITTERING
IN THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY,
AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH ARBOUR AS FOLLOWS:

SECTION I. Purpose:

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

SECTION II. 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.

SECTION III. 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.

SECTION IV. Enforcement:

This Ordinance shall be enforced by the Police Department pursuant to the current Interlocal Services Agreement or the Zoning Official of the Village of Loch Arbour.

SECTION VI. Penalties:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty (\$1,250.00) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of this Ordinance shall exist shall constitute a separate violation.

SECTION VI. Severability:

- A. 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.
- B. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 1st day of March 2006.

LORRAINE CARAFA, R.M.C.
Village Clerk

Introduction: February 1, 2006
First publication: February 9, 2006
Public hearing: March 1, 2006
Adoption: March 1, 2006
Final publication: March 9, 2006

Attorney: Kenneth B. Fitzsimmons, Esq.