

ORDINANCE NO. 23 OF 2005

**ORDINANCE OF THE BOROUGH OF TUCKERTON,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 81 OF THE BOROUGH
CODE OF THE BOROUGH OF TUCKERTON ENTITLED
"LITTERING" SO AS TO REVISE THE DEFINITION OF
"LITTER" AND TO INCREASE THE MAXIMUM FINE FOR
LITTERING**

BE IT ORDAINED by the Borough Council of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

SECTION 1. Paragraph B of Section 81-2 of the Borough Code of the Borough of Tuckerton entitled "Definitions" is hereby amended and supplemented to revise the definition of "Litter" to read as follows:

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.

SECTION 2. Paragraph B of Section 81-2 of the Borough Code of the Borough of Tuckerton entitled "Definitions" is hereby amended and supplemented so as to add the following:

LITTER RECEPTACLE - a container suitable for the depositing of litter.

SECTION 3. Section 81-22 of the Borough Code of the Borough of Tuckerton entitled "Violations and Penalties" is hereby amended and supplemented to read as follows:

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Tuckerton held on the 7th day of Sept., 2005, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 3rd day of October, 2005, at 7:00 p.m. at the Municipal Building located at 140 East Main Street, Tuckerton, New Jersey, at which time and place, any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DASTI, MURPHY,
McGUCKIN, ULAKY,
CHERKOS & CONNORS
COUNSELLORS AT LAW
620 WEST LACEY ROAD
P. O. BOX 1057
FORKED RIVER, N. J. 08731


GRACE DiELMO, RMC/CMC
Borough Clerk, Borough of Tuckerton

PASSAGE ON FIRST READING: MOVED BY: Foglia

SECOND BY: Marshall

VOTE: VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

FINAL PASSAGE: MOVED BY: Foglia

SECOND BY: Ventresca

VOTE: VENTRESCA yes BOWER yes FOGLIA yes

MARSHALL yes EVANS yes MC ANDREW yes

APPROVED:



KEVIN S. QUINLAN, MAYOR

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"LITTERING" SO AS TO REVISE THE DEFINITION OF
"LITTER" AND TO INCREASE THE MAXIMUM FINE FOR
LITTERING**

The Borough of Tuckerton introduced the above ordinance at its 9/7, 2005 meeting. The Ordinance amends and supplements Chapter 81 of the Borough Code of the Borough of Tuckerton entitled "Littering" so as to revise the definition of "Litter" and to increase the maximum fine for littering. The Ordinance will be considered on second and final reading at the 10/3, 2005 meeting of the governing body. All meetings are held at the Municipal Building located at 140 E. Main Street, Tuckerton, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 140 East Main Street, Tuckerton, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.



GRACE Di ELMO, RMC/CMC
Municipal Clerk, Borough of Tuckerton

PUBLIC NOTICE

PLEASE TAKE NOTICE that Ordinance #23 of 2005, an ordinance entitled, "ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 81 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED "LITTERING" SO AS TO REVISE THE DEFINITION OF "LITTER" AND TO INCREASE THE MAXIMUM FINE FOR LITTERING, was adopted by the Mayor and Borough Council at a meeting held on October 3, 2005.



**GRACE DI ELMO, RMC/CMC
BOROUGH CLERK**