**ORDINANCE No. 9-2014**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING chapter III, “police regulations,” subsection 3-3, “Littering,” section 3-3.3, “prohibited acts and regulated activities,” and chapter XX, “streets and sidewalks,” subsection 20-2, “removal of grass, weeds, snow and ice” of the code of the borough of bloomingdale to provide for the enforcement of certain issues to be the responsibility of the borough property maintenance officer**

**WHEREAS,** the Borough Police Department currently enforce violations of the Borough Code regarding snow removal and littering; and

**WHEREAS**, the Borough believes it is within the purview of the Borough Property Maintenance Officer to regulate such matters.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**section 1**. Chapter 3, “Police Regulations,” Subsection 3-3, “Littering,” Section 3-3.3, “Prohibited Acts and Regulated Activities” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

3-3.3 Prohibited Acts and Regulated Activities.

 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. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this section. Nothing in this section shall prohibit the deposit of any such material in any public or private receptacles approved by the Borough Council for such purpose. Nothing in this section shall be construed to prohibit construction, repair or maintenance equipment, materials or machinery from being utilized temporarily on a street, public place, parking lot or public building. This section shall not apply to municipal activities by Borough employees.

 a. Enforcement. This subsection shall be enforced by the Property Maintenance Officer of the Borough of Bloomingdale.

 b. Penalties. Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to a fine not to exceed five hundred ($500.00) dollars.

**SECTION 2**. Chapter XX, “Streets and Sidewalks,” Subsection 20-2, “Removal of Grass, Weeds, Snow and Ice” of the Code of the Borough of Bloomingdale is hereby amended to add Section 20-2.5, “Enforcement” which shall read as follows:

20-2.5. Enforcement

This subsection shall be enforced by the Property Maintenance Officer of the Borough of Bloomingdale.

**SECTION 3**. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 4**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 5**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 20th day of May, 2014, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 10th day of June, 2014, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

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Jane McCarthy, Municipal Clerk