

Ordinance #201 7-1189

AN ORDINANCE OF THE BOROUGH OF MANVILLE , COUNTY OF SOMERSET , STATE OF NEW JERSEY , ESTABLISHING REGULATIONS FOR THE PURPOSE OF CONTROLLING THE PRESENCE OF SHOPPING CARTS IN AND ABOUT THE BOROUGH OF MANVILLE BY ESTABLISHING FEES, AND A PROCESS OF REDEMPTION, DISPOSAL AND ENFORCEMENT

WHEREAS , the Mayor and Council find that the abandonment of shopping carts in and about the Borough of Manville has become a public nuisance and a financial imposition on the Borough; and

WHEREAS , the Mayor and Council by this ordinance intend to establish regulations to rectify such issues by instituting fees, and a process of redemption, disposal and enforcement:

SECTION I - DEFINITIONS

The following definitions shall apply:

Borough - The Borough of Manville, New Jersey, County of Somerset

Cart - (shopping cart) - all carts, baskets, or containers equipped with wheels and propelled by human power for the purpose of carrying goods, merchandise or other items to and from one place to another

Public Property - any park, square, parking lot, field, wooded area, street or any other place or location owned by or under the control of the Borough, the Board of Education of the Borough, or any other local governmental unit

SECTION II - ABANDONED CARTS

A/ It shall be deemed unlawful for any person to discard or abandon a shopping cart upon any public property, where such cart is owned by individual or is in possession, custody or control; and

B/ Any carts left unattended on any public property, where there is no person present who has possession, custody or control, will be deemed to have been discarded or abandoned and therefore subject to the provisions set forth herein; and

C/ The Borough shall remove or cause to be removed any cart found discarded or abandoned on any public property and shall assume possession of said cart until the requisite fees as later defined are satisfied and the cart is either returned to business or otherwise properly disposed of.

SECTION III - FEES AND DISPOSITION

A/ Upon possession of any abandoned or discarded carts, the Borough shall institute a \$50 per cart fee upon the business owner for the cart retrieval, and

B/ Upon possession of the Borough, the business owner will be notified of said possession of the cart; and

C/ The rightful owner of subject cart shall be permitted to assume possession upon the payment to the Borough of the per cart fee; and

D/ In the circumstance in which the rightful owner does not retrieve the cart within 30 days, the cart shall be properly recycled or otherwise disposed of, at the discretion of the Borough; and

SECTION IV

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION V

Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION VI

This ordinance shall take effect ten (10) days after final approval and publication in accordance with law.

Borough of Manville,



Richard M. Onderko, Mayor

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FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		SZABO	√			
		CAMACHO	√			
		MAGNANI	√			
	√	PETROCK	√			
		PETRONE	√			
		SKIRKANISH	√			
		MAYOR ONDERKO				

INTRODUCED this 12th day of **June**, 2017



Attest: Pamela Borek, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		SZABO	√			
		CAMACHO	√			
		MAGNANI	√			
	√	PETROCK	√			
		PETRONE				√
		SKIRKANISH	√			
		MAYOR ONDERKO				

ADOPTED this 26th day of **June**, 2017

Attest:



Pamela Borek, Borough Clerk