

**Ordinance #201 7-1180**

**AN ORDINANCE AMENDING ORDINANCE #2008-1073  
TO REGULATE THE COLLECTION AND DISPOSAL OF  
BULK TRASH ITEMS, GARBAGE, MUNICIPAL WASTE AND SOLID WASTE  
WITHIN THE BOROUGH OF MANVILLE**

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

1. Ordinance #2008-1073 shall be amended by modifying same by deleting the former Section 13, and replacing same with a new Section 13, which shall now read as follows:

**SECTION 13. VIOLATIONS AND PENALTIES:**

(A) Any person violating any provisions of this Article (Ordinance #2008-1073 and #2017-1180) shall first be sent a Notice of Violation via both Regular and Certified Mail noticing said person to promptly abate the violation and giving notice of the penalties set forth in this Section; if the violation continues without abatement for seven (7) calendar days after the mailing date of said Notice, then, at the discretion of the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer, the violator shall be subject to either:

(1) a fine not exceeding twenty-five hundred dollars (\$2,500.00) or imprisonment in the county jail for a term not exceeding thirty (30) days, or both. However, where the penalty for such offense may be limited by a state statute, then such limitations shall be applicable notwithstanding the provisions of this Article; or, at the discretion of the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer;

**or**

(2) (a) the solid waste, trade waste, waste materials, construction debris, hazardous wastes or bulk items shall be removed under the direction of the Director of Public Works; (b) the property owner of the premises in question shall be subject to a charge for said abatement in the minimum amount of \$300.00, or such larger sum as the Director of Public Works may document based on a higher cost of removal, after review and approval of said recommended higher charge by the Director of Public Works; **and** (c) **the**

Director of Public Works shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.

(3) Each and every violation of this article or each and every day that any provisions of this Article shall be violated, may at the discretion of the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer be construed as a separate and distinct violation thereof.

2. Except as amended or modified herein, Ordinance No. 2008-1073 shall remain full force and effect.

3. Severability: 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.

4. Inconsistency with other Ordinances: 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.

5. Effective Date: This ordinance shall be effective ten (10) days after final approval and publication in accordance with law.

Borough of Manville,



Richard M. Onderko, Mayor

**ORDINANCE #201 7-1180**

**FIRST READING:**

**ROLL CALL**

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

**INTRODUCED** this 13<sup>th</sup> day of **February**, 2017

*Patricia A. Zamorski*

Attest: Patricia A. Zamorski, Borough Clerk

**SECOND READING:**

**ROLL CALL**

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

**ADOPTED** this 27<sup>th</sup> day of **February**, 2017.

*Patricia A. Zamorski*

Attest: Patricia A. Zamorski, Borough Clerk