**ORDINANCE** 

No. 23 - 0 4 4

Date to Mayor AUG 0 7 2023

Date Returned AUG 0 8 2023

 1st Reading
 JUL
 0 6
 2023

 Public Hearing
 AUG
 0 3
 2023

 2nd Reading & Passage
 AUG
 0 3
 2023

Withdrawn Lost Lost

Approved as to Form and Legality

Wesley Bridges, Eso. City Aftorney

Councilman /woman

Factual content certified by

ADAM C. CRUZ, BUSINESS ADMINISTRATOR

presents the following Ordinance:

Date Resubmitted to Council

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 248-9 OF THE CITY CODE OF THE CITY OF TRENTON REGARDING THE ENFORCEMENT AND PENALTY FOR VIOLATING THE CITY'S GARBAGE COLLECTION CODE PROVISIONS

WHEREAS, the City desires to ensure that the City's garbage collection provisions and regulations are strictly followed to ensure the health and safety of the City's residents and the efficient administration of the City's garbage collection activities; and

WHEREAS, the City believes that strengthening the "Penalty" provisions under Chapter 248 ("Solid Waste"), Article I ("Garbage Collection") of the Code of the City of Trenton will increase awareness of the City's garbage collection procedures and curb violations of the City's garbage collection regulations; and

WHEREAS, N.J.S.A. 40:49-5 permits municipalities to prescribe penalties for unlawful solid waste disposal above the maximum penalties permitted for general ordinance violations; and

WHEREAS, pursuant to Chapter 248 of the Code of the City of Trenton, the City Director of Public Works is authorized and empowered to exercise the powers to enforce the City's garbage collection provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON:

### **SECTION 1**

Chapter 248, Article I, Section 248-9 shall be amended as follows (additions are **emboldened** and deletions are struck through):

§ 248-9 Enforcement; violations and penalties.

A. Enforcement. The Director of Public Works is authorized and empowered to exercise the powers under this article, and to appoint, fix the duties of and delegate any of his/her functions and powers under this article to such officers and agents as (s)he may designate, including, Sanitation Superintendent and sanitation inspectors to issue summonses for this article and related chapters within the jurisdiction of the Municipal Court.

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B. Penalty. Any person violating an order issued by a Solid Waste Management official, or a provision of this article adopted for the control of the disposal of solid waste, shall be issued one warning after the first such violation. Summonses to appear in Municipal Court shall be issued for all subsequent violations. Violating persons shall further be subject to penalties provided in Chapter 1, Article III of this code, except that the maximum penalty for violations of this article shall be \$3,000. All other penalty provisions in Chapter 1, Article III shall apply. subject the violating person to subject to the penalty penalties provided in Chapter 1, Article III, General Penalty.

## **SECTION 2**

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected. All ordinances, rules and regulations inconsistent herewith are hereby repealed.

#### **SECTION 3**

This ordinance shall take effect upon final adoption and publication in accordance with <u>N.J.S.A.</u> 40:69A-181.

# Ordinance authored by Councilwoman Figueroa-Kettenburg

INTRODUCTION:	MOTION:  INTRODUCTION				SECOND; ADOPTION				ORD. AUTHORED BY:	Councilwonan COUNCELY: PELCIANO INTRODUCTION				Figure A Kellenburg  ADOPTION				ADOPTION	MOTION: INTRODUCTION				SECOND:  ADOPTION			
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Adopted on first reading at a meeting of the City Council of the City of Tre	enton, NJ on
Adopted on second reading after the public hearing on	AUG 0 3 2023
Mayor NAY	Reconsidered by Council – Override Vote
President of Council	City Clerk