

ORDINANCE NO. 2328

**AN ORDINANCE AMENDING CHAPTER XXVIII,
SECTIONS 28-4.9 AND 28-4.10 OF THE CODE OF THE
BOROUGH OF ROSELLE PARK REGARDING RECYCLING**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XXVIII, Sections 28-4.9 and 28-4.10 are hereby amended as follows:

SECTION 1:

28-4.9 Enforcement

The Recycling Coordinator, **the Superintendent of Public Works and/or his Designee**, the Code Enforcement Official, the Department of Health, the Police Department, the Property Maintenance Official, the Housing Officer, the Union County Office of Health Management and the Union County Utilities Authority are hereby individually and severally empowered to enforce the provisions of this section. An inspection may consist of, but is not limited to, sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

28-4.10 Violations and Penalties

b. Any person who violates or neglects to comply with any provisions of this section or regulation promulgated pursuant thereto shall, upon conviction, be liable for the penalty in Chapter I, Section 1-5 except that the fine for failure to comply with subsection 28-4.1 in the definition of Designated Recyclable Materials, paragraphs a. and b. shall be:

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| 1. First Occurrence: | One hundred (\$100.00) dollars |
| 2. Second Occurrence: | Two hundred and fifty (\$250.00) dollars |
| 3. Third Occurrence: | One thousand (\$1,000.00) dollars and a period of community service not to exceed ninety (90) days. |

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: March 17, 2011

Adopted:

Mayor

Attest: _____
Borough Clerk