

ANTI-LITTER ORDINANCE

C h a p t e r 5 5 C

ANTI-LITTER ORDINANCE

- § 55C-1. Title.
- § 55C-2. Littering prohibited.
- § 55C-3. Definitions.
- § 55C-4. Illegal dumping in dumpsters prohibited.
- § 55C-5. Use of litter receptacles.
- § 55C-6. Containerization of sweepings.
- § 55C-7. Open or overflowing waste disposal bins/ containers.
- § 55C-8. Uncovered vehicles.
- § 55C-9. Construction sites.
- § 55C-10. Commercial establishments and residences.
- § 55C-11. Distribution of handbills.
- § 55C-12. Posting notices.
- § 55C-13. Clearing of litter from private property by township.
- § 55C-14. Outdoor storage.
- § 55C-15. Blighting situation prohibited.
- § 55C-16. Maintaining vacant land.
- § 55C-17. Violations and penalties.
- § 55C-18. Repealer.

[HISTORY: Adopted by the Township Committee of the Township of Barnegat 6-5-78 as Ord. No. 1978-12, amended by Ord. No. 1988-39. Amended in its entirety 5-21-90 by Ord. No. 1990- 18. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse matter — See Ch. 48.

Property maintenance — See Ch. 63.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 55C-1. Title.

This chapter shall be known as the "Anti-Litter Ordinance" and may be so cited.

§ 55C-2. Littering Prohibited.

It shall be unlawful for any person to deposit, abandon, throw, drop, discard, or otherwise place litter of any nature upon any public or private property, or in or upon any waterway, lagoon, creek, pool or bay, other than in a proper litter receptacle.

§ 55C-3. Definitions.

LITTER — Litter is defined as any used or unconsumed substance normally thought of or referred to as garbage, refuse, rubbish, waste debris, trash, junk, or similar term, whether made of metal, cloth, glass, plastic, rubber, wood, paper or other natural or synthetic material or any combination thereof, whether on, above or below the surface of any land or water. Litter includes; but is not limited to the following items:

- A. Any bottle, jar or can, or any cap, or detachable tab of any bottle, jar or can;
- B. Any cigarette, cigar, tobacco, match or flaming or glowing material;
- C. Food waste or any other garbage matter;

- D. Newspapers, advertisements, magazines, paper, cardboard, plastic or paper containers or other packaging or wrapping material;
- E. Glass, plastic, metal, wood, fiberglass, wire, foam, marble;
- F. Construction debris of any nature;
- G. Scrap building materials of any nature;
- H. Grass clippings, leaves, trees, tree limbs, stumps, excavated earth, bedding, bushes, brush, sod, shrubs, trimmings, dead flowers, or other lawn, garden, clearing or landscaping waste;
- I. Junk condition vehicles, tires, batteries or other vehicle parts, dismantled, wrecked, decaying or rusting out vehicles, including abandoned vehicles;
- J. Junk condition boats, dismantled boats left to lay, damaged boats left unrepaired, decaying boats, boat parts, including sunken, partially submerged or abandoned boats or boat parts;
- K. Cement, cement blocks, chips, stone, bricks, rocks, mortar, tiles, ceramic, crockery and similar materials;
- L. Burned or charred wood or any other burned or charred material;
- M. Decaying firewood, ashes, furniture, appliances, household equipment, fixtures, clothing, other materials, fabrics or household materials;
- N. Market and industrial wastes;
- O. Dead animals, including birds and fish, urine and excrement;
- P. Stagnant pool water, gasoline, oil, kerosene and other waste liquids.

PERSON — The term person is intended to include any person, firm, company, partnership, agency, corporation, group or other entity.

BLIGHTING SITUATION — The term blighting situation is defined as any condition which impairs, destroys, or negatively impacts the image or character of a neighborhood.

VEHICLES — Vehicle is defined as any device in, upon or by which any person or property is or may be transported or driven upon a highway or any land, including devices used exclusively upon stationary rails or tracks.

§ 55C-4. Illegal dumping in dumpsters prohibited.

It shall be unlawful for any person to deposit or dump litter in any place specifically designated for the purpose of solid waste storage or disposal, except by written consent of the owner of such place.

§ 55C-5. Use of litter receptacles.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations, parks, drive-in restaurants, all street vendor locations, self-service station islands, shopping centers, parking lots, campgrounds and trailer parks, marinas, boat moorage and fueling stations, boat launching areas, public and private piers operated for public use, beaches and bathing areas, and at special events to which the public is invited, including sporting events, such as parades, carnivals, circuses, and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available. Litter receptacle means a container suitable for the depositing of litter, with a secure cover to prevent scattering of litter by the elements.

§ 55C-6. Containerization of sweepings.

No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private parking lot, sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk and or street aprons in front of his or her premises free of litter. All litter sweepings shall be collected and properly containerized for disposal.

§ 55C-7. Open or overflowing waste disposal bins/containers.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal containers or bins on his or her property, waste shall be deposited and controlled so as not to be scattered by the winds and the area surrounding waste disposal containers of any kind shall be maintained free of waste at all times.

§ 55C-8. Uncovered vehicles.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its load from dropping, shifting, leading or otherwise escaping there from. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, shall immediately cause the public property to be cleaned of all such materials and shall pay the costs thereof.

§ 55C-9. Construction sites.

It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or immediately following completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to

construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse, any activity requiring building permits or other approvals shall be deemed a construction site.

§ 55C-10. Commercial establishments and residences.

It shall be the duty of the owner, leasee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, yards, courts, driveways and parking lots, and alleys free from litter. It shall be the responsibility of the owner, leasee, tenant, occupant or person in charge of any commercial establishment or private premises to remove litter originating from such establishment or premises which has been placed, dropped, wind blown or otherwise deposited upon adjoining properties, or wind blown across a right of way.

§ 55C-11. Distribution of handbills.

It shall be unlawful for any person to place, to cause to be placed, or to hire another person to place any advertisement, handbill or unsolicited material of any kind in or on any street, sidewalk, building or vehicle within the community in such a manner that it may be removed by natural forces.

§ 55C-12. Posting notices.

No person shall post or affix any notice, poster, sign or other paper or device, calculated to attract the attention of the public, to any public lamp post, public utility pole, shade tree, sign structure or upon any public structure or building or upon any official traffic control devices except as may be authorized or required by law.

§ 55C-13. Clearing of litter from private property by township.

In the event that the owner or possessor of private property or lands shall refuse or neglect to abate or remedy the condition which constitutes a violation of this ordinance, the municipality may cause the condition to be abated and remedied. Upon the removal of any materials prohibited to be stored or left the Code Enforcement Official as appointed or his duly designated agent, in cases where the owner or tenant shall have refused or neglected to remove the materials within ten (10) days of receiving a notice of violation, such officer shall certify the cost thereof to the municipality, which shall examine the certificate, and if found correct shall and will be added to and become part of the taxes next to be assessed and levied upon said lands. The charges shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes. Notice shall be issued by certified mail, return receipt requested, to the address currently listed on official township tax records, shall be deemed as satisfying receipt of notice, whether accepted (signed for) or returned unopened by the post office.

§ 55C-14. Outdoor storage.

Outdoor storage of any new or reusable item in good condition shall only be permitted when approved by the municipality. Such storage, when approved, shall only be permitted in areas designated and shall be shielded from public view, protected by adequate fencing and/or approved screening. This regulation is intended to apply to any outdoor storage situation in any zone, except temporary situations of up to seventy-two (72) hours, which are not hazardous.

Screening/Fencing is intended to prevent an unsightly display to the public or the scattering of any stored item(s) by persons, animals, or natural forces, and to prevent a nuisance attraction which may be a hazard to children. The following minimum requirements shall apply and be subject to approval of the municipality:

- A. The storage area shall be surrounded on at least three (3) sides by a solid uniform fence, wall, or other screening, not less than five (5) feet high and may go up to eight (8) feet high with prior approval of the municipality. The wall of an adjacent building may serve as one (1) side. Said fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences.
- B. The opening in said fence, wall or screening shall be so located as to prevent the visual display of the storage area contents to public view.
- C. Where doors/gates are used, they shall be kept closed to prevent any unsightly display or the scattering of any stored items.
- D. It is not intended that a front yard, or corner lot side yard, be approved for outdoor storage, except that no more than one (1) boat, and/or boat trailer, and a camper/travel trailer, may be stored in such areas, provided that it is safely stored on the owner's lot and is no closer than two (2) feet to a sidewalk or five (5) feet to any other right of way, does not impair traffic vision, is not stored without use for more than twelve (12) consecutive months, is not used to collect/store junk or non-marine items, and whose condition does not constitute litter, by definition under this code. Where such storage has been deemed to be a nuisance attraction and potential hazard to children by the code enforcement official, it shall be required to be covered or be properly secured by other means.
- E. Unscreened outdoor storage of firewood is permitted subject to approval and conditions as established by the municipality.
- F. This section is not intended to apply to outdoor lawn or patio type furniture, swing sets or similar "outdoor" items maintained in good condition.

§ 55C-15. Blighting situation prohibited.

It shall be unlawful for any person to create, or permit to exist, a blighting situation on any property within the township.

§ 55C-16. Maintaining vacant land.

It shall be the responsibility of the owner(s) of vacant land, including properties with vacant building(s) to maintain such lands or premises free of any accumulation of litter.

§ 55C-17. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred (\$500.) dollars or by imprisonment for a term not to exceed ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 55C-18. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.