

CHAPTER IV POLICE REGULATIONS

4-2 LITTER CONTROL.

4-2.1 Definitions.

As used in this section:

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter shall mean garbage and rubbish as defined herein and/or any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or their natural or synthetic material, or any combination thereof including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material but does not include the waste of the primary processes of mining or other extracting processes, logging, sawmilling, farming or manufacturing.

Litter receptacle shall mean a container suitable for the depositing of litter.

Park shall mean a park, reservation, playground, recreation center or any other public area within the Borough owned or used by the Borough and devoted to active or passive recreation.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Private premises shall mean any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited, or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

Public place shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Rubbish shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, road, or other thoroughfare.
(Ord. #92-810, §1; Ord. #05-1172, §1)

4-2.2 Receptacles Required for Placement on Street.

No person may place refuse on any street, sidewalk, park or other public place except in Borough

litter receptacles or in plastic bags or refuse containers in accordance with the provisions of this section. (Ord. #92-810, §1)

4-2.3 Deposit in Any Body of Water Prohibited.

No person may deposit refuse in any body of water within the Borough or bordering the Borough. (Ord. #92-810, §1)

4-2.4 Borough Litter Receptacles Restricted.

No person may place household refuse, construction or demolition refuse or street dirt into Borough litter receptacles. (Ord. #92-810, §1)

4-2.5 Burning of Litter Prohibited.

No person shall burn any litter in any open place, whether public or private or in any outside receptacle, incinerator or outdoor fireplace. (Ord. #92-810, §1)

4-2.6 Litter of Public Property.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Borough except in public receptacles or in authorized private receptacles for collection. No person shall place any litter in public places for collection unless such litter is securely wrapped or deposited in properly covered private receptacles in such a manner as to prevent it being carried or deposited by the elements upon any streets, sidewalks, other private places or upon private property. (Ord. #92-810, §1)

4-2.7 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 rail-road and bus stations; parks; drive-in restaurants; all street vendor locations; self-service stations refreshment areas; construction sites; gasoline service stations islands; shopping centers, parking lots; and at special events to which the public is invited, including sporting events, 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. (Ord. #92-810, §1)

4-2.8 Litter Thrown by Persons in Vehicles.

No person while a driver or passenger in a vehicle shall throw litter upon any street or other public place within the Borough or upon private property. (Ord. #92-810, §1)

4-2.9 Merchants Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street,

sewer or other public place within the Borough the accumulation of litter from any building or lot from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter. (Ord. #92-810, §1)

4-2.10 Trucks to be Loaded and Constructed to Prevent Littering; Mud and Sticky Matter on Tires.

No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded so as to prevent any load or any of the contents of the load from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances or foreign matter of any kind. (Ord. #92-810, §1)

4-2.11 Litter in Parks.

No person shall throw or deposit in any park within the Borough except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. #92-810, §1)

4-2.12 Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the Borough, whether owned by such person or to, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. #92-810, §1)

4-2.13 Illegal Dumping.

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or public or private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal. (Ord. #92-810, §1)

4-2.14 Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacle for collection. (Ord. #92-810, §1)

4-2.15 Litter on Vacant Lots.

No person shall throw or deposit litter on vacant public or private property within the Borough whether owned by such person or not. (Ord. #92-810, §1)

4-2.16 Shopping Carts.

No person shall leave or abandon any shopping cart upon the sidewalks, streets or roadways of the Borough. (Ord. #92-810, §1)

4-2.17 Litter Receptacles Restricted to Litter Only.

Any litter boxes or litter baskets which are now provided by the Borough shall not be used by any person for the depositing of garbage, rubbish or refuse therein. (Ord. #92-810, §1)

4-2.18 Abandoned Crates, Cartons, or Packages Unlawful.

No person delivering merchandise to any residents or business establishments in the Borough shall abandon any empty crates, cartons or packages upon the sidewalks or streets of the Borough. (Ord. #92-810, §1)

4-2.19 Liens.

If after notice of violation 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 section, the municipality may cause the condition to be abated and remedied. Upon the removal of any materials prohibited to be stored or abandoned on lands by this section by or under the direction of an appointed officer or officers of this jurisdiction, in cases where the owner or possessor of the land shall have refused or neglected to remove the materials within five (5) 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 cause the cost as shown thereon to be charged against said lands and will be added to and become and form part of the taxes next to be assessed and levied upon said lands. The fines shall bear interest at the same rate as real estate taxes and shall be collected and enforced by the same officers and in the same manner as real estate taxes. (Ord. #92-810, §1)

4-2.20 Nuisances.

Nothing contained herein shall affect the right of the Borough to abate nuisances or situations dangerous to the health and safety of the public as otherwise provided by law. (Ord. #92-810, §1)

4-2.21 Enforcement.

The provisions of this section shall be enforced by complaint signed by a member of the Department of Public Works, Code Enforcement or Public Safety of the Borough of Tinton Falls. (Ord. #05-1172, §2)

4-2.22 Violations and Penalties.

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any rule, regulation or directive promulgated pursuant thereto shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (Ord. #05-1172, §3)