

CHAPTER 104

LITTER AND JUNK

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[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 3-1-82 as Ord. No. 82-6. Amendments noted where applicable.]

GENERAL REFERENCES

Parks—See Ch. 127.

Streets and sidewalks—See Ch. 138.

§ 104-1. Deposit of litter in public places.

No person shall throw or deposit litter, rubbish or trash in or upon any street, sidewalk or other public place within the township except in public receptacles, in authorized private receptacles for collection or in areas approved by the township for dumping of refuse.

§ 104-1.1. Definitions. [Added 11-22-89 by Ord. No. 89-201]

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other 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 flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste; newspaper; magazines; glass; metal; plastic or paper containers or any other packaging or construction material; but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling or farming or manufacturing.

§ 104-2. Placement of litter in receptacles.

Persons placing litter, rubbish or trash in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 104-2.1. Use of litter receptacles.[Added 11-22-89 by Ord. No. 89-201]

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 refreshment areas; construction sites; gasoline 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, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing their receptacles such that adequate containerization is available. 'Litter receptacle' means a container suitable for the depositing of litter.

§ 104-3. Sweepings; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, rubbish and trash.

§ 104-4. Maintenance of business premises.

- A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway.
- B. The owner or managing agent, lessee or tenant shall keep his entire business premises free from all litter, rubbish and trash.
- C. In shopping centers or other business premises that contain common areas and/or common parking areas, the owner or managing agent shall keep such common areas and/or common parking areas free from all litter, rubbish and trash.

§ 104-5. Throwing litter from vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter, rubbish or trash upon any street or other public place within the township or upon private property.

§ 104-6. Trucks causing litter.

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any Street, alley or other public place; nor shall any person drive or move any vehicle or truck within the township the wheels or tires of which carry onto or deposit in any street, alley or other public place litter, rubbish or trash or foreign matter of any kind. This section shall not apply to farm vehicles.

§ 104-7. Litter in parks.

No person shall throw or deposit litter, rubbish or trash in any park within the township except in public receptacles and in such manner that the litter, rubbish or trash will be prevented from being carried or deposited by the elements.

§ 104-8. Litter on occupied private property.

No person shall throw or deposit litter, rubbish: or trash on any occupied private property within the township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter, rubbish or trash will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

§ 104-9. Maintenance of private property.

The owner, managing agent, lessee, tenant or person in control of any private property shall at all times maintain the premises free of litter, rubbish or trash; provided, however, that this section shall not prohibit storage of litter, rubbish or trash in authorized receptacles for collection.

§ 104-10. Litter on vacant lots.

No person shall throw or deposit litter, rubbish or trash on any open or vacant private property within the township, whether owned by such person or not.

§ 104-11. Clearing of litter from private property by township.

A. Notice to remove. The Township of Lower Alloways Creek Enforcement Officer is hereby authorized and empowered to notify the owner, managing agent, lessee, tenant or person in control of any private property within the township to properly dispose of litter, rubbish or trash located on such property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner, managing agent, lessee, tenant or person in control at his last known address. [Amended 5-27-87 by Ord. No. 87-8]

B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, rubbish or trash dangerous to the public health, safety or welfare within ten (10) days after notice provided in Subsection A above, or within fifteen (15) days after the date of such notice, in the event the same is returned to the township by the Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter, rubbish or trash or to order its disposal by the township.

C. Charge included in tax bill. When the township has effected the removal of such dangerous litter, rubbish or trash or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the township, and said charge shall be due and payable by said owner at the time of payment of such bill.

§ 104-12. Posting of signs. [Amended 4-5-82 by Ord. No. 82-9]

The Chairman of the Streets and Highways Committee, as authorized by the Township Committee, shall be empowered to post appropriate signs stating the prohibition against littering and the fine of five hundred dollars (\$500.).

§ 104-13. Illegal dumping. [Added 5-25-88 by Ord. No. 889*]

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 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.

*Editor's Note: This ordinance also provided that former § 104-13, Violations and penalties, be re-designated to become § 104-20.

§ 104-13.1. Illegal placement of refuse.. [Added 2-6-1990 by Ord. No. 90-11]

Refuse of any kind which is to be picked up and removed by Lower Alloways Creek Township municipal forces shall only be refuse which has been generated by the property owner occupying the property or a property owner's tenant occupying the property. The refuse generated by either the aforesaid property owner or tenant shall only be refuse which had been generated on the property where the Lower Alloways Creek Township municipal forces are picking the refuse up. In no event shall a property owner or property owners tenant allow others to place their trash for pickup on the property owner's property.

§ 104-14. Storage of household solid waste. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

§ 104-15. Storage of tires. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential property owner to store or permit storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

§ 104-16. Inoperable vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semi trailer which:

- A. Is missing tires, wheels, engine or any essential parts;
- B. Displays extensive body damage or deterioration;
- C. Does not display a current, valid state license; or
- D. Is wrecked, disassembled or partially disassembled.

§ 104-17. Uncovered loaded vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs there for.

§ 104-18. Construction sites. [Added 5-25-88 by Ord. No. 88-91]

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 after 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 nonflyable 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.

§ 104-19. Open or overflowing waste disposal bins prohibited. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 104-20. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.) or imprisonment for a term not to exceed ninety (90) days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.