

ORDINANCE NO. 37 - 2005

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER XIX, NEW SECTION 3, TO PROHIBIT LITTERING AND ILLEGAL DUMPING AND FURTHER TO PROVIDE FOR THE CONTAINERIZATION OF SWEEPING AND FURTHER TO CONTROL OPEN OR OVERFLOWING WASTE DISPOSAL BINS, UNCOVERED VEHICLES, CONSTRUCTION SITES, COMMERCIAL ESTABLISHMENTS AND RESIDENCES AND DISTRIBUTION OF HANDBILLS AND FURTHER TO ESTABLISH PENALTIES FOR THE VIOLATION THEREOF ALL IN ACCORDANCE WITH THE REQUIREMENTS OF N.J.S.A. 13:1E-99.2e.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, AS FOLLOWS:

SECTION 1. CHAPTER 19, SECTION 3 LITTERING PROHIBITED

It is unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle. Or having done so, allow such litter to remain.

SECTION 2. CHAPTER 19, SECTION 3.1 DEFINITIONS

"Litter" means 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 any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, 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 extraction processes, logging saw milling, farming or manufacturing.

SECTION 3 CHAPTER 19, SECTION 3.2

ILLEGAL DUMPING

It is 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, on 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.

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION 4 CHAPTER 19, SECTION 3.3

CONTAINERIZATION OF SWEEPINGS

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

SECTION 5 CHAPTER 19, SECTION 3.4

OVERFLOWING WASTE DISPOSAL BINS

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

SECTION 6 CHAPTER 19, SECTION 3.5

UNCOVERED VEHICLES

It is 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, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, must immediately cause the public property to be cleaned of all such materials and must pay the costs therefore.

SECTION 7 CHAPTER 19, SECTION 3.6 CONSTRUCTION SITES

It is 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 is 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.

SECTION 8 CHAPTER 19, SECTION 3.7 COMMERCIAL ESTABLISHMENTS AND RESIDENCES

It is the duty of the owner, lessee, 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, backyards, courts and alleys free of litter.

SECTION 9 CHAPTER 19, SECTION 3.8 DISTRIBUTION OF HANDBILLS

It is 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.

SECTION 10 CHAPTER 19, SECTION 3.9, VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates or neglects to comply with any provision of this Ordinance shall be punishable, upon conviction thereof, by a fine not to exceed the sum of two hundred (\$200.00) dollars or by imprisonment not to exceed thirty (30) days, or both. As an alternative penalty, a convicted person may be ordered to perform community service in the recycling program for a period not to exceed forty (40) days. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and be punishable as such.

The Recycling Coordinator and Police Department will be used to enforce this Ordinance. Residents are urged to report persistent violators of this Ordinance.

SECTION 11 SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is held unconstitutional or invalid for any reason, such decision shall not effect the remaining portions of this Ordinance.

SECTION 12 REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13 WHEN EFFECTIVE

This Ordinance shall take effect immediately after final passage and publication as provided by law.

INTRODUCED AND PASSED ON FIRST READING ON SEPTEMBER 20, 2005.

PASSED ON SECOND AND FINAL READING AND ADOPTED AND APPROVED BY
THE MAYOR AND COUNCIL OF THE BOROUGH OF SPRING LAKE ON OCTOBER
4, 2005.

APPROVED: 
THOMAS J. BYRNE, MAYOR

Attest:


Mary Anne Coogan, RMC
Borough Clerk