

Chapter 434. Littering

[HISTORY: Adopted by the Mayor and Council of the Borough of Red Bank as Sec. 3-2 of the 1987 Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. **505**.

Streets and sidewalks — See Ch. **608**.

§ 434-1. Littering prohibited.

[Amended by Ord. No. 1989-15; Ord. No. 2005-41]

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this chapter.

§ 434-2. Definitions.

[Amended by Ord. No. 1989-15; Ord. No. 2005-41]

The following definitions shall be applicable to this chapter:

CIGARETTE LITTER

Any cigarette, cigar or any portion thereof, whether lit or unlit, or of any packaging related thereto, or of any match or matchbook, or any flaming or glowing material, that has been discarded.

[Added 3-27-2006 by Ord. No. 2006-12]

CIGARETTE LITTER RECEPTACLE

One of a variety of containers that are specifically designed to be used for the disposal of cigarette litter, typically consisting of an enclosed container with wide base containing sand or other inflammable material, and a narrow neck above with a hole through which cigarette litter can be discarded and concealed from view, and provided that the type of container has been specifically approved for use as a cigarette litter receptacle pursuant to a resolution adopted by the Mayor and Council of the Borough of Red Bank.

[Added 3-27-2006 by Ord. No. 2006-12]

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 any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or

garden waste, newspapers, 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, sawmilling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

§ 434-3. Illegal dumping.

[Amended by Ord. No. 1989-15]

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.

§ 434-4. Use of litter and cigarette litter receptacles.

[Amended by Ord. No. 307-73; Ord. No. 1989-15; 3-27-2006 by Ord. No. 2006-12]

- A. 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 stations 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; 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.
- B. In addition to the foregoing, every owner of a food service establishment having seating for more than 25 individuals, any establishment holding a retail consumption license issued by the State of New Jersey, Division of Alcoholic Beverage Control, any nightclub, or commercial building in which more than 25 individuals are regularly employed shall provide and maintain in good condition a cigarette litter receptacle which shall be located in any outdoor location where employees of the building are either permitted to or do in fact smoke, provided that such a cigarette litter receptacle shall not be located less than 10 feet from any public entrance to the building. Notwithstanding the foregoing, no commercial building owner shall be obligated to provide a cigarette litter receptacle if there is already such a receptacle located on public property within 10 feet of the location where the employees of the building are either permitted to or do in fact smoke.

§ 434-5. Sidewalks and parking areas kept litter-free by abutting property owners.

[Added by Ord. No. 307-73; amended 3-27-2006 by Ord. No. 2006-12]

All persons who own or occupy property, whether or not used for commercial purposes, shall keep the sidewalk abutting such property and all parking areas on the property free of litter and cigarette

litter at all times.

§ 434-6. Throwing or depositing litter in any body of water unlawful.

[Added by Ord. No. 307-73; amended 3-27-2006 by Ord. No. 2006-12]

No person shall throw or deposit, or cause to be thrown or deposited, any litter, cigarette litter or debris in any pond, lake, stream, river, or any other body of water within the Borough.

§ 434-7. Containerization of sweeping.

[Added by Ord. No. 307-73; amended by Ord. No. 87-24; Ord. No. 1989-15; 3-27-2006 by Ord. No. 2006-12]

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

§ 434-8. Containerization of sweeping, yard waste collection program.

[Added by Ord. No. 2005-41]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CONTAINERIZED

The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, catch basins and other areas within the street lines.

YARD WASTE

Leaves, trees or parts thereof, brush, weeds or other plant matter and grass clippings.

- B. No person shall sweep, rake, blow or otherwise place into or deposit in any street, or other public place any accumulation of litter or yard waste from any public or private property, sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All litter or yard waste shall be collected and properly containerized for disposal.
- C. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of

such yard waste at the curb or along the street at any other time or in any other manner is a violation of this chapter. Placement of uncontainerized litter in the street, or upon any other public, or private property, at any time is also a violation of this chapter. If such placement of yard waste or litter occurs, the party responsible for placement of the yard waste or litter must remove the yard waste or litter from the street, or other public or private property, or said party shall be deemed in violation of this chapter.

§ 434-9. Open or overflowing waste disposal bins.

[Added by Ord. No. 307-73; amended by Ord. No. 1989-15]

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

§ 434-10. Uncovered vehicles.

[Added by Ord. No. 1989-15]

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 therefrom. 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 therefor.

§ 434-11. Construction sites.

[Added by Ord. No. 1989-15]

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.

§ 434-12. Commercial establishments and residences.

[Added by Ord. No. 1989-15; amended 3-27-2006 by Ord. No. 2006-12]

It shall be 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 from litter, cigarette litter and other offensive material.

§ 434-13. Distribution of handbills.

[Added by Ord. No. 1987-24; amended by Ord. No. 1989-15]

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 will be removed by natural forces.

§ 434-14. Storage of bulky items.

[Added by Ord. No. 1989-15]

It shall be unlawful to store bulky items such as appliances, tires, furniture, mattresses and like items except in a fully enclosed structure or during days designated for collection of bulky items.

§ 434-15. Violations and penalties.

[Added by Ord. No. 1989-15]

Any violation of §§ **434-1** through **434-14** shall be punishable by a minimum \$50 fine for the first offense and a minimum \$100 fine for any subsequent offense.^[1]

[1] *Editor's Note: See also the penalties provided in Chapter 1, General Provisions, Article II, General Penalty.*

§ 434-16. Lien program.

[Added by Ord. No. 1989-15]

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 chapter, 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 chapter by or under the direction of an appointed officer or officers of this jurisdiction, in cases where the owner or tenant shall have refused or neglected to remove same in manner and within five 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 a part of the taxes next to be assessed and levied upon said lands. The same 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.

§ 434-17. Enforcement.

[Added by Ord. No. 2005-41; amended 4-23-2007 by Ord. No. 2007-16]

The provisions of this chapter shall be enforced by the Police Department, the Code Enforcement Department, the Building Department, the Department of Public Utilities and the Board of Health of the Borough of Red Bank.