

05-08-610

AN ORDINANCE OF THE BOROUGH OF PINE BEACH,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING  
AND SUPPLEMENTING CHAPTER 110 OF THE CODE OF THE  
BOROUGH OF PINE BEACH ENTITLED LITTERING

BE IT ORDAINED by the Borough Council of the Borough of Pine Beach, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter 110 of the Code of the Borough of Pine Beach entitled "Littering," § 3-1 entitled "Littering," shall be deleted in its entirety and replaced as follows:

1. Purpose. The purpose of this section is to establish requirements to control littering in the Borough of Pine Beach, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

2. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Litter* - any used or unconsumed substance or waste material which has been discarded or no longer usable, 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, periodicals or discarded reading material, glass, metal, plastic or paper containers or other packaging or construction material or any trash, wastepaper or garbage lying about, 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.

### 3. Prohibited Acts and Regulated Activities.

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

2. 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.

3. It shall be unlawful for any person to discard, drop or place along any street or road, or off any right-of-way, any litter as defined in this section, or any household or commercial solid waste, rubbish, refuse, or junk, in any place not specifically designed for the purpose of solid waste storage or disposal.

4. It shall be unlawful for any residential, private or commercial property owner to permit open or overflowing waste disposal receptacles on his/her property.

5. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of any litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks and area in front of the property free of litter, garbage cans and receptacles; provided, however, that this provision shall not apply to those periods of time fixed by the Borough Council for the collection of leaves, garbage and litter.

6. No person shall load, drive or move any truck or other vehicle unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street or other public or private place or property.

4. Streets, Sidewalks and Curbs. It shall be the duty of any owner, lessee, tenant, occupant or person in charge of any structure, whether residential, private or commercial, to keep and cause to be kept the sidewalk, curb or any parking area abutting the building or structure free from litter obstructions or nuisances of any kind and to keep sidewalk, curbs, areaways, backyards or courts and alleys free from litter, solid waste or other offensive material.

5. Enforcement. The provisions of this Chapter shall be enforced by the Police Department of the Borough of Pine Beach.

6. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to one or more of the following: a fine not to exceed \$1,000.00; imprisonment in the county jail for a term not to exceed ninety (90) days or community service for a period not to exceed ninety (90) days, for each and every violation. If the violation is of continuing nature each and every day during which it continues constitutes a separate and distinct offense.

SECTION 2. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect twenty (20) days after its final passage by the Borough Council and approval by the Mayor where such approval is required by law.

This ordinance shall be in full force and effect from and after its adoption and any publication as required. ALL OF WHICH IS ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE 2005, by the governing body of the Borough of Pine Beach.