

ORDINANCE 975

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY", GENERAL POLICE REGULATIONS

Section I. BE IT ORDAINED by the Board of Commissioners of the Borough of Deal in the County of Monmouth, State of New Jersey that Chapter 5, General Police Regulations, of the Revised General Ordinances of the Borough of Deal, County of Monmouth, State of New Jersey, is hereby amended as follows:

5-3 Litter Control

5-3.1 Purpose:

An ordinance to establish requirements to control littering in the Borough of Deal, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

5-3.2 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.

- a. 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.
- b. "Garbage" shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- c. "Refuse" shall mean all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

- d. "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.
- e. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.
- f. "Public place" shall mean all streets, sidewalks, boulevards, alleys, beaches or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.
- g. "Litter Receptacle" - a container suitable for depositing of litter.
- h. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

5-3.3 General Prohibitions:

No person shall sweep, throw, deposit or dump litter in or on any property whether occupied, open or vacant and whether owned by that person, or in a public place or pond, lake or stream or other body of water within the borough, except in public receptacles or in authorized private receptacles for collection.

5-3.4 Placing in Receptacles:

Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner which prevents the litter from being carried or deposited by the elements upon a public place or upon private property.

5-3.5 Sweeping Litter into Gutters Prohibited:

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in a gutter, road, right of way or other public place within the borough the accumulation of litter from a building or lot or from a public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

5-3.6 Litter Thrown by Persons in Vehicles or Boats:

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.

5-3.7 Transportation from Outside Borough:

No person shall bring, cart, remove, transport or collect any litter from outside the borough and bring it into the borough for the purpose of dumping or disposing thereof. No truck or other vehicle containing litter that has been transported into the borough shall

be parked or allowed to remain standing on any street in the borough or on any public property for a period in excess of two hours.

5-3.8 Handbills:

Advertisements, handbills, circulars and papers may be distributed in the borough on weekdays between the hours of 9:00 a.m. and 5:00 p.m. only if they are so securely placed at each dwelling that they will not be blown away by the wind; otherwise no person shall place any advertisement, handbill, circular or paper on or in any public street, sidewalk, building or vehicle within the borough.

- a. ***Throwing or Distributing Commercial Handbills in Public Places.*** No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the borough; nor shall any person hand out, distribute or sell any commercial handbill in any public place; provided that it shall not be unlawful on any sidewalk, street, or other public place within the borough for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill to any person willing to accept it.
- b. ***Placing Commercial and Noncommercial Handbills on Vehicles.*** No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
- c. ***Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.*** No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises that are temporary or continuously uninhabited or vacant.
- d. ***Prohibiting Distribution of Handbills where Property Posted.*** No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises.
- e. ***Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.*** No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupants or other person then present: provided that in the

case of inhabited private premises which are not posted, as provided in this subsection, the person, unless requested by anyone upon the premises not to do so, shall have the authority to place or deposit the handbill in or upon the inhabited private premises, if the handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets, or other public places. Mailboxes may not be so used when prohibited by Federal postal law or regulations.

- f. *Exemptions for Mail and Newspapers.* The provisions of this subsection shall not apply to the distribution of mail by the United States nor to newspapers.

5-3.9 Enforcement - Removal of Grass, Weeds, Brush and Other Debris.

This Ordinance shall be enforced by the Deal Police Department and/or the Code Official of the Borough of Deal.

5-3.10 Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as designated in Chapter V, Section 9 of this Code.

Section II. Severability

Each section, subsection, sentence, clause and phrase of the 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 III. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction: May 9, 2006 By Commissioner Dayan

Seconded by Commissioner O'Donnell

Roll Call: Ayes 3; Franco, O'Donnell & Dayan

Adoption: May 23, 2006 Motion By Commissioner Dayan

Second Commissioner O'Donnell

Roll Call: Ayes 3; Franco, O'Donnell & Dayan