

23-86

ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ENACTING CHAPTER 73A OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF LACEY, ENTITLED
"ANTI-LITTER ORDINANCE"**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 73A of the Township Code of the Township of Lacey is hereby enacted as follows:

Chapter 73A

ANTI-LITTER ORDINANCE

§73A-1. Title.

This Chapter shall be known as an "Anti-Litter Ordinance" and may be so cited.

§73A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LITTER — Garbage, refuse and rubbish as such are defined herein and all other waste materials.

GARBAGE — Putrescible animal and vegetable waste resulting from either the handling, preparation, cooking or consumption of food.

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, dead trees, tree stumps, abandoned automobiles and boats and solid market and industrial wastes and specifically including abandoned furniture, household equipment, scrap building materials and other similar items.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cigars and tobacco wastes, cardboard, tin cans, yard, garden or lawn clippings, leaves, wood, glass, bedding, crockery and similar materials.

PARK — A park, reservation, playground, beach, recreation center or any other public areas in the township, owned or used by any public agency and devoted to recreation purposes.

PRIVATE PREMISES — Any dwelling, house, building or other structure designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously inhabited or vacant, and shall include any yard, grounds, walks, driveway, porch, steps, vestibules or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Includes all streets, sidewalks, boulevards, alleys or other public walkways and all parks, squares, docks, grounds and buildings.

VEHICLE — 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 upon stationary rails or tracks.

§73A-3. Litter in public places.

No person shall sweep, throw, deposit or dump litter in or upon any street, sidewalk or other public place except in public receptacles or in private receptacles for collection or in official township disposal areas.

§73A-4. Placement of litter in receptacles.

- A. Litter shall be placed in private receptacles in such manner as to prevent it from being scattered, carried or deposited by the elements upon any street, sidewalk or other public place or private premises.
- B. Litter, other than garbage, shall be placed in public receptacles or in private receptacles.
- C. Branches, clippings, shrubs and the like in excess of twenty-four (24) inches in length but not greater than six (6) feet in length and not in excess of seventy-five (75) pounds in weight may be placed at the curb for pickup if securely tied in bundles so as to prevent their being scattered, carried or deposited by the elements upon any street, sidewalk or other public or private place or premises.

§73A-5. Littering from vehicles.

No person shall throw or deposit litter from a vehicle upon any street or other public place or upon any private premises or vacant land.

§73A-6. Litter caused by commercial vehicles.

No person shall drive or move any truck or other commercial vehicle unless the vehicle is so constructed or loaded as to prevent any litter from being blown or deposited upon any street, alley or other public place or private premises. No person shall drive or move any vehicle or truck if the wheels or tires carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind from any other place other than the traveled portion of a public street or alley.

§73A-7. Litter in public parks.

No person shall throw or deposit litter in any park except in public receptacles and in such a manner as to prevent such litter from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried from the park by the person responsible for its presence and shall be properly disposed of elsewhere.

§73A-8. Litter in bodies of water.

No person shall throw or deposit litter in any fountain, lake, pond, stream, bay or any other body of water.

§73A-9. Litter on private property.

No person shall throw or deposit litter on any occupied private property, whether owned by him or not, except that the owner or person in control of private property shall maintain private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any other public place or upon any private property.

§73A-10. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not be construed to prohibit the storage of litter in private receptacles for collection.

§73A-11. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property whether owned by such person or not.

§73A-12. Notice to remove; removal by township upon non-compliance.

- A. Notice to remove. The Code Enforcement Officer or his duly-designated agent is authorized and empowered to notify the owner of any private premises or vacant land or the tenant or agent of such owner to dispose properly of litter which is located on such owner's property. Notice shall be by registered or certified mail, return receipt requested, addressed to said property owner or his agent or tenant at his last known address or served personally upon said owner, tenant or agent.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner, tenant or agent so notified to

dispose properly of said litter within ten (10) days after receipt of written notice as specified in Subsection A of this section, or within ten (10) days after the date of such notice in the event that it is returned to the township by the Post Office Department because of inability to make delivery thereof, provided that the notice was properly addressed to the last known address of the owner, tenant or agent, the Code Enforcement Officer or his duly-designated agent is authorized and empowered to pay for disposing of such litter or to order its disposal by the township.

- C. When the township has effected the removal of litter or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next, regular tax bill forwarded to the owner by the township. The charge shall be due and payable by the owner at the time set for payment of the tax bill.
- D. Where the full amount due the township is not paid by the owner within thirty (30) days after the disposal of such litter, as specified in Subsections A and B of this section, then and in that case, the Code Enforcement Officer shall certify the cost thereof to the Township Committee, which shall examine the certificate and, if found to be correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes which are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. The certification of the Code Enforcement Officer, in accordance with the provisions thereof, shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

§73A-13. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.) or by imprisonment for a term not to exceed ninety (90) days or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey held on the 8TH day of MAY, 1986, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 22ND day of MAY, 1986, at 8:00 p.m., at the Municipal Building, Lacey Road, Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DOROTHY R. GRANT, Township Clerk

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ENACTING CHAPTER 73A OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LACEY, ENTITLED
"ANTI-LITTER ORDINANCE".

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was passed on first reading
at a meeting of the Township Committee held on the 8th day of May, 1986, and was
passed on final reading at a meeting held on the 22nd day of May, 1986.

DOROTHY R. GRANT
Municipal Clerk

LEGALS:

PLEASE PUBLISH IN YOUR ~~PAPER~~ ON FRIDAY, MAY 30th, 1986.

DGR
DOROTHY

P.O. 4549