

Ord. 99 AN ORDINANCE PROHIBITING THE THROWING, DEPOSITING, LEAVING OR ABANDONING OF LITTER OR JUNK IN PUBLIC PLACES IN THE BOROUGH OF ROOSEVELT: REGULATING THE DISTRIBUTION OF COMMERCIAL AND NON-COMMERCIAL HAND-BILLS: CONTROLLING THE THROWING, DEPOSITING, LEAVING OR ABANDONING OF LITTER OR JUNK ON PRIVATE PREMISES: PROVIDING FOR BOROUGH CLEARANCE: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROOSEVELT, MONMOUTH COUNTY;

Section 1. This Ordinance shall be known and may be cited as the "Borough of Roosevelt Anti-Litter Ordinance."

Section 2. Definitions. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. 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.

(1) "Litter" is "garbage", "refuse" and "rubbish", as defined herein and all other waste material which, if thrown, deposited, left or abandoned, as herein prohibited, tends to create a danger to public health, safety or welfare.

(2) "Junk" is any old, or unused waste, iron or metal or substance, glass, paper, machines, appliances, equipment, business or household furniture or furnishings, or any parts or portions thereof or accessories thereof, unregistered motor vehicles and any material commonly known and generally referred to as "junk" in the ordinary meaning of the word.

(3) "Park" is a park, reservation, playground, recreation center or any other public area in the Borough used only by the Borough and devoted to active or passive recreation.

(4) "Person" is any person, firm, corporation, association, partnership, company or organization of any kind.

(5) "Private Premises" is any dwelling, house, building, or structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or structure.

(6) "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(7) "Refuse" is all putrescible and nonputrescible waste (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned or unused vehicles or parts thereof, solid market, industrial wastes, animal and bird wastes or leavings.

(8) "Rubbish" is nonputrescible solid wastes consisting of both combustible or non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, (excepting leaves) wood, glass, bedding, crockery and similar materials.

(9) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(10) "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a) Which advertises for sale any merchandise, product, commodity, or thing; or

(b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purposes of either directly or indirectly promoting the interest thereof of sales; or

(c) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(11) "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed matter or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(12) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by law; and, in addition thereto, shall mean and include any periodical or magazine regularly published with not less than four issues per year, and sold to the public.

Section 3. No person shall throw, deposit, leave or abandon litter or junk in or upon any street, sidewalk or other public place within the Borough except in public receptacles or in authorized private receptacles.

Section 4. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Section 5. No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter and junk.

Section 6. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough or upon private property.

Section 7. No person shall drive or move any truck or other vehicle within the Borough unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

Section 8. No person shall throw, deposit, leave or abandon any litter or junk in any park or public place within the Borough, except in public receptacles and in such a manner that the litter or junk which is placed in the public receptacles will be prevented from being carried or deposited by the elements upon any part of the park or public place or any street. Where public receptacles are not provided, all such litter or junk shall be carried away from the park or public place by the person responsible for its presence and properly disposed of elsewhere.

Section 9. No person shall throw or deposit litter or junk in any fountain, pond, pool, lake, stream, or other bodies of water within the Borough.

Section 10. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the Borough. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any street, sidewalk, or other public place within the Borough for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 11. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, 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 non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Section 12. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Section 13. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

Section 14. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places.

(a) The provisions of this Section shall not apply to the distribution of mail by the United States, nor to solicited newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or other private property.

Section 15. No person shall throw, leave, deposit or abandon litter or junk on any private property within the Borough, whether owned by such person or not, except that the owner or person in control of private property may deposit or leave litter and junk in any building, structure, container or receptacle in such a manner that which is so left or deposited will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property, and so that such litter and junk will not be visible.

Section 16. The owner or person in control of any private property shall at all times maintain the premises free of litter and junk, except as provided in Section 17.

Section 17. No person shall throw, deposit, leave or abandon litter or junk upon any open or vacant private property within the Borough of Roosevelt whether owned by such person or not.

Section 18. The Borough Zoning Officer or any police officer is hereby authorized and empowered to notify the owner of any private property within the Borough, or the agent of such owner, to properly dispose of litter or junk located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by Registered or Certified Mail, addressed to said owner or owner's agent at his or her last known address. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within ten days after receipt of such written notice, or within ten days after the mailing of such written notice provided the same had proper postage thereon and was properly addressed to the last known address of such owner or agent, the Borough Health Inspector, Borough Administrator or Borough Clerk are hereby authorized and empowered to pay for the disposing of such litter or junk or to order its disposal by the Borough.

(a) When the Borough has effected the removal of such litter or junk, or has paid for its removal, the cost thereof plus accrued interest at the rate of six (6%) percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Borough, and said charge shall be due and payable by said owner at the time said tax bill is due and payable, and if not paid shall be collectible in the same manner as unpaid tax bills.

Section 19. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of not more than One Hundred (\$100.00) Dollars, or imprisonment in the County Jail for a term not to exceed ninety (90) days, or both, at the discretion of the Magistrate. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 20. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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.

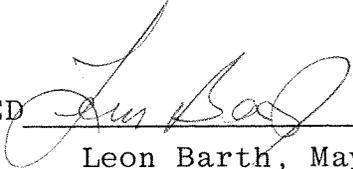
Section 21. All ordinances and parts or ordinances in conflict or inconsistent with any of the sections or provisions of this Ordinance are hereby repealed.

Section 22. This Ordinance shall take effect immediately upon final passage, approval and publication thereof according to law.

ADOPTED: JUNE 11, 1980

PAGE 3148 OF THE MINUTES BOOK

APPROVED

  
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Leon Barth, Mayor