

§ 3-1. LITTERING.

§ 3-1.1. Short Title. [Ord. No. 328-1990; Ord. No. 330-1990 § 1]

This section may be known or cited as "The Anti-Littering Ordinance of the Borough of Woodbine."

§ 3-1.2. Statement of Policy. [Ord. No. 328-1990; Ord. No. 330-1990 § 2]

It is the intention of the Governing Body of the Borough of Woodbine to prohibit littering, of every type and description, within the Borough of Woodbine and it is the further intention of the Borough to prohibit illegal dumping or illegal disposition of solid waste other than at an approved landfill or other facility approved by the New Jersey Department of Environmental Protection. It is the further policy of the Borough of Woodbine to vigorously enforce the provisions of this section; to require all violators to be punished to the extent permitted by law; and to the extent appropriate, to require all such violators to clean up the litter or the solid waste which has been illegally or improperly disposed of. Finally, it is the intention and the policy of the Borough to adopt this section and to implement an aggressive enforcement policy to comply with the requirements of the Clean Communities Program of the State of New Jersey.

§ 3-1.3. Littering Prohibited. [Ord. No. 328-1990; Ord. No. 330-1990 § 3]

- 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.
- b. For purposes of this section, the term "litter" shall mean 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, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processing of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

§ 3-1.4. Illegal Dumping. [Ord. No. 328-1990; Ord. No. 330-1990 § 4]

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, or on any other place, any household or commercial waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or other property or items, in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 3-1.5. Use of Litter Receptacles; Resolution of Governing Body. [Ord. No. 328-1990; Ord. No. 330-1990 § 5]

- a. The Borough shall cause litter receptacles and their servicing to be placed throughout the Borough. The Borough Council is hereby authorized to determine the number and locations of such litter receptacles and to provide for their appropriate servicing by resolution, which resolution may be amended or supplemented from time to time.

- b. For purposes of this section, the term "litter receptacle" shall mean a container suitable for the depositing of litter.

§ 3-1.6. Containerization of Sweepings. [Ord. No. 328-1990; Ord. No. 330-1990 § 6]

No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of 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. All litter sweepings shall be collected and properly containerized for disposal.

§ 3-1.7. Open or Overflowing Waste Disposal Bins. [Ord. No. 328-1990; Ord. No. 330-1990 § 7]

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

§ 3-1.8. Construction Sites. [Ord. No. 328-1990; Ord. No. 330-1990 § 8]

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 immediately following 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 non-flyable 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.

§ 3-1.9. Commercial Establishments and Residences. [Ord. No. 328-1990; Ord. No. 330-1990 § 9]

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.

§ 3-1.10. Distribution of Handbills. [Ord. No. 328-1990; Ord. No. 330-1990 § 10]

It shall be unlawful for any person or 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 may be removed by natural forces.

§ 3-1.11. Failure to Comply; Borough to Perform Work and Assess Costs; Lien on Property. [Ord. No. 328-1990; Ord. No. 330-1990 § 11]

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 section as specified in subsections 3-1.6, 3-1.7, 3-1.8 and 3-1.9 herein, the Borough 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 section, 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 the materials within

five days of receiving a notice of violation, such officer(s) shall certify the cost thereof to the Borough, which shall examine the certificate and, if found correct, shall adopt a resolution of the Governing Body causing the cost, as shown thereon, to be charged against the lands and such cost will be added to and become and form part of the taxes next to be assessed and levied upon the lands. Such costs 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.

§ 3-1.12. Enforcement. [Ord. No. 328-1990; Ord. No. 330-1990 § 12]

This section shall be enforced by the Code Enforcement Officer of the Borough or by any officer, inspector or agent of the Cape May Department of Health or by any police officer, Sheriff's officer or other law enforcement officer of the State of New Jersey.

§ 3-1.13. Penalty. [Ord. No. 328-1990; Ord. No. 330-1990 § 13]

- a. Any person, firm or corporation who violates any provision or provisions of this section, except for subsection 3-1.4, shall, upon conviction, be subject to the following:
1. For a first (1st) offense, a fine not to exceed \$200 provided, however, that where the offense is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense.
 2. For a second (2nd) or subsequent offense, a violator shall be subject to one or more or any combination of the following penalties:
 - (a) A fine not less than \$100 nor more than \$1,000; or
 - (b) Imprisonment for a term not to exceed 90 days; or
 - (c) A period of community service of 90 days.

Each day upon which a violation shall continue to exist shall be deemed a separate and distinct offense.

- b. Any person, firm or corporation who violates the provisions of subsection 3-1.4 hereof shall, upon conviction, be subject to one or more, or any combination of the following penalties:
1. A fine of not less than \$100 nor more than \$1,000; or
 2. Imprisonment for a term not to exceed 90 days; or
 3. A period of community service of 90 days.

Each day upon which a violation shall continue to exist shall be deemed a separate and distinct offense.

- c. **Enhanced Penalty.** Any person, firm or corporation is convicted of violation of this section within one year of the date of a previous violation of this section and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. Such additional fine shall not be less than the minimum or exceed the maximum fine fixed

for a violation of this section, but shall be calculated separately from the fine imposed for the violation of the section.

- d. The penalties imposed by this section shall be in addition to any cost imposed for the clean-up as required by subsection 3-1.11 hereof.