

3-1 - LITTER

3-1.1 Litter Prohibited.

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. For the purpose of this section, "litter" means 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, saw milling, farming or manufacturing. (1967 Code § 4-4.1).

3-1.2 Litter in Public Places.

No person shall sweep, throw or deposit litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake, stream or other body of water within the Borough of Bound Brook, except in public receptacles or in authorized private receptacles for collection, or in official Borough dumps. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such 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. (1967 Code § 4-4.2)

3-1.3 Use of Litter Receptacles; Required in Certain Public Places and Events.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas; boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available. For purposes of this section, litter receptacle means a container suitable for the depositing of litter. (1967 Code § 4-4.3)

3-1.4 Litter Thrown by Persons in Vehicles.

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. (1967 Code § 4-4.4)

3-1.5 Minimum Fine.

The minimum fine for a violation of subsections 3-1.1 through 3-1.4 shall be two hundred fifty (\$250.00) dollars. (1967 Code § 4-4.5A)

3-1.6 Transportation from Outside Municipality.

No person shall bring, cart, remove, transport or collect any litter from outside the Borough, or into the Borough, for the purpose of dumping or disposing thereof, unless so authorized by the Borough. (1967 Code § 4-4.5)

3-1.7 Illegal Dumping.

It shall be unlawful for any person to discard or dump along any street or road on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk vehicles or vehicle parts, rubber tires, appliances, furniture or private property except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal. (1967 Code § 4-4.6)

3-1.8 Minimum Fine.

The minimum fine for a violation of subsections 3-1.6 and 3-1.7 shall be one thousand (\$1,000.00) dollars. (1967 Code § 4-4.6A; New)

3-1.9 Storage of Household Appliances, Furniture and Mattresses.

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items. (1967 Code § 4-4.7)

3-1.10 Storage of Tires.

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure. (1967 Code § 4-4.8)

3-1.11 Vehicles Causing Litter from Loads.

It shall be unlawful for any vehicles to be driven, moved, stopped or parked, on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all such materials and shall pay the costs therefor. (1967 Code § 4-4.10)

3-1.12 Construction Sites.

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 receptacle in such a manner and with such a frequency as to prevent spillage of refuse. (1967 Code § 4-4.11)

3-1.13 Open or Overflowing Waste Disposal Bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property. (1967 Code § 4-4.12)

3-1.14 Sidewalks, Curbs and Gutters; Occupants or Owners Responsibility.

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. 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 sweepings shall be collected and properly containerized for disposal. (1967 Code § 4-4.13)

3-1.15 Duties of Owners and Tenants 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; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection. (1967 Code § 3-1.5)

3-1.16 Minimum Fine.

The minimum fine for a violation of subsections 3-1.13 through 3-1.15 shall be one hundred (\$100.00) dollars. (1967 Code § 4-4.14A)

3-1.17 Distribution of Handbills.

It shall be unlawful for any person to 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, pole, tree or vehicle within the community. (1967 Code § 4-4.15; Ord. No. 2010-13)

3-1.18 Removal by Borough.

In the event that the owner or possessor of private property or lands refuses or neglects to abate or remedy the condition within five (5) days after receiving notice from the Borough of such violation, the Borough may cause the condition to be remedied or abated. If the Borough is forced to take such action, then, and in that event, the Municipal Court shall be empowered to require, in addition to any other penalties contained in this section, such owner or possessor to reimburse the Borough for the cost of the abatement. Upon receipt of a certified statement from the Municipal Officer in charge of the abatement as to the cost and upon a finding of guilt, such costs may be imposed upon the owner or possessor. The amount charged shall become a lien upon the land and

shall be added to and become a part of the taxes next assessed upon the land upon which the work was performed, and shall bear interest to be collected and enforced in the same manner as taxes. (1967 Code § 4-4.16)

3-1.19 Discarding of Litter in Other than in Litter Receptacles Prohibited.

a. *Definitions.*

As used in this subsection.

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, 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.

Litter Receptacle shall mean a container suitable for the depositing of litter.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

b. *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 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 subsection, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this subsection.

c. *Enforcement.*

This subsection shall be enforced by the Police Department and the Code Enforcement Office of the Borough of Bound Brook.

d. *Penalty.*

Upon conviction for violation of any provision of this subsection the maximum penalty shall be one (1) or more of the following: a fine not to exceed two thousand (\$2,000.00) dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this subsection exists shall constitute a separate violation.