

CITY OF SEA ISLE CITY
NEW JERSEY

Ordinance No. 962 (1988)

AN ORDINANCE OF THE CITY OF SEA ISLE CITY, NEW JERSEY PROHIBITING THE THROWING OR DEPOSITING OF LITTER IN PUBLIC PLACES IN THE CITY OF SEA ISLE CITY; REGULATING THE DISTRIBUTION OF COMMERCIAL AND NONCOMMERCIAL HANDBILLS; CONTROLLING THE DEPOSITING OF LITTER ON PRIVATE PREMISES; PROVIDING A LIEN FOR CITY CLEARANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AND REPEALING ORDINANCES NO. 640 (1978), NO. 934 (1987) AND NO. 953 (1988).

WHEREAS, the City of Sea Isle City is annually inundated with litter and handbills; and

WHEREAS, this inundation adversely affects the health, welfare and public safety of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SEA ISLE CITY as follows:

Section I. Short Title. This ordinance shall be known and may be cited as the "Antilitter Ordinance of the City of Sea Isle City".

Section II. 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 singular number include the plural. The word "shall" is always mandatory and not merely directory.

1. "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.
2. "Authorized private receptacle" is a litter storage and collection receptacle.
3. "City" is the City of Sea Isle City.
4. "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 or 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 purpose of either directly or indirectly promoting the interest thereof by 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; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying expenses incident to such meeting, theatrical performance, exhibition, or event of any kind; when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State or under any ordinance of this City; 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.

5. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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

7. "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 proved by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

8. "Noncommercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

9. "Park" is a park, reservation, playground, boardwalk, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

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

11. "Private premises" is any dwelling, house, building or other 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 other structure.

12. "Public place" is any and all streets, sidewalks, beaches, boardwalks, boulevards, alleys or other public

ways and any and all public parks, squares, spaces, grounds and buildings.

13. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

14. "Rubbish" is 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.

15. "Vehicle" is 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.

Section III. Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk, beach, boardwalk or other public place within the City except in public receptacles, authorized private receptacles for collection, or in official City dumps. No person shall discard or dump any household or commercial waste in any place other than those specifically designated for the purpose of solid waste storage or disposal.

Section IV. Placement of Litter in Receptacles so as to Prevent Scattering. 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. The City will place litter receptacles at all sidewalks used by pedestrians in active commercially-zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle. Receptacles will be placed at buildings held out for use by the public, including schools, government buildings, parks, all street veteran vendor locations, public marinas to include boat moorage

and fueling stations, launching areas and public piers operated for public use, public beaches and bathing areas, and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. Proprietors of such places or the sponsors of these events shall be responsible for providing and servicing the litter receptacles such that adequate containerization is available.

Section V. Sweeping Litter into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the City 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.

Section VI. Merchants' Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

Section VII. 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 City, or upon private property.

Section VIII. Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the City unless such 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. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit mud, dirt, sticky substances, litter or foreign matter of any kind in any street, alley or other public place.

Section IX. Litter in Parks. No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented 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 such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Section X. Litter in Ocean and Fountains. No person shall throw or deposit litter in any fountain, pond, ocean, stream, bay or other body of water in a park or elsewhere within the City. No person shall throw or deposit litter, including fish heads and fish parts, in or on any public place or in any body of water within the municipal boundaries.

Section XI. 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 City. 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 sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Section XII. Placing Commercial and Noncommercial Handbills on Vehicles. No person shall throw or deposit any commercial or noncommercial 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 noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Section XIII. Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbills in or

upon any private premises which are temporarily or continuously uninhabited or vacant.

Section XIV. Prohibiting Distribution of Handbills where Properly 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 said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing", "No Peddlers" or any similar notice indicating in any manner 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 XV. 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 any such handbill directly to the owner, occupant, or other person then present in or upon said private premises; provided, however, that, in the case of inhabited private premises which are not posted as provided in this ordinance, such person may place or deposit any such handbill in or upon said inhabited private premises unless requested by anyone upon said premises not to do so, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about said premises or sidewalks, streets or other public places, except that mailboxes may not be so used when prohibited by Federal postal law or regulations.

1. Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) 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 upon private property.

Section XVI. Dropping Litter from Aircraft. No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or other object.

Section XVII. Posting Notices Prohibited. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or shade tree, or upon any public structure or building except as may be authorized or required by law.

Section XVIII. Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the City, whether owned by said person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Section XIX. 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 provided; however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section XX. Litter on Vacant Lots No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

Section XXI. Prohibited Acts in General.

1. The storage in areas zoned residential of any bulky household items such as appliances, furniture or mattresses, except in a fully enclosed structure or during days designated for the collection of bulky items, is hereby prohibited.
2. Storing tires in areas zoned residential except in a fully enclosed structure is prohibited.

3. Keeping inoperable or unregistered vehicles on streets, vacant lots and residential lawns is prohibited.
4. The covering of vehicles to prevent loads from dropping, sifting, leaking or otherwise escaping is required.
5. The accumulation of debris on or around construction sites, or its storage in such a manner that it is likely to be removed by natural forces onto adjacent property is prohibited.
6. Open or overflowing commercial, industrial or residential waste disposal bins are prohibited.
7. Every owner, lessee, tenant, occupant or person in charge of any building or structure is required to keep and cause to be kept the sidewalk and curb abutting said building or structure free from obstruction and nuisances of every kind, and to keep said sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material.
8. It is prohibited to 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 is required to keep the sidewalk in front of his or her premises free of litter. It is further required that all sweepings shall be collected and properly containerized for disposal.
- 9.. Clearing of litter from open private property by the City
 - a. Notice to Remove. The Health Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the City, or the agent of such owner, to properly dispose of litter located on said owner's property which is dangerous to public health, safety or welfare. Such

notice shall be by certified mail addressed to said owner at his last known address.

b. Action Upon Noncompliance. 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 (10) days after such receipt of written notice provided for in subsection "a" above, or within fifteen (15) days after the date of such notice in the event same is returned to the Post Office because of the inability to make delivery thereof (provided such notice was properly addressed to the last known address of said owner or agent), the Health Department is hereby authorized and empowered to pay for disposing the above litter or to order its disposal by the City.

c. Charge Included in Tax Bill. When the City has effected removal of the dangerous litter or has paid for its removal, the actual 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 said owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to said owner by the City, and such charge shall be due and payable by said owner at the time of payment of the tax bill.

d. Recorded Statement Constitutes Lien. When the full amount due the City is not paid by said owner within thirty (30) days after the disposal of such litter as provided for in subsection "c" above, then and in that case the Health Department shall cause to be recorded in the Tax Collector's Office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The

recordation of the above sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect until final payment has been made for the amount due in principal and interest plus costs of court, if any, for collection. Such charges shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty of eight (8%) percent in the event same are not paid in full on or before the date the tax bill upon which such charges appear becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily. Such sworn statements shall be full notice to every person concerned that the amounts due in principal and interest constitute a charge against the properties designated or described in the statements and same are due and collectible as provided by law.

Section XXII. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court of the City of Sea Isle City, be punished for each offense by a fine not to exceed FIVE HUNDRED (\$500.00) DOLLARS or by imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the Municipal Court Judge.

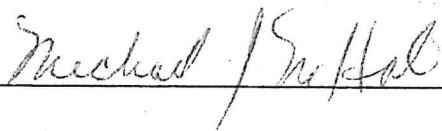
Default of the payment of any fine imposed hereunder shall be punishable, in the discretion of the Municipal Court Judge, by imprisonment for a term not to exceed ninety (90) days.

Section XXIII. Severability. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be 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 XXIV. Repealer. Ordinances No. 640 (1978), No. 934 (1987) and No. 953 (1988) are hereby repealed along with all ordinances or parts thereof inconsistent with the provisions of this ordinance to the extent of such inconsistencies.


Section XXV. Effective Date. This ordinance shall take effect upon its final passage and publication as provided by law.





Commissioners

The above ordinance was duly passed by the Board of Commissioners of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Board held on the 13th day of December, 1988, and was taken up for second reading, public hearing, final passage and was adopted at the regular meeting of said Board held on the 27th day of December, 1988, in the Commissioners' Room, Public Safety Building, 233 John F. Kennedy Boulevard, Sea Isle City, New Jersey, at 3:30 P.M.



Municipal Clerk