

## ORDINANCE NO. 1491

AN ORDINANCE REGULATING COMMUNITY CLEANUP,  
PROHIBITING LITTERING AND ILLEGAL DUMPING,  
AND REQUIRING PROPERTY MAINTENANCE IN THE  
TOWNSHIP OF NEPTUNE, IN THE COUNTY OF  
MONMOUTH, AND PRESCRIBING FEES FOR ABATEMENT  
OF SAME AND PROVIDING PENALTIES FOR VIOLATION  
OF THE PROVISIONS THEREOF

BE IT ORDAINED by the Township Committee of the Township of Neptune, in the County of Monmouth, New Jersey:

SECTION I. Index: Community Cleanup, Littering, Dumping and Property Maintenance.

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SECTION II. Definitions: word usage

A. For the purpose of this ordinance/chapter, the following terms shall have the meanings given hereafter. When not inconsistent with the context, words used in the present tense include the future; words in the plural include the singular; and words in the singular include the plural. The word "shall" is mandatory.

B. As used herein, the following terms shall have the meanings indicated:

- 1. ASHES - Residuals from the burning of wood, coal, coke or other combustible materials.
- 2. BACKFILL MATERIAL - All materials used to restore an excavated area to subgrade condition.
- 3. BUILDING - Any structure, either temporary or permanent, heretofore or hereafter constructed and designed or used for commercial, residential, industrial or other use or occupancy.

4. BUILDING MATERIALS - Any material, raw or finished, including but not limited to lumber, brick, plaster, gutters, roofing shingles or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

5. BUNDLES - Normally loose items which shall be collected if organized into bundles of not more than four (4) feet in length and tied with heavy twine, rope, wire, etc. Bundles shall be organized so as to be conveniently handled by one (1) person. No bundle shall exceed fifty (50) pounds in weight.

6. BUSINESS DISTRICT - Those areas of the Township of Neptune wherein it is impossible to perform solid waste and recycling collection functions without detrimental effect on the area or its businesses. Designation is at the sole discretion of the Township Committee and may involve fees for collection.

7. BUSINESS TRASH - Any waste accumulation of dirt, dust, food, paper, cardboard, excelsior, rags or similar materials other than household trash, which is attendant to the operations of stores, offices or similar businesses.

8. CARTWAY - That area of a roadway which lies between the curb lines, having a hard surface and used for vehicular traffic.

9. COMMERCIAL, INDUSTRIAL AND PROFESSIONAL PROPERTIES - Any retail, manufacturing, wholesale, governmental, or other nonresidential establishment, including both buildings and grounds.

10. CONSTRUCTION - The work required to be performed under the permit.

11. CONTAINER - See Receptacle.

12. CONTRACTOR - The individual, group, partnership, or corporation undertaking to do work for payment.

13. COORDINATOR - The Solid Waste, Recycling and Clean Community Coordinator for the Township of Neptune.

14. CURB - That construction of concrete, bituminous concrete, brick and/or wood products with a vertical face, which is placed and defines where the pavement and planting strip meet.

15. DEPARTMENT - Refers to the Township of Neptune, Public Works Department.

16. DIRECTOR OF PUBLIC WORKS - Includes the Township Director of Public Works and his or her appointees.

17. DRIVEWAY - Includes that portion of a right-of-way which provides access to an off-street vehicular facility through a depression in the constructed curb; or, when there is no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

18. DRIVEWAY APRON - That area of the driveway between the sidewalk and the curb or curb line; or, where there is no sidewalk, that area between the property line and the curb line.



19. EMERGENCY - When an existing utility is leaking, broken, blocked or otherwise malfunctioning in such a way that the health, safety, welfare or interest of the public is endangered and immediate action is required.

20. EXCAVATED MATERIAL - All material removed or disturbed from its original location.

21. GARBAGE - Putrescible animal and/or vegetative waste resulting from the handling, preparation, consumption or cooking of food, including any fecal waste from any animal or bird (when fecal matter has been separated from other waste and is double bagged prior to placement for collection).

22. HAZARDOUS WASTE - Any waste or combination of wastes which pose a present or potential threat to human health, living organisms or the environment, including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive, flammable or radioactive and any waste so designated by the United States Environmental Protection Agency or the Commissioner of the Department of Environmental Protection.

23. HOSPITAL/RED BAG WASTE - Includes but is not limited to all instruments, supplies, containers, bandages, tubing, gloves, etc. used by health care practitioners and facilities as described in the New Jersey Department of Health regulations and New Jersey law, Section 306 of the Manual of Standards for Hospital Facilities, and N.J.S.A. 2A:170-25.17.

24. HOUSEHOLD TRASH - Any waste accumulation of paper, sweepings, dirt, dust, rags, bottles, cans or other matter of any kind, other than garbage, attendant to housekeeping.

25. INDUSTRIAL WASTE - Any waste, including solids, semi-solids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

26. INSTITUTIONAL PROPERTIES - Any non-taxable (exempt) property, whether religious, educational, service facilities/organizations or institutional establishments, residential or non-residential, at which garbage or trash may be generated.

27. LITTER - 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, 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. This definition excludes waste from primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing (Section 6d: all citations are from P.L. 1986, c. 187).

28. MULTIPLE DWELLING UNIT - Any building or structure and land appurtenant thereto containing two (2) or more apartments or rented or offered for rent to two (2) or more tenants or family units.

29. PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

30. PLANTING STRIP - That area between the property line and the curb or edge of pavement, the area between the sidewalk and property line and the area between the sidewalk and the curb or edge of pavement.

31. PUBLIC PLACE - Any and all streets, sidewalks, boulevards, municipal or private parking lots, alleys, or other public ways, and any all public parks, squares, spaces, grounds, buildings and recreational areas.

32. RECEPTACLE - A container constructed of such material and in such a manner as to hold solid waste and trash and other such items without breaking or collapsing. Receptacles shall have handles and covers so that contents are not exposed to the weather, animals and vermin. A disposable plastic bag shall constitute a receptacle if it is of sufficient strength to hold its contents without breaking when collected. The receptacle shall be of such design and weight as to be able to be conveniently handled by one (1) person. No container shall exceed thirty-five (35) gallons in a capacity nor weight more than fifty (50) pounds when loaded. Receptacles which, in the opinion of the Department, are broken or fail to meet the requirements of this chapter shall be classified as "garbage."

33. RECONSTRUCTION - The removal and replacement of an existing structure, facility, area or appurtenance as required under the permit.

34. RECYCLABLE MATERIALS - Any waste materials which can be returned, through processing, to their former or alternate use. Recyclable materials include, but are not limited to:

a. ALUMINUM CANS - Beverage or food containers constructed or fabricated of aluminum or its alloys.

b. BI-METAL CANS - Beverage or food containers which are composed of an aluminum top and steel sides and bottoms.

c. CARDBOARD/CORRUGATED PAPER - Includes kraft corrugated which has a brown liner made from kraft paper and regular corrugated which is gray or tan and is made from other types of paper such as newspapers.

d. GLASS - Includes all products made from silica or sand, soda, ash and lime, the product being transparent or translucent and being used as packaging.

e. HI GRADE AND MIXED PAPERS - Includes, but is not limited to computer printouts, office paper and stationery.

f. NEWSPAPERS - Includes papers of the type commonly referred to as "newsprint" and distributed at periodic intervals. Expressly excluded, however, are all magazines, or other glossy surfaced periodicals and all other paper products, e.g., wrappings from food products.



g. WASTE OIL - Includes used oil drained from automobiles, motorcycles, lawnmowers, etc.

h. YARD WASTE - Includes, but is not limited to, leaves, grass clippings, plant residue, tree limbs, branches and trunks.

35. REFUSE - All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid markey and industrial wastes.

36. REGULATIONS - Includes such rules, schedules, and the like, promulgated by the Diretor of Public Works and adopted by the Township Committee to carry out the purpose of this ordinance.

37. REPAIR - REstoring, patching and the like of both a temporary and permanent nature as may be required for the protection of the public and the structure, facility, area and/or appurtenance.

38. REPLACEMENT - The placing back of an existing structure, facility, area or appurtenance in accordance with Township specifications.

39. RIGHT-OF-WAY That area which is dedicated to the common benefit or use of the public.

40. RUBBISH - All nonputrescible solid waste consisting of both combustible and noncombustible wastes, including but not limited to paper, wrappings, cigarettes cardboard, tin cans, yard clippings/ wastes, leaves, wood, glass, bedding, crockery, and similar materials.

41. SIDEWALK - That area designated for pedestrian traffic having a hard surface.

42. SINGLE RESIDENTIAL UNIT - Any dwelling place occupied by one (1) family.

43. SOLID WASTE - All garbabe and rubbish normally generated by the occupants of residential and other property, disposed of by private and/or public collection and defined as "solid waste" by the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-3). Items classified as recyclables shall be prohibited from being placed commingled with other materials. The Township of Neptune is licensed by Solid Waste permit to collect three (3) types of waste:

a. Type 10, Municipal Waste - Residential, commercial and institutional solid waste generated within a community.

b. Type 13, Bulky Waste - Large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as tree trunks, parts of auto bodies, demolition or construction materials, appliances, furniture and drums.

c. Type 23, Vegetative Waste - Includes but is not limited to, tree limbs, branches, leaves, grass clippings, plant and flower residue.

44. STREET - Any right-of-way, avenue, boulevard, road, parkway, viaduct, drive or other way which is:

- a. An existing state, county or municipal roadway; or
- b. Shown upon a plat approved by the Planning Board or Zoning Board of Adjustment and built in accordance with Township standards, and which may be either public or private; or
- c. Shown on a plat filed with the Office of the County Clerk of the County of Monmouth prior to the creation of the Planning Board or Zoning Board of Adjustment of the Township of Neptune; and,
- d. Not dedicated, in whole or in part, as a parking area or driveway which provides access to any building or structures.

45. STORM DRAINS - Those pipes and appurtenances which carry storm water and/or ground water, including roof drains, underdrains, yard drains and sump pump discharge pipes within the right-of-way.

46. SUPERINTENDENT/SUPERVISOR - The Superintendent/Supervisor of Public Public Works Department of the Township of Neptune.

47. TOWNSHIP - The Township of Neptune.

48. YARD WASTE - See #34h. Yard waste shall be free of dirt, rocks, and other bulky and noncombustible materials and shall be separated for purposes of collection into grass clippings and leaves, and other materials.

### SECTION III. Littering Prohibited:

It shall be unlawful for any person to throw, drop, discard, otherwise place litter of any nature upon any public cartway, road, street, avenue, highway, planting strip, park and recreation area or right-of-way of the Township or any private property, other than in a litter receptacle or container.

### SECTION IV. Illegal Dumping:

It shall be unlawful for any person to discard or dump on or along any public or private street or road or right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or private property, except clean fill with written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.



## SECTION V. Appointment of Clean Communities Officials:

A. The Township Committee shall appoint a Clean Communities Coordinator and Deputy selected from the Public Works Department Supervisory personnel to act as liason with Monmouth County and State of New Jersey Clean Communities officials, to keep records, reports and to perform administrative functions associated with the grant application and reporting process.

B. The Township Committee shall also appoint a Clean Communities Advisory Committee. The Committee shall consist of no fewer than four members who shall represent the following groups:

1. Business community
2. Municipal government
3. Private nonprofit sector (neighborhoods, civic organizations, etc.)
4. Schools

NOTE: Combination or use of previously established commissions or advisory committees is permitted, providing that each group is represented.

## SECTION VI. Litter in Public Places:

No person shall throw, drop, discard, or otherwise place litter in or upon any public place within the Township except in authorized receptacles provided for collection; provided, however, that public receptacles shall not be used by persons owning or occupying property in the vicinity of said public receptacles for the deposit of domestic, commercial, or industrial litter arising from the conduct of said activities.

## SECTION VII. Use of Litter Receptacles:

Placement of litter receptacles and their servicing are required at the following public places which exist in the Township: sidewalks used by pedestrians in active, commercially zoned retail areas, at a minimum of two hundred (200) foot intervals; buildings held out for public use, 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; piers operated for public use; beaches and bathing areas, and at special events to which the public is invited, including but not limited to sporting events, parades, carnivals, circuses, and festivals.

The proprietors and vendors of such places and the sponsors of such events shall be responsible for providing and servicing receptacles such that adequate containerization is available. Responsibility for proper containerization, source separation, policing and processing rests with the proprietor, vendor and/or sponsor. Items placed out for collection by the Township Public Works Department shall be processed so as to meet the requirements of Township Ordinance #1441.

#### SECTION VIII. Containerization of Sweepings

No person shall cause to be deposited into any gutter, street, catch basin or other private place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk, planting strip and curb in front of his or her premises free of all litter and vegetative growth. All litter shall be cleaned, swept, removed, collected, properly containerized for disposal and shall be disposed of in accord with policies specified in the Solid Waste Services Ordinance.

#### SECTION IX. Open or Overflowing Waste Disposal Containers/Bins:

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal containers/bins on his or her property.

#### SECTION X. Uncovered Vehicles

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any public roadway unless such vehicle is constructed, covered or loaded so as to prevent any of its load from dropping, sifting, leaking or otherwise escaping. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, which can cause an obstruction, damage a vehicle, or otherwise endanger or inconvenience travelers or public property, shall be issued a verbal order which shall immediately require the person to clean the public property and pay the costs of cleanup. If cleanup does not occur within twenty-four (24) hours, a summons shall be issued to the violator.

#### SECTION IX. Construction/Demolition 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 such owner, agent or contractor to furnish containers adequate to accommodate all debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles so as to prevent spillage of solid wastes. Should violation occur cleanup must occur within twenty-four (24) hours or a summons shall be issued to the violator.

#### SECTION XII. Commercial Establishments and Residences

It shall be the duty and obligation of the owner, lessee, tenant, occupant or person in charge of any building to keep sidewalks, planting strips, areaways, backyards, sideyards, courts and alleys free from litter, obstructions, and nuisances of any kind.



SECTION. XIII. Distribution of Posting of Handbills:

It shall be unlawful for any person to place, cause to be placed, or hire another person to place any advertisement, handbill or unsolicited material of any kind in or on any street, sidewalk, planting strip, tree, pole, building or vehicle within the community in such a manner that it may be removed by natural forces.

SECTION XIV. Enforcement:

This ordinance/chapter shall be enforced in Municipal Court upon a complaint signed by Health, Building, Code Enforcement, Police, Public Works Official(s) and/or officers of the Township, or by a private citizen. Further, once a complaint has been signed and issued, the responsibility for correction shall lie with the violator, and/or shall be processed as a lien against the property and in accordance with the law.

SECTION XV. Fees for Non-Compliance:

Property owners of record shall be responsible for the cleaning, sweeping, collection, source separation and properly containing litter; purchase and placement of litter containers; and processing of litter materials for the collection as specified in the Solid Waste Services Ordinance. In the event that the said owner shall refuse or fail to abate or remedy a condition which constitutes a violation of this ordinance/chapter within twenty-four (24) hours (one (1) work day) of receiving the notice of violation, the municipality 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 ordinance by or under the direction of an appointed official, and/or officer of this jurisdiction, in cases where the owner or tenant shall have refused or neglected to remove the materials, such official and/or officer shall certify the cost(s) of corrective action thereof to the Township Business Administrator for collection.

SECTION XVI. Collection of Assessed Fees and/or Fines:

Fees not paid within thirty (30) days of assessment by the violator shall constitute a lien against the property which shall be collected via an action at law, and Solid Waste Collection Services shall cease until full payment has been made.

SECTION XVII. Violations and Penalties:

A. Each violation of this ordinance/chapter, and each day a violation or neglect is committed or permitted shall constitute a separate offense, and shall be punishable as such.

B. Any person as defined herein who violates or fails to comply with any provisions of this ordinance/chapter or any rule, regulation or directive promulgated pursuant hereto shall be punished by fine not exceeding \$1,000 or imprisonment in the Monmouth County jail for a term not exceeding ninety (90) days, or both. If permitted by law, a convicted person may be ordered to perform community service.

## SECTION XVIII. Repealer, Effect of Ordinance/Chapter

All ordinances/chapters or parts thereof inconsistent with this ordinance/chapter are repealed to the extent of such inconsistencies only and Ordinances 201,703, 722 and 962 are hereby repealed in their entirety.

## SECTION XIX. When Effective

This ordinance/chapter shall become effective upon its final passage and publication as provided by law.

APPROVED ON FIRST READING: July 16, 1990

APPROVED, PASSED AND ADOPTED: August 6, 1990

  
JOACHIM A. MANCINO, MAYOR

ATTEST:

  
BARBARA L. BASCOM,  
Township Clerk