

BOROUGH OF PEMBERTON

ORDINANCE 1991 - 9

AN ORDINANCE OF THE BOROUGH OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 29 ANTI-LITTERING, A NEW ENACTMENT PROHIBITING LITTER IN ACCORDANCE WITH THE CLEAN COMMUNITIES PROGRAM

WHEREAS, the Borough of Pemberton actively participates in the Clean Communities program created through the Clean Communities and Recycling Act, N.J.S.A. 13:1E-99.1 et seq.; and

WHEREAS, the Borough finds that litter is detrimental to the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED by the Borough of Pemberton, County of Burlington, State of New Jersey as follows:

Section 29-1. Definition.

"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, newspaper, 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.

Section 29-2. Littering prohibited.

It is unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

Section 29-3. Illegal dumping prohibited.

It is unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any litter, including but not

limited to, household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or animals in any place not specifically designated for the purpose of solid waste storage or disposal.

Section 29-4. Containerization of sweepings.

No person will be permitted 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 must keep the sidewalk in front of his or her premises free of litter. All litter sweepings must be collected and properly containerized for disposal.

Section 29-5. Open or overflowing waste disposal bins prohibited.

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

Section 29-6. Sidewalks, curbs, areaways, yards, courts and alleys litter-free.

It is 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 of litter.

Section 29-7. Enforcement.

Section 29-7A. Enforcement Officer.

The provisions of this Chapter shall be enforced by an official designated by the Borough Council.

Section 29-7B. Penalty.

Any person who violates any of the provisions of this Chapter, upon conviction in the Pemberton Borough Municipal Court, shall be subject to a fine not to exceed \$1,000 and/or a term of community service of litter pick-up and removal for a term of not less than twenty (20) hours nor more than forty (40) hours.

If a person is convicted of violating this Chapter within one year of a previous conviction under this Chapter, then he or she is subject to imprisonment for a definite term not to exceed sixty (60) days, and/or a fine not to exceed \$1,000 and may be directed to per-

form community service of litter pick-up and removal for a term of not less than forty (40) hours nor more than eighty (80) hours.

If a money judgment is rendered, then the fine shall be remitted to the Chief Financial Officer to be used by the Borough to help finance litter control activities.

In the event that a corporation or business entity is convicted under this Chapter, then the community service or prison term shall be served by the chief manager.

This Ordinance shall take effect immediately upon its passage and publication according to law.

I, EDWARD V. KAELIN, JR. CLERK OF THE BOROUGH
OF PEMBERTON HEREBY CERTIFY THAT THE
ABOVE IS A TRUE COPY OF AN ORDINANCE
ADOPTED BY BOROUGH COUNCIL ON THE 18th
DAY OF NOVEMBER 19 91

Edward V. Kaelin Jr
EDWARD V. KAELIN, JR.