

LITTERING; PROPERTY MAINTENANCE

Chapter 40A

LITTERING; PROPERTY MAINTENANCE

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 7-20-1988. Amendments noted where applicable.]**

GENERAL REFERENCES

Housing standards — See Ch. 39.  
Public health nuisances — See Ch. 64.

**§ 40A-1. Littering 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.

**§ 40A-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**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 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, magazine, glass, metal, plastic or paper container 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.

**§ 40A-3. Receptacles.**

A. Litter receptacles and their servicing are required at the following public places which exist in the municipality, including:

- (1) 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;
- (2) Buildings held out for use by the public, including schools, government buildings and railroad and bus stations;
- (3) Parks;
- (4) Drive-in restaurants;

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- (5) All street vendor locations;
  - (6) Self-service refreshment areas;
  - (7) Construction sites;
  - (8) Gasoline service stations islands;
  - (9) Shopping centers;
  - (10) Parking lots;
  - (11) Campgrounds and trailer parks;
  - (12) Marinas, boat moorage and fueling stations;
  - (13) Boat launching areas;
  - (14) Public and private piers operated for public use;
  - (15) Beaches and bathing areas; and
  - (16) At special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.
- B. 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.
- C. "Litter receptacle" means a container suitable for the depositing of litter.

**§ 40A-4. 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, vehicle or vehicle parts, rubber tires, appliances or furniture or on 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.

**§ 40A-5. Storage restrictions.**

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.

**§ 40A-6. 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 or on days designated for the collection of tires.

**§ 40A-7. Parking of vehicles. [Amended 2-20-1991 by Ord. No. 2-1991]**

It shall be unlawful for any residential property owner to park or permit the parking of any vehicle within the zoned front setback area of any such premises other than upon a designated driveway access.

**§ 40A-8. Inoperable vehicles.**

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

- A. Is missing tires, wheels, engine or any essential parts;
- B. Displays extensive body damage or deterioration;
- C. Does not display a current, valid state license; or
- D. Is wrecked, disassembled or partially disassembled.

**§ 40A-9. Uncovered vehicles prohibited.**

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded

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to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects 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 glass or objects and shall pay the costs therefor.

**§ 40A-10. 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 after 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 nonflyable 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.

**§ 40A-11. Open or overflowing 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.

**§ 40A-12. Commercial establishments and residences.**

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 and other offensive material. 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.

**§ 40A-13. Removal of brush, weeds and trash; vision clearance.**  
[Added 2-20-1991 by Ord. No. 2-1991]

- A. Removal of brush, weeds and trash required; removal by Sanitary Inspector. The owner or tenant of lands lying within the limits of the Borough of Helmetta, where it shall be necessary and expedient for the preservation of public health, safety and general welfare or to eliminate a fire hazard, shall remove from such lands brush, weeds, dead and dying trees, stumps, roots obnoxious growths, filth, garbage, trash and debris within ten (10) days after notice to remove the same. If the owner or tenant of said premises shall refuse or neglect to remove the same within the time provided herein, the Sanitary Inspector for the Board of Health of the Borough of Helmetta is hereby authorized to provide for the removal of the same.
- B. Vision clearance on corner lots. On any corner lot within the triangular area determined as provided in this subsection, no wall, fence, sign or other structure shall be erected to a height in excess of thirty (30) inches above curb level, and no vehicle, object or any other obstruction of a height in excess of thirty (30) inches shall be parked or placed, and no hedge, shrub or other growth shall be maintained at a height in excess of thirty (30) inches, except that signs or trees whose obstructions are at least ten (10) feet above the average curb level shall be permitted. Such triangular area shall be formed by the two (2) intersecting street lines adjoining said lot and by a diagonal line connecting points on these street lines which is measured twenty-five (25) feet from the intersection of these street lines. If the owner or tenant of said premises shall refuse or neglect to remove such structure, object or obstruction within ten (10) days after notice by the Construction Code Official of the borough, said Construction Code Official is hereby authorized to provide for removal of the same.

**§ 40A-14. Assessment of costs.** [Added 2-20-1991 by Ord. No. 2-1991]

In all cases where removal is accomplished in accordance with this section under the direction of either the Sanitary Inspector or

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Construction Code Official of the Borough of Helmetta, such officers shall certify the cost thereof to the governing body of said Borough of Helmetta, which body shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to 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.

**§ 40A-15. Violations and penalties. [Amended 2-20-1991 by Ord. No. 2-1991]**

Any person, company, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction thereof by the Judge of the Municipal Court, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for not more than ninety (90) days, or both such fine and imprisonment, as shall be deemed necessary at the court's discretion. Each day that the offense occurs shall be deemed to be a separate occurrence and offense.