

City of Somers Point, NJ  
Monday, November 20, 2017

## Chapter 169. Littering and Property Maintenance

### Article I. General Provisions

[Adopted 3-9-1989 by Ord. No. 3-1989]

#### § 169-1. Title.

This article shall be known and may be cited as the "1989 Clean Community Ordinance of the City of Somers Point."

#### § 169-2. Word usage; definitions.

- A. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- B. For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

**AIRCRAFT**

Any contrivance now known or hereafter invented, used or designed for flight in the air, including, without limitation, helicopters and lighter-than-air dirigibles and balloons.

**CITY**

The City of Somers Point, New Jersey.

**HANDBILL**

Any printed or written card, circular, leaflet, pamphlet, paper, booklet or any other medium, such as but not limited to a sample or device with writing or printing on it, which advertises or directs attention to any person, place, thing, activity or event for the purpose of either directly or indirectly encouraging, aiding and/or promoting or for discouraging and/or opposing the interest of such person, place, thing, activity or event. For purposes of this article, there is no distinction as to whether such interest is commercial or noncommercial.

**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, commercial or noncommercial handbill, 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**

A container suitable for the depositing of litter. If located outdoors, a container is suitable if it is of sturdy construction and has a top or lid which can be closed, so as to contain and confine litter and prevent the litter from being carried or deposited by animals and/or the elements upon any other property.

**NEWSPAPER**

Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer, as provided 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. Such a "newspaper" is not a handbill within the meaning of this chapter.

**PARK**

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.

**PERSON**

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

**PRIVATE PREMISES and PRIVATE PROPERTY**

Any dwelling, house, building or other structure, designed or used, either wholly or in part, for private residential and/or commercial purposes, whether occupied or temporarily or continuously unoccupied or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule and/or mailbox belonging or appurtenant to such dwelling, house or building or other structure.

**PUBLIC PLACE and PUBLIC PROPERTY**

Any street, sidewalk, beach, boardwalk, boulevard, alley or other public way and any public park, square, space, grounds or building and any area that is used or held out for use by the public, whether owned or operated by public or private interests.

**VEHICLE**

Any 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.

## § 169-3. Litter receptacles.

- A. Litter receptacles shall be provided and serviced at the following public places which exist in the City:
- (1) Sidewalks used by pedestrians in active, commercially zoned areas, such that, at a minimum, there shall be no single linear 1/4 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.
  - (5) All street vendor locations.

- (6) Self-service refreshment areas.
- (7) Construction sites.
- (8) Gasoline service station 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.
- (16) Special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.

- B. The proprietors of these places and/or the sponsors of these events shall be responsible for providing and servicing the litter receptacles such that adequate containerization is available.

#### § 169-4. Litter on public or private property.

- A. No person shall throw, drop, discard or otherwise place any litter of any nature upon public or private property within the City other than in a litter receptacle.
- B. No person shall throw, drop, discard or otherwise place any litter of any nature in any fountain, pond, bay, stream or any other body of water within the City.

#### § 169-5. Placement of litter in receptacles.

- A. Persons placing litter in any litter receptacle within the City shall do so in such a manner as to prevent the litter from being carried or deposited by animals and/or the elements upon any other public or private property. Where a litter receptacle is not present or is too full, all new litter shall be carried away by the person responsible for its presence and properly disposed of elsewhere. Open or overflowing commercial, industrial and/or residential litter receptacles located outdoors are prohibited within the City, and the owner(s) thereof as well as the person(s) responsible for causing any such condition may be found to be in violation of this provision.
- B. All litter which is generated at or upon private property is to be disposed of within the City only in accordance with laws regulating the same in connection with the City of Somers Point Solid Waste Management Ordinance, Ordinance No. 18-1988.<sup>[1]</sup> No person shall dispose of any such litter at any litter receptacle maintained on public property within the City.

[1] *Editor's Note: See Ch. 216, Solid Waste.*

#### § 169-6. Littering from vehicles.

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public or private property within the City.

- B. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed, loaded and covered as to prevent any load, contents or litter from dropping, shifting, leaking, being blown or otherwise escaping upon any public or private property within the City; nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry into or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

## § 169-7. Duties of owners and occupants.

Persons owning or occupying or in charge of property within the City shall keep the sidewalks and curbs abutting the property free from obstruction and nuisances of every kind and shall keep the sidewalks, areaways, yards, courts and alleys free from litter and other offensive material. This section does not prohibit the storage of litter in litter receptacles for collection.

## § 169-8. Sweepings.

No person shall sweep into or deposit in any gutter, street or other public place within the City any accumulation of litter from any building or lot or from any public or private sidewalk or driveway. All sweepings shall be collected and properly containerized for disposal.

## § 169-9. Storage of bulky items.

In areas zoned residential within the City, the storage outdoors of tires and/or any bulky household items, such as appliances, furniture or mattresses, for a period of more than seven days, whether or not consecutive, is prohibited. The intent of this provision is to allow the placement of such items outdoors until the next day designated for the collection of bulky items but otherwise to prohibit accumulation and storage of such items outdoors in residential zones.

## § 169-10. Solid waste disposal.

No person shall discard or dump any household or commercial solid waste in any place within the City not specifically designated for the purposes of solid waste storage or disposal.

## § 169-11. Construction debris.

The accumulation or storage of debris on or around construction sites within the City in such a manner that it is likely to be removed by the elements onto adjacent property is prohibited.

## § 169-12. Storage of vehicles.

The placement and keeping of inoperable or unregistered vehicles on any public property or on any private vacant lot within the City, except as instructed by City police, is prohibited. The parking of any vehicle on any residential lawn is prohibited.

## § 169-13. Releasing balloons.

No person shall cause or willfully allow the release of any balloon within the City so as to allow it to float, drift, be carried or blown untethered over or into any natural body of water. Any person who, within the City, willfully or negligently causes or allows any balloon to fall, land or otherwise be placed or deposited in any natural body of water shall retrieve each such balloon from the water and dispose of it properly.

## § 169-14. Handbills.

- A. Loose and/or discarded handbills constitute litter within the meaning of this chapter.
- B. In order to control and prevent litter, no person shall place, throw, deposit, hand out or distribute within the City, whether or not by or in connection with any transaction of sale, any handbill:
  - (1) In any public place except by handing or transmitting it directly to another person who is willing to accept it.
  - (2) On or in any unoccupied vehicle, whether in a public or private place.
  - (3) On or in any private property which is temporarily or continuously unoccupied.
  - (4) On or in any occupied private property if requested by anyone thereon not to do so or if there is placed thereon in a conspicuous place any sign or other notice indicating "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the owner or occupant of the property does not desire to have the right of privacy disturbed or to have handbills left on the property.
  - (5) On or in any occupied private property unless such handbill is placed so as to secure or prevent such handbill from being blown or drifted about such property or onto any sidewalk, street or other public or private property.
  - (6) In any mailbox in violation of federal postal law or regulation.
- C. Each person actually distributing any handbill in any public or private place shall make reasonable inspection of the general area in which the distribution occurs, during and immediately after the time such handbill is distributed, and shall exercise reasonable care and effort to retrieve and properly dispose of any loose or discarded handbill which is on any public or private property in the area, which handbill is the same as that which such person distributed.
- D. Each person directing or requesting or otherwise directly or indirectly responsible for the distribution of any handbill in any public or private place shall assure that every person who actually distributes any such handbill complies with the cleanup provisions of the foregoing subsection. The conviction under the foregoing subsection of a person who actually distributed a handbill shall constitute prima facie evidence of a separate violation of this subsection by any such other responsible person.
- E. No person receiving any handbill shall dispose of the same in violation of § 169-5 or any other provision of this chapter.
- F. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, as defined in this chapter, 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 property or upon another private property.

## § 169-15. Posting notices.

No person shall post or affix any notice, poster or other paper or device calculated to attract the

attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

## § 169-16. Litter from aircraft.

No person in an aircraft will throw out, drop or deposit within the City any litter, handbill or any other object.

## § 169-17. Performance of work by City.

- A. Notice to remove. The City Code Enforcement Officer 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 such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered 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 10 days after receipt of written notice provided for in Subsection A above or within 15 days after the date of such notice in the event the same is returned to the City by the post office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the City Code Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. Charge included in tax bill. When the City has effected the removal of such dangerous litter or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such bill.
- D. Recorded statement constitutes lien. Where the full amount due the City is not paid by such owner within 30 days after the disposal of such litter, as provided for in Subsections A and B above, then and in that case the City Code Enforcement Officer shall cause to be recorded in the Tax Collector's office of the City 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 such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, in any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 8% in the event that the same is not paid in full on or before the date the tax bill upon which said charge appears 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 and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Said lien may be sold and assigned or foreclosed upon by the City in the same manner and to the same extent as a lien for unpaid taxes assessed on said property.

## § 169-18. Weed control.

[Amended 3-14-1991 by Ord. No. 6-1991]

A code declaring ragweed and poison ivy to be a nuisance, providing for removal or abatement thereof

and recovery of expenses incurred by the Board of Health in removing or abating such nuisance and prescribing penalties for violations was previously adopted by the City in Ordinance No. 13-1969, passed May 22, 1969, adopting state law embodied in Chapter 188 of the Laws of 1950, commonly known as the "Weed Control Code of New Jersey (1953)." That previous Ordinance No. 13-1969 is repealed by this article, but the provisions of said Weed Control Code of New Jersey (1953) are continued hereby in this article. Three copies of said Weed Control Code of New Jersey (1953) were placed on file in the office of the Chairman of the local Board of Health upon the introduction of Ordinance No. 13-1969 and will remain on file there for the use and examination of the public so long as this article is in effect.

## § 169-19. Violations and penalties.

- A. Any person violating any of the provisions of this article shall, upon conviction in the Municipal Court of Somers Point, be punished for each offense by a fine of not less than \$50 and not more than \$100 or by imprisonment for any term not exceeding 90 days in the county jail or in any place provided by the municipality for the detention of prisoners, or both. The Municipal Court Judge, before whom any person is convicted of violating this article, shall have the power to impose any fine or term of imprisonment within the foregoing limits fixed in this article.
- B. In default of the payment of any fine imposed hereunder, any person convicted of any violation may, in the discretion of the Municipal Court Judge by whom he was convicted, be imprisoned in the county jail or a place of detention provided by the municipality, for any term not exceeding 90 days.

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## Chapter 120. Dogs and Other Animals

### Article I. Animal Licensing and Control

#### § 120-6. General regulations.

- A. **Disturbance of the peace.** No person shall own, keep or harbor any dog or other animal which habitually barks, howls or cries and thereby disturbs the peace and quiet of the neighborhood and creates a nuisance at any time of the day or night.
- B. **Leashing.** No person owning, keeping or harboring any dog or similar animal shall permit it to be upon a public street, sidewalk, thoroughfare, park, playground or school yard or in any of the public places of the City unless it is controlled by an adequate leash or tether not more than 15 feet long, unless it is a property upon which dogs are prohibited such as specified in Article II of this chapter, or otherwise.
- C. **Nuisance prohibited.** No person owning, keeping or harboring any dog or other animal shall cause or allow said animal to soil, defile, deface or defecate on, or commit any nuisance on any public property. The person in charge of such animal shall immediately remove all feces deposited by such animal by any sanitary method. This same provision applies to any private property when the activities of the animal occur without permission of the property owner.
- D. **Property damage.** No person owning, keeping or harboring a dog or other animal shall permit it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds, garden or property of another person unless consented to by the other person.
- E. **Running at large.** No person owning, keeping or harboring any dog or other animal shall permit the animal to run at large, outside of the control of the owner, on public property or private property off the premises of the owner.



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## Chapter 85. Beaches

[HISTORY: Adopted by the City Council of the City of Somers Point 9-28-1978 as Ord. No. 13-1978 (Ch. 12 of 1967 compilation). Sections 85-3 and 85-4 added and § 85-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

### GENERAL REFERENCES

Community Education/Recreation Director — See Ch. 34, Art. II.  
Board of Recreation Commissioners — See Ch. 48.  
Alcoholic beverages — See Ch. 75.  
Dogs and other animals — See Ch. 120.  
Entertainment — See Ch. 128.  
Littering — See Ch. 169.  
Noise — See Ch. 188.  
Parks — See Ch. 199.  
Peddling and Soliciting — See Ch. 202.  
Recreational vehicles — See Ch. 254.

### § 85-1. Prohibited activities.

The following activities shall be prohibited upon any beach area within the jurisdiction and under the control and supervision of the City of Somers Point:

- A. The throwing, placing, depositing or leaving of any bottles, cans, glasses, paper, refuse or debris of any kind or description in said areas.  
[Amended 3-23-1995 by Ord. No. 2-1995]
- B. Behaving in a loud, noisy, boisterous, indecent or obscene manner or in any other manner which inconveniences, disrupts or disturbs others and the general peace and good order of the public.
- C. The hawking, peddling, selling or vending of any type of food or beverage without compliance with Chapter 202, Peddling and Soliciting, of the Code of the City of Somers Point.
- D. [1] Sleeping on the beach at any time between the hours of sunset to sunrise.  
[1] *Editor's Note: Former Subsection D, which prohibited picnicking or transporting and/or consuming food or beverages, was repealed 3-23-1995 by Ord. No. 2-1995. This ordinance also provided for the renumbering of former Subsections E and F to Subsection D and E respectively.*
- E. Operating a motor scooter, motorbike, motorcycle or motor vehicle of any type on the beach.

### § 85-2. Overcrowding.

In the event of the overcrowding of any beach areas, the Chief of Police or his designee shall have the authority to limit entrants and/or request removal of persons already thereon if in his discretion such overcrowding or potential overcrowding causes or will cause an immediate danger to the health, safety and welfare of others.

### § 85-3. Hours.

[Added 3-14-1991 by Ord. No. 6-1991; amended 3-23-1995 by Ord. No. 2-1995]

Beach operating hours will be from 6:00 a.m. to 10:00 p.m.

### § 85-4. Additional rules and regulations.

[Added 3-14-1991 by Ord. No. 6-1991; amended 3-28-2002 by Ord. No. 2-2002]

The City Council of the City of Somers Point shall enact, and from time to time may amend, additional rules and regulations, as necessary.

### § 85-5. Violations and penalties.

[Amended 3-14-1991 by Ord. No. 6-1991]

Anyone having violated this chapter shall be subject to imprisonment in the county jail for a period not exceeding 90 days or to a fine not exceeding \$1,000 or to a period of community service not exceeding 90 days, or any combination of the foregoing.