

3-12 LITTERING.

3-12.1 Litter Control.

- a. *Purpose.* The purpose of this section is to establish requirements to control littering in the Borough of Lake Como, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. *Definitions.* For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Litter shall mean 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, 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, saw milling, farming or manufacturing.

Litter receptacle shall mean a container suitable for the depositing of litter.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- c. *Prohibited Acts and Regulated Activities.* It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this section.

- d. *Enforcement.* This section shall be enforced by the Lake Como Police Department and/or any other municipal officials of the Borough of Lake Como.
- e. *Penalties.* Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine in accordance with the General Penalty, Section 1-5 of the Revised General Ordinances of the Borough of Lake Como.
(Ord. No. 89-532 § 1; Ord. No. 2006-780)

3-12.2 Reserved.*

3-12.3 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, furniture, or private property, except by written consent of the owner of the property, in any place not specifically designated for the purpose of solid waste storage or disposal. (Ord. No. 89-532A § 2)

3-12.4 Use of Litter Receptacles.

Litter receptacles and their servicing are required at the following public places which exist in the Borough, including: 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; buildings held out for use by the public, 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; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting

events, parades, carnivals, circuses, and festivals. 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. (Ord. No. 89-532A § 3)

3-12.5 Containerization of Sweepings.

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 litter sweepings shall be collected and properly containerized for disposal. (Ord. No. 89-532A § 4)

3-12.6 Open or Overflowing Waste Disposal 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. (Ord. No. 89-532A § 5)

3-12.7 Uncovered Vehicles.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter has 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 such materials and shall pay the costs therefor. (Ord. No. 89-532A § 6)

3-12.8 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 immediately following 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 non-flyable 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. (Ord. No. 89-532A § 7)

3-12.9 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. (Ord. No. 89-532A § 8)

3-12.10 Distribution of Handbills.

It shall be unlawful for any person to place, to cause to be placed, or to hire another person to place any advertisement, handbill or unsolicited material of any kind in or on any street, sidewalk, building or vehicle within the community in such a manner that it may be removed by natural forces. (Ord. No. 89-532A § 9)

3-12.11 Owner Refuses to Comply; Lien Program.

In the event that the owner or possessor of private property or lands shall refuse or neglect to abate or remedy the condition which constitutes a violation of this section, the Borough 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 section by or under the direction of an appointed Officer or Officers of this jurisdiction, in cases where the owner or tenant shall have refused or neglected to remove the materials within five (5) days of receiving a notice of violation, such Officer shall certify the cost thereof to the municipality, which shall examine the certificate, and if found correct, cause the cost as shown thereon to be charged against the lands and will be added to and become and form part of the taxes next to be assessed and levied upon the lands. The fines shall 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. (Ord. No. 89-532A § 10)