



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-25-12

AMENDING CHAPTER 3 "GENERAL POLICE REGULATIONS", SECTION 3-1 "LITTER PROHIBITIONS" OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 3, Section 1 of the Borough Code establishes guidelines for littering prohibitions by the Borough of Highlands to protect the public health, safety and welfare; and

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes with respect to the definitions contained within Section 3-1.1 as well as the prohibitions contained within Section 3-1 of the Borough Code; and

WHEREAS, the governing body finds that these recommendations further protect the general health, safety and welfare of the Borough; and

WHEREAS, the governing body finds that the inclusion of additional prohibitions pertaining to littering will further protect the general health, safety and welfare of the Borough;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Chapter 3 "General Police Regulations", Section 3-1.1 "Definitions", Section 3-1.2 "Use of Litter Receptacles", Section 3-1.9 "Commercial Establishments and Residences" shall be amended along with the addition of Sections 3-1.10, 3-1.11, 3-1.12 and 3-1.13 as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~strikeovers in bold italics~~.):

§ 3-1.1 Definitions.

LITTER

~~Shall mean garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. "Litter" shall further 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, 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 processors, logging, sawmilling, farming or manufacturing.~~

GARBAGE

Shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

LITTER

Shall mean garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown, deposited, or stored, as herein prohibited, tends to create a danger to public health, safety, and welfare.

PRIVATE PREMISES

Shall mean any dwelling house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling house, building or other structure.

PUBLIC PLACE

Shall mean any streets, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC STRUCTURE OR BUILDING

Shall mean any structure or building owned or operated by the Federal, County or State government or any governmental agency.

REFUSE

Shall mean all putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

RUBBISH

Shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, building materials and similar materials.

VEHICLE

Shall mean every 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.

§ 3-1.2. Use of Litter Receptacles.

a. Litter receptacles and their servicing are required at the following public places which exist in the municipality, 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 stations islands, shopping centers, parking lots, campgrounds and trailer parks, marinas, boat moorage and fueling stations, boat launching 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.

b. Litter receptacle means a container suitable for the depositing of litter.

c. Use of Receptacles to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.

§ 3-1.3 - § 3-1.8 shall remain unchanged.

§ 3-1.9 Commercial Establishments and Residences.

The owner or person in control of any private property shall at all times maintain the premises free of litter, particularly one or more automobile bodies, frames, or chassis, one or more automobiles unable to be self-propelled, or one or more abandoned automobiles; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

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. All sweepings shall be collected and properly containerized for disposal.

§ 3-1.10. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Borough except in public receptacles or in authorized private receptacles for collection; provided, however, that the public receptacles shall not be used by persons owning or occupying property in the vicinity of the public receptacles for the deposit of domestic, commercial and industrial litter arising from the conduct of the activities. In the event litter is located in either private or public receptacles which litter contains the name and/or address of a person, a rebuttable presumption shall arise that such person placed or caused such litter to be placed in said public or private receptacle.

§ 3-1.11. Sweeping Litter into Gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 3-1.12. Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Borough.

§ 3-1.13. Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not.

§ 3-1.14. Violations and Penalties.

a. Any person, firm or corporation who violates or neglects to comply with any provision of the section or any rule or regulation promulgated pursuant thereto shall be punishable upon conviction thereof by a fine not to exceed five hundred (\$500.00) dollars. As an alternate penalty, a convicted person may be ordered to perform community service in the Clean Communities program for a period not to exceed 90 days.

b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such. Enforcement shall be by summons heard in the municipal court of the Borough of Highlands.

The Remaining Sections of Chapter 3, Section 1 entitled "Litter Prohibitions" of the Borough Code shall remain unchanged.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-25-12:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: June 18, 2025

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-25-12:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: July 16, 2025

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands