

§ 4-1.1. Definitions. [1969 Code § 4-3.1; Ord. No. 89-16 § 3; Ord. No. 2007-7 § I]

As used in this section:

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

LITTER — Shall mean garbage, refuse, junk, scrap 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 or creates a distraction from the natural beauty of the landscape.

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

REFUSE — Shall mean all nonputrescible solid waste (except body wastes) including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

RUBBISH — Shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, or cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery 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.

§ 4-1.2. Litter in Public Places. [1969 Code § 4-3.2; Ord. No. 88-20 § 1]

- a. No person shall sweep, throw or deposit litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake, or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection, or in official Borough dumps. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.
- b. There is hereby required litter receptacles and their servicing at the following public places which exist within the Borough: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter 1/4 mile without a receptacle; buildings held out for use by the public, including but not limited to schools, and public buildings; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas, construction sites; gasoline service station islands; shopping centers; parking lots; 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 but not limited to 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.

§ 4-1.3. Sweeping Litter Into Gutters Prohibited. [1969 Code § 4-3.3; Ord. No. 88-20 § 5; Ord. No. 2005-08 § IV; Ord. No. 2006-14 § II]

- a. No person, including merchants owning or occupying a place of business, 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.
- b. Every owner, lessee, tenant, occupant or person in charge of any building or structure is hereby required to keep or cause to be kept the sidewalk and curb abutting the building and structure free from construction and nuisances of every kind, and to keep the sidewalks, areas, backyards, courts and alleys free from litter and other offensive material.
- c. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter or any other material or item from any public or private sidewalk, driveway or other source; and every person who owns or occupies the property is hereby required to keep the sidewalk and curblines in front of his or her premises or property free of litter or any other material or item, and is hereby required to collect all sweepings and properly dispose of it in containers.
- d. No person shall be permitted to spill, dump, or dispose of materials other than stormwater to the municipal separate storm sewer system operated by Surf City. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

1. Exceptions:

- (a) Water line flushing and discharges from potable water sources.
- (b) Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- (c) Air conditioning condensate (excluding contact and non-contact cooling water).
- (d) Irrigation water (including landscape and lawn watering runoff).
- (e) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- (f) Residential car washing water, and residential swimming pool discharges.
- (g) Sidewalk, driveway and street wash water.
- (h) Flows from firefighting activities.
- (i) Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for the intended purposes.
 - (2) Equipment use during the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. shoveling and sweeping). Recovered materials are to

be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 4-1.4. Litter Thrown by Persons in Vehicles. [1969 Code § 4-3.4]

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

§ 4-1.5. Truck Loads Causing Litter. [1969 Code § 4-3.5; Ord. No. 88-20 § 3]

No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Borough, the wheels or tires of which carry onto a deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. In addition, trucks or vehicles carrying loads shall be covered so as to prevent the loads from dropping, leaking or otherwise escaping.