

CHAPTER V
POLICE REGULATIONS*

5-1 Litter.

5-1.1 *Definitions.* As used in this section:

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation and consumption of food.

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 flowing material, or any garbage, trash, refuse, debris, rubbish, household or commercial solid waste, vehicle or vehicle parts, tires, appliances, furniture, 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 processes, logging, saw milling, farming or manufacturing.

Litter Receptacle. A container suitable for the depositing of litter.

Public Place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse. Putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle. Every device in, upon or by which any person or property is or may be transported upon a highway, including devices

*The authority to adopt local police ordinances is contained in R.S. 40:48-1, 2.

used exclusively upon stationary rails or tracks.

5-1.2 *Litter in Public Places.* 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, stream or other body of water within the city, except in public receptacles or in authorized private receptacles for collection, or in official city 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.

5-1.3 *Sweeping Litter into Gutters Prohibited.* No persons, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter, street, catch basin or other public place within the city 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.

5-1.4 *Litter Thrown by Persons in Vehicles.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

5-1.5 *Truck Loads Causing Litter.* No person shall drive or move any truck or other vehicle within the city 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 city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

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.

5-1.6 *Transportation from Outside City.* No person shall bring, cart, remove, transport or collect any litter from outside the city, or

into the city, for the purpose of dumping or disposing thereof, unless so authorized by the city.

5-1.7 Duties of Owners and Tenants to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

5-1.8 Use of Litter Receptacles. Litter receptacles and their servicing are required at the following public places which exist in the city, 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; 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.

5-1.9 Storage of Waste.

a. *Household Waste.* 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.

b. *Tires.* It shall be unlawful for any person, including property owners, occupants and/or lessees to store or permit the storage of tires in or upon property under their ownership or control.

c. *Vehicles.* It shall be unlawful for any residential property owner to park or permit the parking of any vehicle on his/her residential lawn.

d. *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/her property.

e. *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 contractors in charge of a construction site to furnish containers adequate to accommodate flyable and non-flyable debris or trash at areas convenient to the construction areas, and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse.

5-1.10 *Notice to Remove.* Police officers of the city shall notify the owner of any open or vacant private property within the city, or the agent of the owner, to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be by registered mail, addressed to the owner at his/her last known address, and shall state the acts to be performed by the owner or tenant, as well as the penalty for failure to comply with the notice.

5-1.11 *Prosecution in Municipal Court.* If the owner or tenant to which notice is sent neglects or refuses to comply with the notice within ten days of its receipt, the City of Beverly will cause a complaint to be brought against him/her in municipal court. This offense is punishable by a fine up to \$500.00 per day for each day the violation continues.

5-1.12 *Exception.* Nothing contained in this section shall prevent the accumulation of any compost or manure for fertilization of the soil. In this case, the same shall be stored, kept or placed in conformity with local or state health regulations so that it will not become a nuisance to any person or persons living within the area where such compost or manure is kept or maintained; and provided, further that all such accumulations must be kept at least 100 feet from any dwelling house or store owned by another occupant.