

Chapter 170

LITTERING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-26-1975 by Ord. No. 700 as Section 3-1 of Chapter III of the 1975 Revised General Ordinances of the Borough of Wood-Ridge. Amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.

Board of Health — See Ch. 37.

Brush, grass, weeds and other debris — See Ch. 110.

Property maintenance — See Ch. 198.

§ 170-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GARBAGE — Any putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER — 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 — 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 — Any streets, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

PUBLIC STRUCTURE OR BUILDING — Any structure or building owned or operated by the federal, county or state government or any governmental agency.

REFUSE — All putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts, scrap metal, junk, machinery and solid market and industrial wastes.

RUBBISH — 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 — 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.

§ 170-2. Public places; use of public receptacles.

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, or in official borough dumps, provided that public receptacles shall not be used by persons owning or occupying property in the vicinity of public receptacles for the deposit of domestic, commercial and industrial litter arising from the conduct of such activities.

§ 170-3. Manner of placement in receptacles; open burning.

- A. 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 streets, sidewalk or other public place.
- B. No person shall burn in the open any rubbish, garbage or refuse, including leaves, wood and building debris. This shall not be construed to prohibit outdoor cooking and the use of normal fuel for such cooking.

§ 170-4. Sweeping into gutters or streets prohibited; maintenance of sidewalks.

- A. 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.
- B. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place the accumulation of litter from any building or lot or from any public or private property, including but not limited to sidewalks, driveways and parking lots. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter. **[Amended 7-21-2009 by Ord. No. 2009-9]**

§ 170-5. Litter thrown from 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 borough or upon private property.

§ 170-6. Truckloads causing litter.

No person shall drive or move any truck or other vehicle within the borough unless the 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 or deposit onto any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 170-7. Parks.

No person shall throw or deposit litter in any park within the borough except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

§ 170-8. Fountains, ponds or other bodies of water.

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

§ 170-9. Distribution of handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the borough; nor shall any person hand out, distribute or sell any commercial handbill in any public place, provided that it shall not be unlawful on any sidewalk, street or other public place within the borough for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill to any person willing to accept it.

§ 170-10. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, provided that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 170-11. Depositing handbills on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 170-12. Depositing handbills on posted premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance a sign bearing the words "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon their premises.

§ 170-13. Depositing handbills on occupied private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises, provided that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon the premises not to do so, shall have the authority to place or deposit any such handbill in or upon the inhabited private

premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, except that mailboxes may not be used when so prohibited by federal postal law or regulations.

§ 170-14. Distribution of mail and newspapers.

The provisions of § 170-13 shall not apply to the distribution of mail by the United States, nor to newspapers, 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 place or upon any private property.

§ 170-15. Dropping litter from aircraft.

No person in any aircraft shall throw out, drop or deposit within the borough any litter, handbill or any other object.

§ 170-16. Posting of notices restricted.

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 by the owners or required by law.

§ 170-17. Litter on occupied private premises.

A. No person shall throw, deposit or store litter on any occupied, private property within the borough, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection of litter in such manner that the litter will be prevented from being carried or deposited by the elements upon any street,

sidewalk or other public place or upon any private property.

- B. The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 170-18. Depositing litter on vacant private premises.

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

§ 170-19. Removal of litter from private property by borough.

- A. Notice to remove. The Health Inspector and/or Property Maintenance Code Enforcement Officer are hereby authorized and empowered to notify the owner and/or occupant of any occupied, open or vacant private property within the borough, 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 certified mail, return receipt, addressed to the owner at his last known address. **[Amended 10-20-1986 by Ord. No. 86-16; 7-21-2009 by Ord. No. 2009-9]**
- B. Failure to comply. 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 seven days after receipt of the written notice provided for in Subsection A above, or within two days after the date of such notice in the event that the same is returned to the Borough Post Office Department 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 Health Inspector and/or Property Maintenance Code Enforcement Officer are hereby

authorized and empowered to pay for the disposing of such litter or to order its disposal by the borough. [Amended 10-20-1986 by Ord. No. 86-16; 7-21-2009 by Ord. No. 2009-9]

- C. Charge included in tax bill. When the borough has effected the removal of such dangerous litter or has paid for its removal, the actual cost 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 borough, and the charge shall be due and payable by the owner at the time of payment of such bill.
- D. Recorded statement constitutes lien. Where the full amount due the borough 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 the Health Inspector and Building Subcode Official shall cause to be recorded in the tax office 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 the work was done. The recording 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 and attorney fees, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and 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 such 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. **[Amended 10-20-1986 by Ord. No. 86-16]**

§ 170-20. Roll-off dumpsters or containers in streets.
[Added 8-19-1985 by Ord. No. 85-10]

- A. No person shall park or leave unattended any garbage, refuse or rubbish container, commonly known as a "rolloff dumpster" or "roll-off container," on or along any street within the Borough, without first having obtained a permit from the Wood-Ridge Police Department, which said permit shall cost \$10. Said permit shall be valid and shall remain in effect for a period of not more than 72 hours, but may be renewed by the Wood-Ridge Police Department upon application therefor. **[Amended 10-20-1986 by Ord. No. 86-16]**
- B. To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any roll-off dumpster or roll-off container parked on or along any street shall be equipped with and display, during the times when lighted lamps are required, flashing lights. The lamp shall be a type approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety. Those used to display warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing yellow or amber lights or any shade of color between yellow and amber. The lamps used to display warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing yellow or amber lights or any shade of color between yellow and amber. These warning lights shall be visible from a distance of not less than 500 feet at any time when lighted lamps are required. The penalty for a violation of this section shall be a fine not exceeding \$100 for each violation. Not having obtained a permit shall be treated as a separate violation.

§ 170-21. Violations and penalties. [Added 10-20-1986 by Ord. No. 86-16]

Any violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II.

§ 170-22. Public urination and defecation. [Added 11-17-1986 by Ord. No. 86-18; amended 7-21-2009 by Ord. No. 2009-9]

It shall be unlawful for any person to urinate and/or defecate in any public place or park in the Borough of Wood-Ridge.

§ 170-23. Control of littering. [Added 2-8-2005 by Ord. No. 2005-7]

- A. Purpose. A section to establish requirements to control littering in the Borough of Wood-Ridge 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 chapter 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 — 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, sawmilling, farming or manufacturing.

LITTER RECEPTACLE — A container suitable for the depositing of litter.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

C. Prohibited acts and regulated activities.

- (1) 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.
- (2) 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. The provisions of this section shall be enforced by the Police Department of the Borough of Wood-Ridge, and/or the Health Inspector, and/or the Property Maintenance Code Enforcement Officer.
[Amended 7-21-2009 by Ord. No. 2009-9¹]

1. Editor's Note: This ordinance also repealed former Subsection E, regarding violations and penalties, which immediately followed.