

Chapter 186

LITTERING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Dunellen 3-1-1989. Amendments noted where applicable.]

§ 186-1. Purpose.

There exists in the Borough of Dunellen a need to control littering and related activities and to control improper dumping of all types of waste. In order to make available to the Borough of Dunellen grant funds under the "Clean Communities and Recycling Act," N.J.S.A. 13:1E-92 et seq.,¹ it is necessary to provide regulatory measures through this chapter to control littering and improper dumping.

§ 186-2. Definitions.

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

HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any printed matter of literature which is not delivered by United States mail, including, but not limited to those which:

- A. Advertise for sale any merchandise, product, commodity or thing; or
- B. Direct attention to any business or mercantile or commercial establishment, or other activity.

LITTER — Any new or used substance or waste material which has been discarded, whether made of paper, plastic, aluminum, glass, rubber or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar, box, can, cap, top, detachable tab, garbage, trash, refuse, debris, rubbish, grass clippings, other lawn or garden wastes, newspapers, magazines, glass, metals, plastic or paper containers, and other packing or construction materials.

LITTER RECEPTACLE — A container designed and utilized for the deposit of quantities of general litter or waste not to exceed one cubic yard in volume or 25 pounds in weight.

PUBLIC PLACE — An area that is provided for the use of the public, whether owned or operated by public or private interests.

RECYCLABLE MATERIALS — Materials generated by residential and commercial sources which would otherwise become litter, and which may be collected, separated or processed and returned to the stream of

1. Editor's Note: See now N.J.S.A. 13:1E-213 et seq. (P.L. 2002, ch. 128), the Clean Communities Program Act.

commerce in the form of raw materials or products.

RECYCLABLES CONTAINER — A container designed for the collection of specified recyclable materials.

SOLID WASTE — Garbage, refuse and other discarded materials resulting from residential, industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials.

WASTE DISPOSAL BIN — A container designed for the collection of quantities of litter or waste in excess of one cubic yard in volume or 25 pounds in weight.

§ 186-3. Littering and dumping prohibited.

It shall be unlawful for any person to:

- A. Throw, drop, discard, scatter or otherwise place litter of any nature upon any public or private property other than in a litter receptacle or waste disposal bin.
- B. Throw, drop, discard or otherwise place or dump any household trash, construction debris or materials, refuse, junk, vehicles or vehicle parts, tires, appliances, furniture or other private property on any public or private property or along any road, street or right-of-way, except by written consent of the owner of the property and in an area specifically designated for the purpose of solid waste storage or disposal.
- C. Place or dump any quantities of household or commercial garbage or solid waste generated on private property in a private litter receptacle or waste disposal bin without the written consent of the owner of the receptacle or bin.
- D. Place or dump any quantities of materials designated for recycling in a litter receptacle or waste disposal bin unless the receptacle or bin is identified as a collection container for recyclables.

§ 186-4. Placement and maintenance of litter receptacles.

- A. Litter receptacles and their maintenance shall be required at the following public places in the Borough of Dunellen:
 - (1) Sidewalks in the commercial zone, such that there shall be no single linear one quarter mile without a receptacle.
 - (2) Buildings held out for the use of the public, including schools, government buildings, railroad stations, bus stops, parks, construction sites, street vendor locations, service stations, shopping centers, and parking lots over 20 vehicles.
- B. Litter receptacles provided by the municipality and located in public places shall be serviced by the municipality on a timely basis.
- C. Litter receptacles and their maintenance shall be required at all special events to which the public is invited, including, but not limited to, sporting events, parades, carnivals, circuses, art shows and festivals. The sponsors of these events shall be responsible for providing and maintaining the litter receptacles such that there are an adequate number of containers available and that collected litter and waste are removed from the site in a timely manner.
- D. Sponsors of special events shall provide suitable and separate recyclable containers clearly labeled

for the collection of glass and aluminum beverage containers generated at special events, and shall provide for the proper disposition of collected recyclables in a timely manner.

- E. Sponsors of special events shall collect and dispose of all litter and recyclable materials from the property where the event took place within 48 hours from the completion of the event.

§ 186-5. Control of litter.

- A. It shall be unlawful for the owner or operator of any vehicle, as defined in N.J.S.A. 39:1-1 et seq., which is loaded with any material, whether new or used, organic or manufactured, to drive, move, stop or park on any road or public right-of-way unless the vehicle is designed or loaded to prevent any of the load from stopping, shifting, leaking or otherwise escaping from the vehicle.
- B. Any person operating a vehicle from which any litter or material, including, but not limited to, glass or other potentially hazardous materials, has fallen or otherwise escaped, whether causing an obstruction, damage to another vehicle, or otherwise endangering travelers or public property, shall immediately clear or clean the area affected, or shall pay the costs thereof.
- C. The owner, agent or contractor in charge of a construction project or demolition site shall not permit the accumulation of litter before, during or after completion of the project. It shall be the duty of the owner, agent or contractor in charge to furnish suitable containers adequate to accommodate all debris or trash at areas convenient to the site and to maintain and empty the receptacles in such a manner and with sufficient frequency as to prevent spillage of refuse, litter, trash or other objects.
- D. The owner, tenant or manager of any residential or commercial property shall not permit any litter receptacle, waste disposal bin or recyclables container to be left open or overflowing on their property. All receptacles, bins or containers must be enclosed by a fence whenever there are five or more individual receptacles over 30 gallons each or a bin or container of more than four cubic yards in a residential or business zone.
- E. Any owner or operator of a solid waste or recycling collection service shall be responsible for collection and removal of any garbage, trash, litter, refuse or other material dropped, scattered or otherwise improperly distributed during the course of collection, dumping or conveying from the collection point to any other point within the Borough.
- F. All property owners, tenants or managers of any property shall provide suitable containers of indestructible material for the collection and storage of litter, refuse and other household or commercial solid waste and maintain such containers and the area around them in a manner so that a littering or nuisance problem is not created, including any potential health, safety or welfare problems for the owner, occupant or general public.
- G. Any temporary or unapproved sign, flyer, poster, picture, announcement or other material tacked, taped, nailed or otherwise affixed to any pole, post, tree, public building or other element, whether legally or illegally, shall be removed and properly disposed by the owner or person placing the material, within 48 hours of the conclusion of the advertised event, or it shall be subject to removal and disposition at the expense of the owner or person placing the material without recourse. No clause contained herein shall limit the application of any other ordinance which allows for the immediate removal of any illegally posted material.

§ 186-6. Storage of bulk waste.

It shall be unlawful for any person to store or permit to be stored any bulk household or commercial waste,

including furniture, appliances, mattresses, or construction material, on any property in a residential zone except in a fully enclosed structure or other area so that the materials are concealed so as not to create a public nuisance or hazard. It shall not be unlawful for the aforementioned materials to be placed at curbside on days scheduled for collection of such items.

§ 186-7. Responsibility of property owner, occupant or manager.

It shall be the responsibility of the owner, occupant, tenant or manager of any residential or commercial property to:

- A. Keep and cause to be kept the alleys, sidewalk and curb area abutting and adjacent to the property free from obstructions or nuisances of any kind, including, but not limited to, litter and other offensive material.
- B. Place all litter or materials collected in a proper container, so as not to constitute a nuisance, hazard or condition conducive to the littering or scattering of collected materials.
- C. Insure that no litter or other accumulated material be swept or deposited in any street, curb or gutter area, catch basin or other public place, and that all sweepings or collected litter and materials is properly placed in containers for disposal.

§ 186-8. Handbills.

- A. Public places. No person shall deposit or sell any handbill in or upon any public place; provided, however, that it shall not be unlawful in any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.
- B. Private premises. No person shall deposit or sell any handbill in or upon any private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises; provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.
- C. Vehicles. No person shall deposit any handbill in or upon any vehicle unless the occupant of a vehicle is willing to accept it.
- D. Cleanup. It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.
- E. Exemption for newspapers and political and religious literature. The provisions of this section shall not apply to the distribution upon private premises only of newspapers or political or religious literature, except that newspapers and political or religious literature shall be placed in such a manner as to prevent its being carried or deposited by the elements upon any public place or other private premises.

§ 186-9. Enforcement.

- A. Enforcement of the regulations and requirements of this chapter shall be the responsibility of the Code Enforcement Official appointed by the Mayor and Council. Nothing in this chapter shall prevent any other official of the Borough of Dunellen from issuing a warning notice for a violation of the

provisions of this chapter, subject to formal action by the code enforcement official.

- B. The Code Enforcement Official shall have the power to withhold strict enforcement of the requirements of this chapter, provided that written application has been made by the person, owner, occupant or manager subject to the penalties provided in this chapter, and the violation is the first offense.
- C. Nothing in this chapter shall be construed to abrogate or impair the powers of any department of the Borough of Dunellen to enforce any provision of any other ordinance or regulation or prevent the violation thereof.

§ 186-10. Violations and penalties.

- A. First violations will be addressed by a warning notice. Second violations will subject the offender to a fine of \$100 per occurrence or violation. If the violation is of a continuing nature, each day the violation continues will be considered a separate and distinct offense.
- B. Violations in excess of 1/2 cubic yard of litter, or which create a hazard to the health, safety or welfare of the general public, will be subject to a fine of not more than \$500 or 90 days imprisonment for each day of occurrence or continuation.
- C. Other penalties can be imposed on violators for costs connected with removal of improperly disposed litter or other materials dumped on public or private property.