

Chapter 33 LITTERING

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[HISTORY: Adopted by Mayor and Council of Borough of Wenonah 7-8-71. Amended 7-14-1988, 9-28-1989; amended in its entirety 3-23-2006 by Ord. No. 0-06-02. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, refuse and waste -- See Ch. 24.
Grass and brush removal -- See Ch. 27.

Be it ordained by the Mayor and Council of the Borough of Wenonah, Gloucester County, New Jersey:

§ 33-1. Purpose.

The purpose of this ordinance to establish requirements to control littering in the Borough of Wenonah, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 33-2. Definitions.

For the purpose of this ordinance, 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.

BOROUGH — The Borough of Wenonah.

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, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary process of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

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

PARK — A park, reservation, playground, recreation center, conservation area or any other public area in the Borough owned or used by the Borough and devoted to active or passive recreation.

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

PRIVATE PREMISES — Any dwelling house, building or other structure whether uninhabited, or temporarily or continuously inhabited or vacant, and shall include but not be limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

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

§ 33-3. Prohibited acts and regulated activities.

It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon public or private property other than a litter receptacle, or having done so, to allow such litter to remain.

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§ 33-3.1. Illegal dumping.

It shall be unlawful for any person to discard or dump, along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture or private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 33-3.2. Distribution of handbills.

It shall be unlawful for any person to place, to cause to be placed, or to hire another person to place any advertisement, handbill, or unsolicited material of any kind in or on any street, sidewalk, building, public or private property or vehicle within the Borough in such manner that it may be removed by natural forces, and/or other causes.

§ 33-4. Use of litter receptacles.

- A. Litter receptacles and their servicing are required at the following public places which exist in the Borough of Wenonah, including:
- (1) Sidewalks used by pedestrians in commercially zoned areas such that at a minimum there shall be no single linear one-eighth (1/8) mile without a receptacle;
 - (2) Buildings held out for use by the public, including schools, government buildings and railroad and bus stations;
 - (3) Parks;
 - (4) All street vendor locations;
 - (5) Self-service refreshment areas;
 - (6) Construction sites;
 - (7) Gasoline service station islands;
 - (8) Parking lots; and
 - (9) At special events to which the public is invited, including sporting events and parades.
- B. 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 made available.

§ 33-5. Sweeping litter into gutters prohibited.

No person shall allow litter to accumulate or 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. All litter sweepings shall be collected and properly containerized for disposal.

§ 33-6. Litter on open, occupied or vacant private property.

No person shall throw or deposit litter on any open, occupied or vacant private property within the Borough, whether owned by such person or not. The owner or person in control of any private property shall at all times maintain the premises free of litter and maintain authorized receptacles for collection in such a manner that 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.

§ 33-6.1. 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 the completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such manner and with such frequency as to prevent spillage of wastes.

§ 33-6.2. Enforcement.

This ordinance shall be enforced by the Police Department of the Borough of Wenonah and/or other Municipal Officials of the Borough of Wenonah.

§ 33-7. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine in an amount not less than \$25. nor more than \$50.; upon a second violation, a fine in an amount not less than \$50. nor more than \$100.; and upon a third or subsequent violation, a fine in an amount not less than \$100. nor more than \$250.; and/or a period of community service not to exceed ten (10) days. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

§ 33-7.1. Failure to comply; abatement by Borough; costs to become lien.

In the event that the owner, occupier or possessor of private property or lands shall refuse or neglect to abate or remedy the condition which constitutes a violation of this ordinance, the municipality may cause the condition to be abated or remedied. Upon the removal of any materials prohibited to be stored or abandoned on lands by or under the direction of an appointed officer or officers of this jurisdiction, in cases where the owner or tenant shall have refused or neglected to remove the materials within five (5) days of receiving a notice of violation, such officer shall certify the cost thereof to the municipality, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands and to be added to and become and form part of the taxes next to be assessed and levied upon said lands. The fines shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 33-8. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.

§ 33-9. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

§ 33-10. When effective.

This ordinance shall take effect immediately after final passage and publication as provided by law.

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