

Chapter 118 LITTERING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Metuchen 9-26-1966 as Art. 3 of Ch. 10 of the 1966 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Advertising materials — See Ch. 48.
Parks and recreation areas — See Ch. 124.

Property maintenance — See Ch. 140.
Solid waste — See Ch. 160.

§ 118-1. Title.

This chapter shall be known and may be cited as the "Metuchen Anti-Litter Ordinance."

§ 118-2. Definitions. [Amended 7-20-1970 by Ord. No. 70-25]

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AIRCRAFT — Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle as required and authorized by this chapter.

COMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise, product, commodity or thing; or
- B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or under any provision of this Code or other ordinance of the borough; or
- D. Which, while containing reading matter other than advertising matter, is predominantly and essential an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

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

LITTER — Garbage, refuse and rubbish, as defined herein, all other waste material which, if thrown or deposited as prohibited by this chapter, tends to create a danger to public health, safety and welfare, and shall also include any construction material, equipment, scaffolding and other related items used or usable in the erection, construction, alteration or demolition of any building which is stored or left on any premises contrary to any other law, code or ordinance of the borough.

NEWSPAPER — Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation and any newspaper filed and recorded with and recording officer as provided by general law; and, in addition thereto, "newspaper" shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

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

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 such term shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

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

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, loose earth, street cleanings, dead animals, abandoned, wrecked or disabled automobiles, bicycles, boats or other transportation conveyances, 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, wood, glass, bedding, household and commercial appliances, tires, crockery, junk scrap and other 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.

§ 118-3. Depositing in public places.

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.

§ 118-4. Placement in receptacles.

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 street, sidewalk or other public place.

§ 118-5. Removal of litter from private property.

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.

§ 118-6. Removal of litter from business properties.

No person 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 driveway or sidewalk. Persons owning or occupying places of business within the borough shall keep the sidewalk in front of their business premises free of litter.

§ 118-7. Throwing litter 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.

§ 118-8. Vehicle load; substances deposited from tires.

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 or contents of 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 or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.

§ 118-9. 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 persons responsible for its presence and properly disposed of elsewhere.¹

§ 118-10. Bodies of water.

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

§ 118-11. Occupied private property.

No person shall throw or deposit 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 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.

§ 118-12. Duty of property owners.

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

¹ Editor's Note: See Ch. 124, Parks and Recreation Areas.

§ 118-13. Vacant lots.

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

§ 118-14. Handbills.

- A. 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 or distribute or sell any commercial handbill in any public places; provided, however, 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 thereof, any noncommercial handbill to any person willing to accept it.
- B. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
- C. 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.
- D. 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 bill directly to the owner, occupant or other person then present in or upon such private premises or, in the case of inhabited private premises which are not posted as further provided in this chapter and unless requested by anyone upon such premises not to do so, except by placing or depositing such handbill on the porch, door or other part of the entrance of the dwelling on such premises in such a way as to secure or prevent such handbill from being blown or drifted about such premises, sidewalks, streets or other public places and except that mail boxes may not be used when so prohibited by federal postal regulations. The provisions of this section shall not apply to the distribution of mail by the United States. [Amended 3-19-1973 by Ord. No. 73-4]
- E. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if required by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements" or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 118-15. Posting notices on public structures.²

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

§ 118-16. Dropping objects from aircrafts.

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

§ 118-17. Clearing of litter from vacant private property by borough.³ [Amended 11-9-1987 by Ord. No. 87-19]

- A. Notice to owner to remove. The Health Officer or other enforcing officer is hereby authorized and empowered to notify the owner of any 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 personal service, or by registered mail, addressed to such owner at his or her last known address.
- B. Action upon noncompliance. 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 ten days after receipt of written notice provided for in Subsection A above, or within 15 days after the date of such notice in the event the same is returned to the borough postal service because of its inability to make delivery thereof and provided that the same was properly addressed to the last-known address of such owner or agent, the Health Officer or other enforcing officer is hereby authorized and empowered to order its disposal by the borough.⁴
- C. Charge to be 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 such charge shall be due and payable by such owner at the time of payment of such bill.
- D. Lien. When 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, and in that case, the Health Officer or other enforcing officer shall cause to be filed in the tax collector's office of the borough 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 such work was done. The filing of such sworn statement shall constitute a lien on the property

² Editor's Note: See Ch. 127, Peace and Good Order.

³ Editor's Note: See N.J.S.A., §§ 40:48-2.13 and 40:48-2.14.

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 2).

and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 8% in the event 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 collectable as provided by law.

E. Removal at owner's request.

- (1) Special collection of residential garbage, refuse, litter exceeding the maximum allowance as provided in § 118-5(c) is hereby established.⁵
- (2) All residential property owners may request additional garbage, refuse or litter removal as provided herein accompanied by the prepayment of the following fees:
 - (a) Minimum charge, includes pickup of two cubic yards of garbage/trash/debris: \$85.
 - (b) Additional charge per cubic yard (after initial two cubic yard pickup on the same property for the same order): \$70.

§ 118-18. Violations and penalties. [Amended 6-21-1971 by Ord. No. 71-12; 12-16-1974 by Ord. No. 74-32; 10-16-1978 by Ord. No. 78-26]

Any person violating any of the provisions of of this chapter shall upon conviction be punished in accordance with the general penalty provision as set forth in Chapter 1, General Provisions, Article 1.

⁵ Editor's Note: See Ch. 160, Solid Waste.