

Chapter 288. Littering and Handbills

Article I. General Littering Regulations

[Adopted 10-13-1964 as Art. 5 of Ch. 12 of the 1964 Code (Ch. 108, Art. I, of the 1982 Code)]

§ 288-1. Purpose.

The purpose of this article is to prevent the disposal or placing of any rubbish, refuse or other material on any street, public place, public building, parking lot or private property where such actions would impede or interfere with the safe, free or unobstructed use of the same by the public or whereby the same may be rendered unsightly in appearance or detrimental to the health, safety and welfare of the public.

§ 288-2. Definitions.

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

PERSON

Natural persons, firms, partnerships, corporations, associations or other artificial bodies.

PUBLIC PLACE and PUBLIC BUILDING

Any and every public place or building within the Borough which is within the jurisdiction and control of the municipality, is or may be in general use by all citizens and in which all have an equal right of passage at will.

STREET

Includes highways, roads, avenues, boulevards, courts, public lanes, alleys, sidewalks, footpaths and all other public highways for vehicular or pedestrian travel.

§ 288-3. Encumbrances on public property.

No person shall encumber or obstruct any street, public place or public building with any article or thing whatsoever without first having obtained permission therefor from the Building Inspector of the Borough of South Plainfield.

§ 288-4. Obstructions on public property.

No person shall throw, put or place or cause or permit to be thrown, put or placed into, upon or within any street, public place, parking lot or public building any substance, matter or thing whatsoever whereby the safe, free or unobstructed use of the same by the public may be in any wise impeded or interfered with or whereby the same may be rendered unsightly in appearance.

§ 288-5. Rubbish or refuse on sidewalks.

[Amended 1-28-1985]

No person shall put, deposit or place any leaves, tree trimmings, hedge clippings, grass clippings, yard clippings or any rubbish or other material in, near or upon any of the sidewalks, gutters of streets, any catch basin or any other portion of the storm sewer system, public places, parking lots or public buildings.

§ 288-6. Rubbish or refuse on private property.

No person shall put, deposit or leave any rubbish, refuse or material and equipment in or upon his private property or upon the private property of another whereby the same may be rendered unsightly in appearance or detrimental to the health, safety and welfare of the public.

§ 288-7. Responsibilities of owner or occupant.

Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said building or premises free from obstructions and nuisances of every kind and shall keep said sidewalks, air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter and other offensive material.

§ 288-8. Placement of rubbish receptacles.

No person shall cause to be placed any receptacle for refuse, garbage, etc., outside any commercial building that is visible from public streets or adjoining property unless an enclosure is provided for storage.

§ 288-9. Litter from vehicles.

No one, being the owner or in charge or in control of any vehicle or any receptacle, shall litter, drop or spill or permit to be littered, dropped or spilled any dirt, sand, gravel, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste, refuse, rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter in or upon any street or public place.

§ 288-10. Placing litter 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.

§ 288-11. Litter in parks.

No person shall throw or deposit litter in any park within the Borough except in public receptacles and in such manner as to prevent it 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.

§ 288-12. Litter in lakes and fountains.

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

§ 288-13. Violations and penalties.

[Amended 6-26-1978 by Ord. No. 777; 7-12-1982; 4-13-1987 by Ord. No. 1079]

Any person, firm, corporation or association who or which violates any of the provisions of this article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or be imprisoned in the county jail for a period not exceeding 30 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article III. Additional Littering Regulations

[Adopted 6-15-1989 by Ord. No. 1154 (Ch. 125 of the 1982 Code)]

§ 288-18. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LITTER

Any used or unconsumed substance or waste material that 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; any garbage, trash, refuse, debris, rubbish, grass clippings, shrub or tree trimmings or other lawn or garden waste; any ashes, cinders, shells, straw, shavings, dirt, crushed stone, newspaper, magazines, advertising fliers or other handbill fliers, glass, metal 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, which container shall be smooth on its interior surface, nonporous, durable and with a tight-fitting lid.

PERSON

Natural persons, firms, partnerships, corporations, associations or other artificial bodies.

PUBLIC PLACE and PUBLIC BUILDING

Any and every public place or building within the Borough which is within the jurisdiction and control of the municipality, is or may be in general use by all citizens and in which all have an equal right of passage at will.

STREET

Includes highways, roads, avenues, boulevards, courts, places, terraces, public lanes, alleys, sidewalks, footpaths and all other public highways for vehicular or pedestrian travel.

§ 288-19. Prohibited acts.

It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property other than in a litter receptacle.

§ 288-20. Use of receptacles.

The proprietors of the following public places and the sponsors of the following public events that exist or are held in the Borough of South Plainfield shall provide and service litter receptacles such that adequate containerization is available in said places or at such events: buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; self-service refreshment areas; street vendor locations; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; sporting events; parades; carnivals; circuses; and festivals. "Adequate containerization" means that no litter receptacle shall be allowed to overflow its contents, and there shall be litter receptacles placed on 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. In such areas that will lack a sufficient number of litter receptacles due to an absence of the uses specified above, the Borough shall be responsible for providing and servicing the required litter receptacles.

§ 288-21. Open or overflowing bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 288-22. Commercial establishments and residences.

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. No person shall sweep into or deposit in any gutter, street, catch basin or other part of the storm sewer system or public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 288-23. Placement of litter 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 or private place.

§ 288-24. Lakes and fountains.

It shall be unlawful to throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere in the Borough.

§ 288-25. Uncovered vehicles.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway or street unless such a vehicle is constructed or loaded to prevent any of its load from dropping, shifting,

leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or dirt, sand, gravel, shavings or other light materials of any sort of manufacturing or household waste, refuse, rubbish and any sort of ashes, manure, garbage or other organic refuse or other offensive matter 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 other matter or objects and shall pay the costs thereof.

§ 288-26. Illegal dumping.

It shall be unlawful for any person to discard or dump along any street, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, construction debris, grass clippings or other yard waste or on property not specifically designated for the purpose of solid waste storage or disposal. It shall be unlawful to dispose of residentially generated garbage in publicly owned litter receptacles or in privately owned litter receptacles or solid waste storage containers except with the written consent of the owner of said containers.

§ 288-27. Vehicles tracking dirt and other materials onto roadways.

[Added 2-11-1999 by Ord. No. 1497]

It shall be unlawful for an owner of property to permit, allow or cause any vehicle to track, deposit or allow to fall dirt, mud or other materials onto any road located within the Borough of South Plainfield from construction sites or other unpaved sites. The owner of the property shall be responsible for installing and maintaining truck pads or other effective means or devices to prevent dirt, mud and other materials from leaving the property, and shall be responsible for immediately cleaning from the road any mud, dirt or other material that has been tracked, deposited or allowed to fall upon a road located in the Borough.

§ 288-28. Violations and penalties.

[Amended 4-28-1994 by Ord. No. 1356^[1]]

Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject a fine not to exceed \$1,000 or be imprisoned in the county jail for a period not exceeding 30 days or to an alternate sentence to community service to be performed at the Borough recycling center for a period not exceeding 30 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The provisions of this article shall be enforceable by the Police Department, the Code Enforcement Officer, the Property Maintenance Code Officer for the Borough and the Health Officer.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 288-29. Severability; inconsistent provisions.

If any section or part of any section of this article is adjudged unconstitutional or invalid, said judgement shall not be held to affect any other section or part of any section of this article. If any section or provision of this article is inconsistent with the provisions of any other Borough ordinance or section thereof, this article and these sections and provisions shall prevail. This section, however, shall not act to nullify the provisions of the Sanitary Code of the Borough of South Plainfield where said provisions apply to litter control.