

## Chapter 178

### LITTERING

**[HISTORY: Adopted by the Mayor and Council of the Borough of Palisades Park 10-24-1989 by Ord. No. 1093. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Dumpsters — See Ch. 129.

Property maintenance — See Ch. 226.

Garbage, rubbish and refuse — See Ch. 153.

Sanitary Code — See Ch. 315.

Public health nuisances — See Ch. 193.

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#### **§ 178-1. Definitions.**

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

**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, or any flaming or glowing material, or any garbage, trash, refuse, debris, rubbish, grass, 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.

#### **§ 178-2. 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 a litter receptacle.

#### **§ 178-3. 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 or furniture, on 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.

#### **§ 178-4. Use of litter receptacles.**

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: 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; buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service stations islands; shopping centers; parking lots; campgrounds and trailer parks;

marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. 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 available. "Litter receptacle" means a container suitable for the depositing of litter.

**§ 178-5. Containerization of sweepings.**

No person shall sweep into or deposit in any gutter, street, catch basin or other 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 litter sweepings shall be collected and properly containerized for disposal.

**§ 178-6. Open or overflowing waste disposal 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.

**§ 178-7. Uncovered vehicles.**

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter 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 such materials and shall pay the costs therefor.

**§ 178-8. 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 immediately following 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 a manner and with such a frequency as to prevent spillage of refuse.

**§ 178-9. 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.

**§ 178-10. 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 or vehicle within the community in such a manner that it may be removed by natural forces.

**§ 178-11. Violations and penalties.**

- A. Any person, firm or corporation violating any provision of this chapter shall be fined \$100 for each offense, and separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.
- B. In the event that the owner or possessor of private property or lands shall refuse or neglect to abate or remedy the condition which constitutes a violation of this chapter, the municipality may cause the condition to be abated and remedied. Upon the removal of any materials prohibited to be stored or abandoned on lands by this chapter 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 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 will 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.
- C. The fact that any of the conditions existing on any occupants' premises in the borough in violation of this chapter shall be prima facie evidence that the occupants of such premises are responsible for the violation.

**§ 178-12. Enforcement.**

The Police Department and all members thereof and the Superintendent of Public Works, Housing Officer and Health Officer shall have the right to issue summons to all persons violating this chapter.

