

ORDINANCE
#19-1990

AN ORDINANCE TO PROHIBIT LITTERING
AND PROVIDING PENALTIES FOR VIOLATIONS

BE IT ORDAINED by the Borough Council of the
Borough of North Haledon as follows:

1. The purpose of the within Ordinance is to prohibit littering in the Borough of North Haledon. The provisions of the within Ordinance are supplemental to the existing ordinances of the Borough. If there is any conflict between the provisions of the within ordinances and the provisions of any other ordinances, the more stringent provisions shall be applicable.

2. DEFINITIONS. The following words shall have the following meaning:

A. 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 garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material which might affect the health and welfare of the community or render the streets and public places unsightly.

B. Person - the word "person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

3. LITTER ON PUBLIC PROPERTY. It shall be unlawful for any person to throw, put or place, or cause to be thrown, put or placed into, upon or within any street, public place, parking lot open to the public 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 way impeded or interfered with, or whereby the same may be rendered unsightly in appearance. Nothing in this section shall prohibit the deposit of any such material in any public or private receptacles approved by the Municipal Council for such purpose. Nothing in this section shall be construed to prohibit construction, repair or maintenance equipment, materials or machinery from being utilized temporarily on a street, public place, parking lot or public building. This section shall not apply to municipal activities by municipal employees.

4. SWEEPING OF LITTER INTO STREETS OR SIDEWALKS; MAINTENANCE OF SIDEWALKS. No person shall sweep or cause to be swept into or deposit in any gutter, street, catch basin or other public place any significant accumulation of litter from any public or private place. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free from litter. All significant sweepings shall be collected and properly containerized for disposal. Nothing contained herein shall be construed to prohibit the washing down of driveways and sidewalks.

5. LITTER ON PRIVATE PROPERTY. No person shall put, deposit or store any litter or other material or equipment or any bulk household item including but not limited to appliances, furniture, mattresses, or tires, except in fully enclosed structures or during designated days for collection of bulk items, upon any property or private property whereby such property may be rendered unsightly in appearance or detrimental to the public health, safety and welfare of the public. Nothing contained herein shall prohibit the deposit of grass clippings and branches and twigs on private property as long as the said material originated from the same premises on which it is deposited and so long as the said material does not generate odors and is located in the rear portion of the property.

6. USE OF LITTER RECEPTACLES. Litter receptacles and their servicing may be required at the discretion of the governing body at the following public places existing in the municipality, including but not limited to: sidewalks used by pedestrians in active retail commercially zoned areas; buildings held out for use by the public, including schools, government buildings, railroad and bus stations, parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites, gasoline service station 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, where directed by the governing body upon the recommendation of the Superintendent of Public Works.

7. STORAGE OF RECEPTACLES OUTSIDE COMMERCIAL PROPERTY. No person shall place or cause to be placed any receptacles for refuse or garbage outside of any commercial building except in an enclosure provided and designated for such storage. The area surrounding the receptacle shall be kept free of litter.

8. 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 any kind and to keep sidewalks, areaways, backyards, courts and alleys free from accumulations of litter and other offensive material.

9. 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 upon property owned by such person.

10. DEBRIS FROM VEHICLES. It shall be unlawful

to operate any trucks or motor vehicles carrying or conveying stones, dirt, sand, gravel, earth, fill, glass, grass clippings, solid waste or other similar materials on any road within the Borough without said materials being covered or retained in place by tarpulins or other suitable equipment or device to prevent said materials from falling off, sifting, leaking or otherwise escaping from the vehicle. Any person operating a vehicle from which any glass, debris, 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 objects and shall be liable for and pay the costs thereof.

11. CONSTRUCTION SITES. It shall be unlawful for

any owner, agent or contractor in charge of a construction site or demolition site to permit the accumulation of litter before, during or after 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 non-flyable 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. Temporary accumulations during the time of actual construction or demolition shall not constitute a violation. In the event, however, if the Superintendent of Public Works determines that the accumulation has continued beyond reasonable time he may give a written direction to the owner, agent or contractor that the accumulation be removed. Thereafter, if the accumulation is not removed, within a reason time after the notice, it shall constitute a violation.

12. INTERFERENCE WITH MUNICIPAL EMPLOYEES. No person shall interfere with any employee of the Borough of North Haledon or any municipally-employed person in the sweeping or clearing of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice or other refuse materials described herein.

13. VIOLATIONS AND PENALTIES.

A. 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 material prohibited to be stored or abandoned on lands by this chapter by or under the direction of the Sanitarian or appointed officers of this jurisdiction, in cases where the owner or tenant shall refuse or neglect to remove same within five (5) days of receiving a notice of violation, such officer shall cause the cost to be charged against said properties and owners for services rendered by the municipal crews pursuant to N.J.S.A. 40:48-22.12(f). Costs incurred shall be levied against said properties. The same 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 a lien for delinquent real estate taxes.

B. The amounts to be billed shall be equivalent to the cost of the services rendered by either the Borough's employees or the person contacted by the Borough to perform the services, or both.

C. In addition to the cost of removal of the debris/litter, any person who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, upon conviction, be punished by a fine of: not less than fifty dollars (\$50.) and not exceeding One-thousand dollars (\$1,000), for the first offense; not less than seventy five dollars (\$75.) and not exceeding one thousand dollars (\$1,000.), for the second offense; not less than one hundred (\$100.) and not exceeding one thousand dollars (\$1,000.) for the third or any subsequent offense. In addition, each violation of any of the provisions of this chapter shall be deemed a separate and each day that such violation shall continue shall be deemed a separate and distinct offense.

14. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

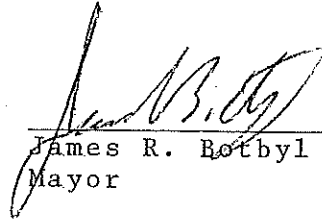
15. This ordinance shall take effect upon final passage and publication as prescribed by law.

NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on July 11, 1990, and will be considered for final passage after second reading and public hearing at the Regular Meeting of the Mayor and Council to be held on August 8, 1990, at the Municipal Building, 103 Overlook Avenue, North Haledon, New Jersey, at 8:00 p.m. or shortly thereafter at which time and place all persons interested therein or affected thereby at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard regarding same.

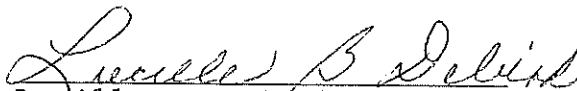
NOTICE

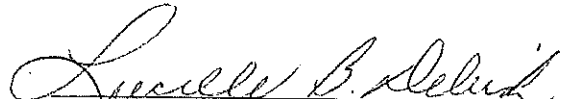
Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon which was held on August 8, 1990, at the Municipal Building, 103 Overlook Avenue, North Haledon, NJ and is hereby declared a passed ordinance according to law.


James R. Botbyl
Mayor

Passed first reading
on July 11, 1990

Passed second and final
reading on August 8, 1990


Lucille B. Debiak
Municipal Clerk


Lucille B. Debiak
Municipal Clerk