

Chapter 179

LITTERING

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 157.

Graffiti — See Ch. 161.

Landscaping — See Ch. 175.

Spray paint — See Ch. 195.

Parks and playgrounds — See Ch. 203.

Property maintenance — See Ch. 219.

Recycling — See Ch. 230.

Obstructions on streets and sidewalks — See Ch. 259, Art. I.

Abandoned vehicles — See Ch. 293.

Waterfront — See Ch. 301.

§ 179-1. 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 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 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 processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

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

NUISANCE — Unsanitary conditions or any thing offensive to the senses or dangerous to health or safety in violation of this or any other local or state code.

OBSTRUCTION — Any object or thing which impedes, hinders, delays, detours or in any other way interferes with free and unfettered passage along any public walkway, street, thoroughfare or any right-of-way.

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of the state subject to municipal jurisdiction. **[Added 2-12-2008 by Ord. No. 1754-08]**

STRUCTURE — The combination of any materials, whether fixed or portable, forming a construction, including buildings.

§ 179-2. Littering prohibited. **[Amended 2-12-2008 by Ord. No. 1754-08]**

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle or, having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat

in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall be deemed to have violated this chapter.

§ 179-3. Places where litter receptacles required.

Litter receptacles and their servicing are required at the following public places:

- A. Sidewalks used by pedestrians in active retail commercially zoned areas. At a minimum, there shall be no single linear quarter mile without a receptacle.
- B. Buildings held out for public use, including but not limited to all government buildings, schools, railroad and bus stations.
- C. Parks.
- D. Drive-in restaurants.
- E. All street vendor locations.
- F. Construction sites.
- G. Gasoline service station islands.
- H. Parking lots.
- I. Special events to which the public is invited, such as parades, carnivals, festivals, sporting events, etc.

§ 179-4. Dumping restricted.

No person shall discard or dump along any road or street 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, nor shall any person discard or dump such items on private property except by written consent of the owner of said property and then only in conformity with existing laws of the State of New Jersey and ordinances of the City of Passaic and in a place specifically designated for the purpose of solid waste storage or disposal.

§ 179-5. Storage of bulky household waste.

No residential property owner, nor any tenant in any residential premises, shall store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in any residentially zoned area, except in a fully enclosed structure or during days designated for collection of bulky items.

§ 179-6. Storage of tires.

No residential property owner, nor any tenant in any residential premises, shall store or permit storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for collection of tires.

§ 179-7. Storage of vehicles.

No residential property owner, nor any tenant in any residential premises, shall park or permit the parking of any vehicle on any residential lawn.

§ 179-8. Inoperable vehicles.

No person shall keep or permit the keeping on streets, vacant lots or residential premises, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

- A. Is missing tires, wheels, engine or any essential parts;
- B. Displays extensive body damage or deterioration;
- C. Does not display a current, valid state license and inspection sticker; or
- D. Is wrecked, disassembled or partly disassembled.

§ 179-9. Uncovered vehicles.

No vehicle shall be driven, moved, stopped or parked on any roadway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass 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 pay the costs therefor.

§ 179-10. Construction sites.

No owner, agent or contractor in charge of a construction or demolition site shall 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 nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse.

§ 179-11. Open or overflowing waste disposal bins.

No residential, commercial or industrial property owner, nor any commercial or industrial tenant, shall permit open or overflowing waste disposal bins (containers, dumpsters, etc.) on his or her property.

§ 179-12. Responsibilities of owners or occupants.

- A. Every owner, lessee, tenant, occupant or person in charge of any structure shall keep or cause to be kept the sidewalk and curb abutting such structure free from obstruction or nuisances of every kind and shall keep all sidewalks, areaways, backyards, courts and alleys free from litter or other offensive material.
- B. 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.

- C. 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.
- D. Every person who owns or occupies property shall be responsible for the litter in the street 12 inches in front of the curbline of the street abutting their property. There shall be a presumption that any street sweeping or litter deposited in the gutter of the street abutting the property owner or person occupying the property is the responsibility of that property owner or occupier to collect and properly contain for disposal. **[Added 10-11-2005 by Ord. No. 1670-05]**

§ 179-13. Separate violations.

Violation of any section of this chapter shall constitute a separate and distinct violation apart from violation of any other section, and each day a violation shall continue shall constitute a separate and distinct violation, provided that proper notice shall have been given.

§ 179-14. Enforcement. [Added 10-23-2001 by Ord. No. 1526-01¹; amended 1-7-2002 by Ord. No. 1532-01]

The Police Department, the Fire Department, the Department of Public Works, the Department of Community Development, the Division of Housing, the Division of Health, the Division of Building Code Enforcement, in addition to City employees who enforce the Property Maintenance Code, are hereby authorized to issue complaints as may be necessary for the proper enforcement of this chapter.

§ 179-15. Violations and penalties.

- A. Each offense shall be punishable by a fine not to exceed \$1,000 and 90 days in jail. First offenses shall be punishable by a fine of not less than \$100 for violations of §§ 179-4, 179-8, 179-9, 179-10 and 179-11 and of not less than \$50 for violations of §§ 179-2, 179-5, 179-6, 179-7 and 179-12.
- B. It is the intent of the City Council that repeat offenders be punished more severely than the aforesaid minimums and that habitual violators rise to the maximum monetary penalty, especially for violations of §§ 179-4, 179-8, 179-9, 179-40 and 179-41, at any time that, in the opinion of the sitting judge, there are no significant mitigating factors.

§ 179-16. Distribution of handbills. [Added 11-18-1996 by Ord. No. 1385-96]

- A. It shall be unlawful for any person to deliver or deposit, or for any person, firm or corporation to cause the delivery or deposit, of any unsolicited newspapers, shoppers, circulars, leaflets, flyers and other like printed matter to or upon any private premises within the City of Passaic except in accordance with the terms herein. For the purposes of this chapter, "unsolicited" shall mean the printed matter referred to herein which has not been ordered, subscribed or requested by the recipient. **[Amended 11-6-1997 by Ord. No. 1424-97]**

1. Editor's Note: This ordinance also repealed former § 179-14, Notice of violation.

- (1) Such printed matter shall be placed only within a permanently installed appurtenance to the premises designed and designated for the receipt of such printed matter, or, if there is none, on the ground or floor at a point beneath the place where such premises receives its mail or within a three-foot radius of that point.
 - (2) Excepted from Subsection A(1) hereof shall be such printed matter which plainly bears upon it either in the masthead or on the front page the name and address of a person responsible for its circulation to whom may be addressed a written notice by any recipient indicating the recipient's desire to cease future delivery of the particular item of printed matter.
 - (3) There shall be no intentional delivery whatsoever of any such unsolicited printed matter to premises after the owner or tenant of such premises has notified the person responsible for its circulation, as referred to in Subsection A(2) herein, by certified mail, return receipt requested, that future delivery shall cease.
- B. Any person responsible for the placement of any advertisement, handbill or unsolicited material of any kind in or on such location within the City shall, in addition to other penalties herein provided, be under obligation to remove the aforementioned materials and dispose of them in a litter receptacle or waste container designed for the purpose of solid waste storage or disposal.
- C. Any person violating any provision of this section shall be subject to a fine of not less than \$50 and not more than \$500 per day, except as provided for in Subsection B of this section.

