

Chapter 140, LITTERING

[HISTORY: Adopted by the Council of the **Borough of Fair Lawn** 7-27-1982 as Sec. 3-2 of the 1981 Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Distribution of handbills -- See Ch. 163, Art. IV.

Property maintenance -- See Ch. 170.

Solid waste -- See Ch. 204.

Streets and sidewalks -- See Ch. 208.

Abandoned vehicles -- See Ch. 230.

§ 140-1. Title.

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

§ 140-2. Definitions.

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

AUTHORIZED PRIVATE RECEPTACLE -- A litter storage and collection receptacle as required by Borough ordinance or other regulation promulgated by the Borough Manager, in providing for a refuse collection system.

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

LITTER -- Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

PARK -- A park, reservation, playground, beach, 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 shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE -- Any and all streets, sidewalks, boulevards, parking lots open to the public, parking areas open to the public, alleys and other public ways, and any and all public parks, squares, spaces, grounds and public buildings.

REFUSE -- All putrescible and nonputrescible solid wastes (except body wastes), including ashes, street cleanings, dead animals, abandoned automobiles, other abandoned personal property and solid market and industrial wastes.

RUBBISH -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as abandoned circulars, leaflets, pamphlets, wrappers, handbills, newspapers and all and any other printed or nonprinted paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass and other similar materials.

§ 140-3. Littering in public places prohibited.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Borough except in public receptacles duly authorized and provided by the Borough, authorized private receptacles for collection, or in areas officially designated as Borough dumping areas, provided that all such authorized deposits shall be

made in the manner and to the extent otherwise permitted by other ordinances or state law.

§ 140-4. Litter to be so placed in receptacle as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 140-5. Sweeping litter into gutters or streets prohibited.

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 sidewalks, entrance walks, parking lots and parking areas in front of or upon their premises free of litter.

§ 140-6. Throwing litter from vehicles prohibited.

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 or upon private property.

§ 140-7. Trucks to be so loaded as to prevent contents spilling.

No person shall drive, move or park any truck or other vehicle on public or private property within the Borough unless such vehicle is so constructed or loaded as to prevent any load contents or litter from being blown or deposited upon any public or private place.

§ 140-8. Depositing litter in authorized receptacles.

No person shall throw or deposit litter in any public place within the Borough except to make deposits in public receptacles to the extent and in the manner permitted by §§ 140-3 and 140-4 above. Where public receptacles are not provided, all such litter shall be carried away from the public place by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 140-9. Littering in fountain, pond, etc., prohibited.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a public place or elsewhere within the Borough.

§ 140-10. Depositing handbills on vehicles prohibited.

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.

§ 140-11. Depositing handbills upon vacant premises prohibited.

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.

§ 140-12. Dropping litter from aircraft prohibited.

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

§ 140-13. Depositing litter on occupied private property prohibited.

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.

§ 140-14. Owner to maintain premises free of litter.

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

§ 140-15. Depositing litter on vacant private property prohibited.

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

§ 140-16. Shopping carts.

A. Any person providing to his/her customers or patrons shopping carts which, being mounted on wheels, are able to be moved off of the premises of such person, shall cause to be placed and maintained upon such shopping carts in a conspicuous manner the name of the owner thereof and shall likewise place and maintain thereon in such conspicuous manner a further notice reading as follows: "The removal of this cart from these premises is prohibited by law."

B. No person shall move, push or carry any shopping cart belonging to and bearing the name of another person or owner upon any street, sidewalk or other public place or private property other than the premises of the owner of the shopping cart.

C. The person operating a place of business which supplies his/her shopping carts for the use of his/her customers or patrons shall keep the sidewalk, parking lots and parking areas in front of or upon his/her business premises clear of such shopping carts by removing therefrom any shopping carts left thereon by his/her customers or patrons; provided, however, that he/she may, while his/her place of business is open, maintain in a suitable area not interfering with the ingress and egress of customers or patrons on foot or in automobiles a place for the orderly collection of shopping carts. No person using a shopping cart shall leave the same in any place outside of the premises of the owner than in the designated outside collection area.

§ 140-17. Dumping prohibited. [Added 5-28-1996 by Ord. No. 1633-96]

A. It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any solid waste, including but not limited to vehicle or vehicle parts, rubber tires, appliances, furniture, construction wastes or demolition wastes.

B. It shall be unlawful for any person to discard or dump on any property, public or private, or in any body of water any solid waste, including but not limited to vehicle or vehicle parts, rubber tires, appliances, furniture, construction wastes or demolition wastes or any manner of solid waste without the express written consent of the property owner, and then only in a litter receptacle or waste container designed for the express purpose of solid waste storage or disposal.

C. Open dumps are declared to be a nuisance, hazardous to human health and are prohibited. Leaf composting facilities operating in compliance with all applicable regulations and possessing all applicable permits or those operated by property owners or operators solely for the purpose of composting vegetative wastes produced on-site shall not be regulated by this chapter.

D. The land application of clean fill, provided that it is wholly uncontaminated by the presence of other solid waste and further provided that it is applied by the property owner or with the express written consent of the property owner, shall not be regulated by this chapter.

§ 140-18. Open or overflowing waste disposal bins. [Added 5-28-1996 by Ord. No. 1633-96]

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

B. It shall be unlawful for any residential or commercial property owner to permit the presence of waste disposal bins, containers or litter receptacles in a manner which promotes or tends to promote the presence of any disease vector.

§ 140-19. Construction sites. [Added 5-28-1996 by Ord. No. 1633-96]

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 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 solid waste 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 solid waste. The Construction Official or his/her designee shall also have the authority to enforce this chapter.

§ 140-20. Violations and penalties. [Added 5-28-1996 by Ord. No. 1633-96]

A. Any person who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof shall be punishable by a penalty as set forth below.

B. Each day that a violation continues shall constitute a separate and distinct offense, punishable by the imposition of additional penalties as are set forth below.

C. For penalty determination purposes, any prior violation of the same provision having occurred within the five years immediately preceding the current violation shall be considered in determining the rank of the current violation.

D. The violation of any section or subsection of this chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection or of any order issued pursuant to this chapter. For any of the offenses set forth herein, and in addition to any other penalty, the court may, in its discretion, impose a penalty of a period of community service not to exceed 90 days. [Amended 1-16-2002 by Ord. No. 1888-2002]

Offense	1st Offense	2nd Offense	3rd Offense	4th and each Subsequent
Littering prohibited [Amended 4-2-2002 by Ord. No. 1904-2002]	A fine not to exceed \$100 or community service, or both	A fine not to exceed \$200 and community service	A fine not to exceed \$600 and community service	A fine not to exceed \$1,000 and community service
Illegal dumping:				
Street or road:				
Less than 10 cu. yds.	\$100	\$200	\$400	\$500
More than 10 cu. yds.	\$200	\$400	\$500	\$500
Public/private property:				
Less than 10 cu. yds.	\$100	\$200	\$400	\$500

More than 10 cu. yds.	\$200	\$400	\$500	\$500	
Open dump:					
Less than 25 cu. yds.	\$100	\$200	\$400	\$500	
25 to 100 cu. yds.	\$200	\$400	\$500	\$500	
More than 100 cu. yds.	\$400	\$500	\$500	\$500	
Open or overflowing waste disposal bins:					
Open/overflowing waste bins		\$100	\$200	\$400	\$500
Disease vectors	\$100	\$200	\$400	\$500	
Construction sites	\$200	\$300	\$400	\$500	
Distribution of handbills:					
Handbill/natural forces	\$50	\$100	\$200	\$300	
Handbill removal	\$50	\$100	\$200	\$300	

E. All penalties collected from this chapter are to be set aside in a Litter Fund which shall be used by the Borough for collection of litter, anti-litter education or enforcement.