

Ordinance No. 9 1993

AN ORDINANCE TO AMEND CHAPTER 53  
OF THE CODE OF THE BOROUGH OF  
PROSPECT PARK ENTITLED  
"LITTERING"

BE IT ORDAINED by the Mayor and Council of the  
Borough of Prospect Park, Passaic County, New Jersey, that  
Chapter 53 of the Code of Prospect Park entitled "Littering"  
shall be amended in its entirety as follows:

CHAPTER 53

LITTERING

- 53-1. Definitions.
- 53-2. Littering prohibited.
- 53-3. Placement of litter in receptacles.
- 53-4. Illegal dumping.
- 53-5. Containerization of sweepings.
- 53-6. Open or overflowing waste disposal bins.
- 53-7. Location and Maintenance of Authorized Receptacles.
- 53-8. Uncovered vehicles.
- 53-9. Construction sites.
- 53-10. Commercial establishments and residences.
- 53-11. Distribution of handbills.
- 53-12. Violations and penalties.

## 53-1 DEFINITIONS

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

AUTHORIZED RECEPTACLE - A storage and collection container which complies with requirements for its use under Chapter 49 of the Code of the Borough of Prospect Park entitled "Garbage Collection and the Mandatory Recycling Program".

BOROUGH - Shall mean within the territorial and geographic limits of the Borough of Prospect Park, in the County of Passaic, and State of New Jersey.

LITTER - Means 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 lawn or garden waste; newspaper, magazines, glass, metal plastic or paper container 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.

PERSON - Any individual, partnership, association, corporation, or other legal entity of any kind.

PRIVATE PROPERTY - Any dwelling, building or other structure designed or used either wholly or in part for private residential purposes, whether uninhabited, or temporarily or continuously inhabited or vacant, including but not limited to any yard, grounds, walkway, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, building or other structure.

PUBLIC PROPERTY - Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, buildings or conservation areas.

REFUSE - All other material not described in the definition in this section of garbage or trade waste.

TRADE WASTE - All scrap or waste resulting from the process of manufacture, assembly, disassembly, alteration, conversion or treatment of a product, or by product of retail sales.

53-2. Littering Prohibited.

It is 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.

53-3. Placement of litter in receptacles.

All 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, sewer basin or other public property or upon private property.

53-4. Illegal dumping.

It is 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, furniture, or 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.

53-5. Containerization of sweepings.

No person will be permitted to 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 must keep the sidewalk in front of his or her premises free of litter. All litter sweepings must be collected and properly containerized in authorized receptacles for disposal.

53-6. Open or overflowing waste disposal bins.

It is unlawful for any residential or commercial

property owner to permit open or overflowing waste disposal bins on his or her property.

53-7. Location and maintenance of authorized receptacles.

No authorized receptacles shall be located on public streets, nor shall authorized receptacles be located on public sidewalks or public curbs so as to impede vehicle or pedestrian traffic nor shall there be more than one (1) authorized receptacle per standard or substandard lot.

53-8. Uncovered vehicles.

It is 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, must immediately cause the public property to be cleaned of all such materials and must pay the costs therefor.

53.9. Construction sites.

It is 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 is 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.

53-10. Commercial establishments and residences.

It is 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, backyard, courts and alleys free of litter.

53-11. Distribution of handbills.

It is 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.

53-12. Violations and penalties.

Any person who violates any provision of this

chapter shall, upon conviction, be subject to a fine of not less than One Hundred Dollars (\$100.00) nor in excess of One Thousand Dollars (\$1,000.00), be imprisoned for not more than ninety (90) days, perform community service or any of the above.

This Ordinance shall take effect after final passage and publication as required by law.

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Frederick De Ruiter, Mayor

  
Judith Critchley, Clerk

Introduced by Councilman Marchitto

Seconded by Councilman Dashoka

Roll Call - Aye 5 votes

Nay 0 votes

Dated: September 27, 1993

Notice is hereby given that the above ordinance was introduced and passed first reading at the regular meeting of the Board of Council of the Borough of Prospect Park held on September 27, 1993 and it will be considered for final passage at a regular meeting of said Board to be held on October 12, 1993 at eight o'clock in the evening in the Prospect Park Municipal Building, 106 Brown Avenue, Prospect Park, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

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Judith Critchley, Borough Clerk