

*Borough of Ridgefield, NJ  
Monday, April 30, 2018*

## Chapter 259. Littering

[HISTORY: Adopted by the Mayor and Council of the Borough of Ridgefield: Art. I, 11-6-1974 by Ord. No. 992 as Ch. 57 of the 1967 Code; Art. II, 3-11-1991 as Ord. No. 1429. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Dumping — See Ch. **172**.

Handbills and posters — See Ch. **217**.

Property maintenance — See Ch. 310.

Recycling — See Ch. **317**.

## Article I. General Provisions

[Adopted 11-6-1974 by Ord. No. 992 as Ch. 57 of the 1967 Code]

### § 259-1. Short title.

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

### § 259-2. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

#### **AUTHORIZED PRIVATE RECEPTACLE**

A litter storage and collection receptacle.

#### **BOROUGH**

The Borough of Ridgefield.

#### **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.

#### **NEWSPAPER**

Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not fewer than four (4) issues per year and sold to the public.

**PARK**

A park, reservation, playground, boardwalk, beach, recreation center or any other public area in the Borough owned or used by the Borough and devoted to active or passive recreation.

**PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

**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 or appurtenant to such dwelling, house, building or other structure.

**PUBLIC PLACE**

Any and all streets, sidewalks, beaches, boardwalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

**REFUSE**

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH**

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**VEHICLE**

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

## § 259-3. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, beach, boardwalk or other public place within the Borough, except in public receptacles, in authorized private receptacles for collection or in official Borough dumps.

## § 259-4. Placement of litter in receptacles.

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 or other public place or upon private property.

## § 259-5. Sweeping litter into gutters.

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 sidewalk in front of their premises free of litter.

### § 259-6. Duties of merchants.

No person owning or occupying a place of business 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 places of business within the Borough shall keep the sidewalk in front of their business premises free of litter.

### § 259-7. Litter thrown by persons in vehicles.

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.

### § 259-8. Truckloads causing litter.

No person shall drive or move any truck or other vehicle 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 street, alley or other public place, nor shall any person drive or move any vehicle or truck within the Borough the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

### § 259-9. Litter in parks.

No person shall throw or deposit litter in any park within the Borough except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere, as provided herein.

### § 259-10. Commercial and noncommercial handbills.

- A. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Borough, nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Borough for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.
- B. 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.
- C. 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.

- D. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.
- E. Inhabited private premises.
- (1) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
  - (2) Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

## § 259-11. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

## § 259-12. Litter on occupied private property.

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.

## § 259-13. Owner to maintain premises free of litter.

[Amended 4-25-1988 by Ord. No. 1348]

- A. The owner or person in control of any private property shall, at all times, maintain the premises free of litter; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. It shall be unlawful for the owner or person in control of any residential property to permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

- C. It shall be unlawful for the owner or person in control of any residential property to store or permit storage of any bulky household waste, including but not limited to household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of bulky items.

## § 259-14. Litter on vacant lots.

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

## § 259-15. Clearing of litter from open private property by Borough.

- A. Notice to remove. The Health Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the Borough, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to said owner at his last known address.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within 10 days after receipt of written notice provided for in Subsection **A** above, or within 15 days after the date of such notice in the event that the same is returned to the Borough Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Health Department is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Borough.
- C. Charge included in tax bill. When the Borough has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Borough, and said charge shall be due and payable by said owner at the time of payment of such bill.
- D. Recorded statement constitutes lien. Where the full amount due the Borough is not paid by such owner within 30 days after the disposal of such litter, as provided for in Subsections **A** and **B** above, then and in that case the Health Department shall cause to be recorded in the Tax Collector's office of the Borough a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 8% in the event that the same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

## § 259-16. Violations and penalties.

[Amended 3-25-1985 by Ord. No. 1281; 6-28-2010 by Ord. No. 2133]

- A. If this article of the Code of the Borough of Ridgefield provides for the licensing or permitting of the violator, the Mayor and Council of the Borough of Ridgefield reserve the right to revoke such permit or license.
- B. Any person found guilty of violating this article of the Code of the Borough of Ridgefield shall be subject to a penalty consisting of a fine or imprisonment, or both, subject to the discretion of the Judge, the maximum of which shall be the maximum fine or term of imprisonment permitted to be imposed by the court having jurisdiction over the violation of this article of the Code of the Borough of Ridgefield; provided, however, that the fine shall not be less than \$100 nor more than \$2,000 per offense and the prison term shall not exceed 90 days in accordance with N.J.S.A. 40:49-5.
- C. In the event of a continuing violation, each day shall constitute a separate offense.

## Article II. Unsolicited Materials

[Adopted 3-11-1991 by Ord. No. 1429]

### § 259-17. Applicability.

The delivery of all nonsubscription, unsolicited newspapers, circulars, advertisements, periodicals or other written materials to homes, apartments, commercial properties or other privately owned properties within the Borough of Ridgefield is hereby made subject to the provisions of this article.

### § 259-18. Placement requirements.

[Amended 9-26-2005 by Ord. No. 1950]

All nonsubscription, unsolicited newspapers, circulars, advertisements, periodicals or other written materials intended for delivery to homes, apartments, commercial properties or other privately owned properties within the Borough of Ridgefield shall be placed neatly in or at the entrance door, no more than five feet from said entrance door to any such premises, in such a manner that the written material will not be blown or otherwise easily be moved from its initial resting place. Such material shall not be placed on lawns, shrubs, garden beds or other landscaped areas of any premises.

### § 259-19. Placement in piles restricted.

No such nonsubscription, unsolicited newspapers, circulars, advertisements, periodicals or other written materials intended for distribution in or about the Borough of Ridgefield shall be placed in piles or otherwise within the Borough unless in a container or otherwise secured to prevent the same from falling or blowing about.

### § 259-20. Violations and penalties.

Any responsible person, as defined in this article, who violates this article shall be subject to a fine of up to five hundred dollars (\$500.). For purposes of this article, each and every incident or violation of this article shall constitute a separate offense.

## § 259-21. Responsible persons designated.

For purposes of this article, the following persons and entities are hereby declared to be responsible persons:

- A. Any person who shall deliver, distribute or otherwise disseminate or cause to be delivered, distributed or otherwise disseminated the written materials to which this article applies.
- B. Any firm, partnership, corporation or other business entity who or which shall deliver, distribute or otherwise disseminate or cause to be delivered, distributed or otherwise disseminated the written materials to which this article applies.
- C. The publisher of any newspaper, circular or other written material to which this article applies.
- D. The person, firm, partnership, corporation or other business entity who or which is the object or subject of any advertising, circular or other written materials to which this article applies and who or which causes its publication, delivery, distribution or dissemination.

## § 259-22. Construal of provisions.

[Amended 9-26-2005 by Ord. No. 1950]

Nothing contained herein shall be construed to authorize or approve any otherwise unlawful act, such as trespass to property. This article shall not apply to literature speaking to or about any governmental or political issue, campaign or candidate for public office.