

ORDINANCE NO. 2006 - #11

**AN ORDINANCE TO AMEND
CHAPTER 13, MISCELLANEOUS
OFFENSES OF THE REVISED
ORDINANCES OF THE
BOROUGH OF RINGWOOD,
COUNTY OF PASSAIC, STATE
OF NEW JERSEY TO CONTROL
LITTER**

BE IT ORDAINED by the Municipal Council of the Borough of Ringwood, County of Passaic and State of New Jersey, that Chapter 13, Section 8, of the Revised Ordinances of the Borough of Ringwood is amended to provide as follows:

Article 8. Litter Control

13.8.1 Prohibition of Littering

A. Purpose

An ordinance to establish requirements to control littering in The Borough of Ringwood so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. 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 director.

- 1.) 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 lawn or garden waste, newspapers, 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.

- 2.) Litter Receptacle – a container suitable for the depositing of litter.
- 3.) Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

C. Prohibited Acts and Regulated Activities

- 1.) 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.
- 2.) Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

“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 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.

13-8.2 Use of Litter Receptacles

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned area, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and 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 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.

Litter receptacle means a container suitable for the depositing of litter.

The aforesaid proprietors or sponsors shall also be responsible for providing and servicing recycling receptacles which shall be located immediately next to the required litter receptacles. A separate container shall be provided for cans and bottles and a separate container for the paper. The container shall be clearly marked and identified. (Ord. 1992-10 3/24/92)

13.8.3 Illegal Dumping

It shall be 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.

13.8.4 Storage of Household Solid Waste

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

13.8.5 Storage of Tires

It shall be unlawful for any residential property owner to store or permit storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for collection of tires

13.8.6 Storage of Vehicles

It shall be unlawful for any residential property owner to park or permit the parking of any vehicle on his or her residential lawn.

13.8.7 Inoperable Vehicles

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which is (a) missing tires, wheels, engine, or any essential parts; or

(b) which displays extensive body damage or deterioration; or (c) which does not display a current, valid state license; or (d) which is disassembled or partially disassembled.

13.8.8 Uncovered Vehicles

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any highway unless such a 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 costs therefore.

13.8.9 Construction Sites

It shall be unlawful for any owner, agent, or contractor in charge of construction of 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 or refuse.

13.8.10 Open and Overflowing Waste Disposal Bins

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

13.8.11 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 every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. 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. 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 property containerized for disposal.

13.8.12 Penalties and Enforcement

Any person who violates any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding \$2,000. If any violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offence.

This ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer of the Borough of Ringwood.

13.8.13 Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

13.8.14 Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: March 7, 2006
Adopted: March 21, 2006

JOANNE ATLAS, MAYOR

Attest:

KELLEY A. ROHDE, RMC
Borough Clerk