

*Township of Berlin, NJ
Wednesday, May 1, 2019*

Chapter 205. Littering

[HISTORY: Adopted by the Mayor and Council of the Township of Berlin 4-27-1992 by Ord. No. 1992-6 (Ch. 38 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Dumping — See Ch. **150**.

Property maintenance — See Ch. **249**.

Solid waste — See Ch. **280**.

§ 205-1. Title.

This chapter shall be cited as the "Berlin Township Anti-Litter Ordinance."

§ 205-2. Definitions; word usage.

For the purpose of this chapter, the following terms, phrases, words and their derivatives 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 or permissive.

AIRCRAFT

Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle as required and authorized in Chapter **280** of the Code of the Township of Berlin.

COMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise product, commodity, or thing; or
- B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where

an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this Township; or

- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

GARBAGE

Any waste material in the process of or subject to decomposition or decay incident to an ordinary domestic or business use or purpose, and shall include among other things, kitchen refuse, wastes from animal or vegetable matter, offal and decaying and decomposing substances.

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 less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL

Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforementioned definitions of a commercial handbill or newspaper.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the Township, owned or used by the Township 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, boulevards, alleys or other public ways and any and all public parks, square spaces, grounds and buildings.

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, solid market and industrial wastes, automobile parts, tires, appliances, furniture, and private personal property.

RUBBISH and TRASH

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.

TOWNSHIP

The Township of Berlin, County of Camden and State of New Jersey.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported whether said device is self-propelled, towed, moved by other means, or drawn upon a highway, including devices exclusively upon stationary rails or tracks.

§ 205-3. 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 except in public litter receptacles or in authorized private receptacles for collection.

§ 205-4. Receptacles in public places.

Litter receptacles shall be located at the following public places: sidewalks used by pedestrians in active commercially-zoned areas, such that at a minimum there shall be no single linear 1/4 mile without a receptacle; 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; camp grounds 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, parades, carnivals, circuses, and festivals. The owner/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.

§ 205-5. 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.

§ 205-6. 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.

§ 205-7. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street, right-of-way or other public place within the Township, 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. All litter sweepings must be collected and properly containerized for disposal. This section shall in no way prohibit the deposit or sweeping of leaves for collection or pickup in accordance with any ordinance or regulation by the Township.

§ 205-8. Duties of commercial property owners.

No person owning or occupying a place of business shall sweep into or deposit into any gutter, street or other public place within the Township, 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 Township shall keep their parking lots, sidewalks, areaways, courts, alleys and all other parts of such business premises free of litter.

§ 205-9. Litter by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit any litter upon any street or other public place within the Township or upon private property.

§ 205-10. Litter from trucks.

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, dropping, sifting, leaking or deposited upon any street, alley or other public place or upon any private property. Nor shall any person drive or move any vehicle or truck within the Township, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind so as to create a nuisance hazard or dangerous condition on or upon the streets, alleys or other public places within the Township. Any person operating a vehicle causing such a circumstance shall immediately cause the public property or private property to be cleared of all such materials and pay all costs associated therewith.

§ 205-11. Litter in parks and recreation areas.

No person shall throw or deposit litter in any park, playground or recreational area within the Township, except in public receptacles and in such manner that the litter will be preserved from being carried or deposited by the elements upon any part of the park, playground, recreational area 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 as required.

§ 205-12. Litter in lakes and streams.

No person shall throw or deposit litter in any lake, stream, pond, fountain, or other body of water in any park or elsewhere within the Township.

§ 205-13. 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.

§ 205-14. Distribution of handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the Township. 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 to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept the same, on any sidewalk, street or other public place within the Township.

§ 205-15. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, 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 the same.

§ 205-16. Distribution of handbills on uninhabited or vacant premises.

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.

§ 205-17. Distribution of handbills prohibited where properly posted.

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/are 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 bothered or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 205-18. Distribution of handbills at inhabited private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbills 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 the case of inhabited private premises which are not posted as provided in this chapter, 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.

- A. 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.

§ 205-19. Dropping litter from aircraft.

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

§ 205-20. 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 lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

§ 205-21. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property in the Township, whether owned by such person or not, except that the owner or person in control of private property may authorize 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.

§ 205-22. 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 section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 205-23. Litter on vacant lots.

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

§ 205-24. Open or overflowing disposal receptacles.

It is unlawful for any residential or commercial property owner to permit open or overflowing waste/litter disposal receptacles.

§ 205-25. Violations and penalties.

[Amended 7-24-2006 by Ord. No. 2006-10]

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than \$50 nor more than \$1,000, or by imprisonment in the county jail for a term not to exceed 90 days, or both, in the discretion of the court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.