

Chapter 142

LITTERING

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[HISTORY: Adopted by the Borough Council of the Borough of Mountain Lakes 6-23-1980 as Sec. 3-2 of the 1980 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous materials — See Ch. 128.

Solid waste — See Ch. 200.

Property maintenance — See Ch. 182.

§ 142-1. Definitions.

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

FILLING STATION — A place where gasoline, oil and services for automobiles and other motor vehicles are sold, either at wholesale or retail prices.

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

LITTER — Garbage, refuse and rubbish, as defined in this section, and all other waste material which, if thrown, deposited or stored as prohibited in this chapter, tends to create a danger to public health, safety and welfare.

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. It shall include any yard, ground, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any street, sidewalk, alley or other public way and any and all public parks, squares, grounds and buildings.

PUBLIC STRUCTURE OR BUILDING — Any structure or building owned or operated by the federal, state or county government or any governmental agency.

REFUSE — All putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and parts thereof, scrap metal, junk, machinery, 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, building materials and similar materials.

§ 142-2. Litter in public places.

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

§ 142-3. 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 shall 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 litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

§ 142-4. Litter in water.

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

§ 142-5. Litter on vacant lots. [Amended by Ord. No. 20-97]

No person shall throw or deposit litter, leaves, brush or yard waste of any kind on any Borough-owned vacant property or privately owned vacant property. This provision shall not preclude any person from composting leaves, brush or yard waste of any kind on his or her property.

§ 142-6. Maintenance of private premises.

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

§ 142-7. Maintenance of sidewalks by merchants; public receptacles.

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 any waste materials or rubbish, as defined in § 142-1, but such person shall keep the sidewalk in front of his business premises free of litter. All persons operating filling stations or other mercantile establishments where commodities are sold between any curb area of the Borough and the office building or equipment from which such commodities are dispensed shall maintain at all times covered receptacles into which all waste materials and rubbish may be deposited by customers, employees

or other persons.

§ 142-8. Responsibility for litter in quasi-public places.

The owner, agent, lessee, tenant, occupant or other person who manages or controls a building or lot shall be jointly or severally responsible for keeping the sidewalk, flaggings, curbstone and the air shafts, areaways, backyards, courts, parking lots and alleys free from litter, whether the property is owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection and removal of the same in such a manner that the litter shall not be unsightly and detrimental to the surrounding neighborhood.

§ 142-9. Sweeping litter into gutter.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any public or private driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 142-10. Trucks depositing litter.

No person shall drive or move any truck or any vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load or content of litter from being blown or deposited upon any street, alley or any other public place.

§ 142-11. Throwing litter from 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.

§ 142-12. Throwing litter from aircraft.

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

§ 142-13. Distribution of handbills. [Amended by Ord. No. 10-83]

- A. Distribution at public places. No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in any public place, provided that any person may hand out or distribute without charge to the receiver thereof any noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet on any sidewalk, street or other public place within the Borough to any person willing to accept it.
- B. Distribution at private premises. No person shall throw, deposit or distribute any commercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon private premises which are inhabited, except by handing or transmitting any such material directly to the owner, occupant or other person then present in or upon such private premises, provided that in case of inhabited private premises which are not posted as provided in § 142-15, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon such inhabited private premises if such materials are so placed or deposited as to secure or prevent them from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be used when prohibited by the law or regulations.

C. Exceptions. The provisions of this section shall not apply to distribution of mail by the postal service.

§ 142-14. Depositing handbills on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon any private premises which is temporarily or continuously uninhabited or vacant.

§ 142-15. Distribution of handbills prohibited where posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet upon any private premises if requested by anyone thereon not to do so or if there is placed on such 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 such premises do not desire to be molested or have their right of privacy disturbed or to have any such material left upon such premises.

§ 142-16. Posting on public property restricted.

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 by the owners thereof or required by law.

§ 142-17. Placement of handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon any vehicle, provided that a person may hand out or distribute, without charge to the receiver thereof, a noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet to any occupant of a vehicle who is willing to accept it.

§ 142-18. 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 streets, sidewalks or other public places.

§ 142-19. Tampering with receptacles or removing contents.

No person shall tamper with or take or remove any of the contents from any public or private receptacle containing garbage, refuse, rubbish, junk or any other waste material which has been placed or deposited along any public highway, street, lane or alleyway for collection by the Borough or any of its agents or servants.

§ 142-20. Violations and penalties. [Amended 4-24-2006 by Ord. No. 05-06]

Any person, firm, or corporation violating any of the provisions of this chapter shall be subject to such penalties as are provided for in Article III of Chapter 1 of the Revised General Ordinances of the Borough of Mountain Lakes.