

**AN ORDINANCE ESTABLISHING REQUIREMENTS TO CONTROL
LITTERING IN THE BOROUGH OF WESTVILLE**

WHEREAS, the Borough Council of the Borough of Westville finds that the reduction of litter on public or private property is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program.; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westville, in the County of Gloucester and State of New Jersey, with the Mayor concurring as follows:

I. Purpose.

The Borough of Westville finds that the reduction of litter is an important public concern to protect public health, safety and welfare and to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program.

II. Definitions.

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.

LITTER RECEPTACLE – a container suitable for the depositing of litter.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

III. Littering Unlawful.

A. It shall be 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.

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

IV. Use of 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 areas, such as that, at a minimum, there shall be no linear quarter mile without a receptacle; buildings held out for use by the public, including schools and government buildings; parks, drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; and at special events to which the public is 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 so that adequate containers are available.

V. **Unlawful 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 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.

VI. **Storage of household solid waste.**

It shall be unlawful for any property owner to store or permit the storage of any bulky household waste, including but not limited to household appliances, furniture and mattresses, except in a fully enclosed structure.

VII. **Storage of tires.**

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

VIII. **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.

IX. **Construction sites.**

It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after the completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of the 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.

X. **Enforcement.**

The Borough Administrator shall designate one or more enforcement officers with authority to enforce the provisions of this article. Said enforcement officers shall be officers or employees of the Borough government.

XI. **Violations and penalties.**

A. Any person who engages in unlawful conduct as defined in this ordinance shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be subject to: a fine, the amount of which shall be within the discretion of and shall be fixed by the Municipal Court or other court or judicial officer having appropriate jurisdiction but which, in no case, shall be greater than the amount permitted by N.J.S.A. 40:49-5, as amended and supplemented, and other applicable law; or both such a fine and such a period of community service.

B. Each continuing day of violation of this article shall constitute a separate offense.

XII. **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.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westville that this Ordinance shall become effective upon final passage and publication as provided by law.

INTRODUCED: 4/13/05
ADOPTED: 4/27/05

BOROUGH OF WESTVILLE

BY: _____
WILLIAM C. PACKER, III, Mayor

ATTEST:


RICHARD M. BURR, Clerk
(SEAL)