

ORDINANCE 90-39

"An Ordinance to provide for a clean, litter-free environment."

SECTION I. PURPOSE

This Ordinance provides for regulatory authority designed to promote a clean, litter-free environment for the citizens of the County of Bergen.

SECTION II. ENACTMENT

This Ordinance is enacted pursuant to N.J.S.A.13:1E-99.1 et seq., the Clean Communities Act of the State of New Jersey.

SECTION III. DEFINITIONS

1. "CLEAN FILL" means an uncontaminated nonwater-soluble, non-decomposable, inert solid such as rock, soil, gravel, concrete, glass and/or clay or ceramic products.

2. "CONSTRUCTION WASTE" means waste building material and refuse resulting from construction, remodeling, and repair operations on houses, commercial buildings, pavements, and other structures.

3. "DEMOLITION WASTE" means waste generated from the razing of buildings, factories, and other man-made structures, including streets, roads, and fences.

4. "DUMPING" means disposal of solid waste at or on any land site, public or private, or in any body of water, in a manner which does not protect the environment, is susceptible to open burning, which promotes the production of odors, or is exposed to the elements, vectors, and scavengers.

5. "LEAF COMPOSTING FACILITIES" means a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in combination with other type ID 23 wastes, as identified in N.J.A.C. 7:26-2.13

6. "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, 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.

7. "OPEN DUMP" means a land site at which solid waste is disposed of in a manner which does not protect the environment, is suscep-

tible to open burning, promotes the production of odors, or is exposed to the elements, vectors, and scavengers.

8. "SOLID WASTE" means any litter, garbage, refuse, sludge, and other discarded materials resulting from industrial, commercial, and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

9. "VECTOR" means an organism, including insects, other arthropods or rodents, that is capable of transmitting pathogen from one organism to another.

SECTION IV. LITTERING PROHIBITED

It shall be unlawful for any person to throw, drop, discard, or otherwise cause litter to be placed upon any public or private property, or in any body of water, other than in a litter receptacle or waste container designed for the purpose of litter storage or disposal.

SECTION V. DUMPING PROHIBITED

1. It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any solid waste, including but not limited to, vehicle or vehicle parts, rubber tires, appliances, furniture, construction wastes or demolition wastes.

2. It shall be unlawful for any person to discard or dump on any property, public or private, or in any body of water, any solid waste, including but not limited to, vehicle or vehicle parts, rubber tires, appliances, furniture, construction wastes or demolition wastes, or any manner of solid waste, without the express written consent of the property owner, and then only in a litter receptacle or waste container designed for the express purpose of solid waste storage or disposal.

3. Open dumps are declared to be a nuisance, hazardous to human health, and are prohibited. Leaf composting facilities, operating in compliance with all applicable regulations and possessing all applicable permits, or those operated by property owners or operators solely for the purpose of composting vegetative wastes produced onsite, shall not be regulated by this Section.

4. The land application of clean fill, provided that it is wholly uncontaminated by the presence of other solid waste, and further provided that it is applied by the property owner, or with the express written consent of the property owner, shall not be regulated by this Section.

SECTION VI. CONTAINERIZATION OF SWEEPINGS

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 properly containerized for disposal.

SECTION VII. OPEN OR OVERFLOWING WASTE DISPOSAL BINS

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

2. It shall be unlawful for any residential or commercial property owner to permit the presence of waste disposal bins, containers, or litter receptacles in a manner which promotes, or tends to promote, the presence of any disease vector.

SECTION VIII. UNSECURED VEHICLE LOADS

1. It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any street, road, or highway, or public or private property, in a manner which results in any portion of its load dropping, sifting, leaking, or otherwise escaping therefrom.

2. Any person operating a vehicle from which any portion of the load has fallen or otherwise escaped, which could cause an obstruction to traffic, damage a vehicle, or otherwise endanger travelers or damage property, shall immediately cause the public or private property or roadway to be cleaned and shall pay the costs therefor.

SECTION 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 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 solid waste 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 solid waste.

SECTION X. 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 of every kind, and to keep sidewalks, areaways, frontyards, backyards, courts, and alleys free from litter and other solid waste.

SECTION XI. DISTRIBUTION OF HANDBILLS

1. It shall be unlawful for any person to place, to cause to be placed, or to hire another person to place any advertisement, handbill, or unsolicited material of any kind in or on any street, sidewalk, building, tree, pole, structure, or vehicle within the County in such a manner that it will be removed by natural forces.

2. Any person responsible for the placement of any advertisement, handbill, or unsolicited material of any kind in or on any street, sidewalk, building, tree, pole, structure, or vehicle within the County shall be under obligation to remove the aforementioned materials and dispose of them in a litter receptacle or waste container designed for the purpose of solid waste storage or disposal.

SECTION XII. ENFORCEMENT

1. Whenever the Director of the Bergen County Department of Health Services, or his designee, has cause to believe that any person is in violation hereof, a prompt investigation shall be made by the appropriate personnel of the Bergen County Department of Health Services.

2. If, upon inspection, a condition which is in violation of this Ordinance is discovered, the Director of the Bergen County Department of Health Services, or his designee, may initiate a civil action in the Special Civil Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive, or if the penalty for a single violation exceeds the jurisdictional limit of the Special Civil Part of the Superior Court, by filing and serving of appropriate process.

3. Nothing in this Ordinance shall be construed to preclude a municipality's right, pursuant to N.J.S.A. 26:3A-25, to initiate legal proceedings hereunder in Municipal Court.

SECTION XIII. PENALTIES

1. Any person who shall violate any of the provisions of this Ordinance, or who shall fail to comply therewith or with any of the requirements thereof, shall be punishable by a penalty as set forth below.
2. Each day that a violation continues shall constitute a separate and distinct offense, punishable by the imposition of additional penalties as are set forth below.
3. For penalty determination purposes, any prior violation of the same provision having occurred within the five years immediately preceding the current violation shall be considered in determining the rank of the current violation.
4. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other

section or subsection, or of any order issued pursuant to this Ordinance.

	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH AND EACH SUBSEQUENT OFFENSE
SECTION IV. Littering Prohibited	\$50	\$100	\$250	\$500
SECTION V. Illegal Dumping				
1. Street or Road				
Less than 10 cubic yards	\$100	\$200	\$400	\$500
More than 10 cubic yards	\$200	\$400	\$500	\$500
2. Public/Private Property				
Less than 10 cubic yards	\$100	\$200	\$400	\$500
More than 10 cubic yards	\$200	\$400	\$500	\$500
3. Open Dump				
Less than 25 cubic yards	\$100	\$200	\$400	\$500
25 - 100 cubic yards	\$200	\$400	\$500	\$500
More than 100 cubic yards	\$400	\$500	\$500	\$500
SECTION VI. Containerization of Sweepings	\$50	\$100	\$250	\$500
SECTION VII. Open or Overflowing Waste Disposal Bins				
1. Open/Overflowing Waste Bins	\$100	\$200	\$400	\$500
2. Disease Vectors	\$100	\$200	\$400	\$500
SECTION VIII. Uncovered Vehicles	\$200	\$300	\$400	\$500
SECTION IX. Construction Sites	\$200	\$300	\$400	\$500
SECTION X. Commercial Establishments And Residences	\$100	\$200	\$300	\$500
SECTION XI. Distribution of Handbills				
1. Handbill/Natural Forces	\$50	\$100	\$200	\$300
2. Handbill Removal	\$50	\$100	\$200	\$300

SECTION XIV. IMPLEMENTATION

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such consistencies only.

SECTION XV. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication, as required by law.

SECTION XVI. SEVERABILITY

If any provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.