

Ordinance #2017-17

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING LITTER AND LITTERING AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A. 40:43-66.35* consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A. 40:43-66.64*, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapters 25 and 28 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to litter and littering; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Sections 25-39 through 25-45 within Article V of Chapter 25 of the "Code of the Borough of Princeton, New Jersey, 1974" ("Borough Code") are hereby repealed.

Section 2. Sections 28-4 through 28-7.1 within Article I of Chapter 28 of the Borough Code are hereby repealed.

Section 3. Sections 14-14 through 14-26 within Articles III, IV and V of Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code") are hereby repealed.

Section 4. Revisions to Chapter 14 of the Township Code as set forth on Exhibit A attached hereto and made a part hereof are hereby adopted to set forth provisions governing litter and littering, and to replace the aforementioned sections of the Borough Code and the Township Code.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this Ordinance and the attached Chapter 14 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It consolidates and updates the requirements and regulations regarding litter and littering in the municipality.

I, Delores A. Williams, Deputy Municipal Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held April 24, 2017.



Delores A. Williams
Deputy Municipal Clerk

EXHIBIT A

CHAPTER 14. PEDDLING, SOLICITING AND RELATED ACTIVITY; ANTI-LITTERING REGULATION.

Article II. Anti-Littering Regulation.

Sec. 14-14. Purpose.

The purpose of this article is to establish requirements to control littering in Princeton, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Sec. 14-15. Definitions.

As used in this article, the word or phrases shall have the meanings indicated unless otherwise required by the context:

Commercial matter or material. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature 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.

Commercial premises. A building or buildings or any part thereof, and the lot or tract of land upon which the building or buildings are situated, where commercial activity of any kind takes place. Commercial activity shall include, but is not limited to, automobile service stations; stores for retail sales; liquor stores; taverns and inns; restaurants, including, but not limited to, drive-in restaurants, snack bars, hot dog, hamburger, and ice cream stands; professional activities, including, but not limited to medical, dental, legal, architectural, accounting; personal services, including, but not limited to real estate, insurance, barber shops, hairdressers, repair shops of all kinds, shopping centers; and amusements, including, but not limited to, movies, skating rinks, bowling alleys, whether part of a shopping area or not.

Garbage. The animal and vegetable and other organic wastes resulting from the handling, preparation, cooking and consumption of food or other products.

Litter. Garbage, refuse, and rubbish, as defined herein, and all other waste material, such as chemical, building and automobile shop, which is discarded or thrown or deposited as herein prohibited.

Litter receptacle. A container suitable for the depositing of litter.

Occupant. Any person having actual possession of the premises or any part thereof.

Operator. Any person having charge, care or control of the premises or any part thereof, whether with or without the consent of the owner.

Owner. Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care of control of any premises as owner or agent of the owner, or as fiduciary, administrator, administratrix, trustee, receiver or guardian of the estate or as mortgagee in possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises subject or assigned by said lessee.

Private property. Any dwelling or structure, whether or not occupied, and any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling or structure.

Public ways adjacent to private property. The areas between the edge of the pavement or traveled portion of a highway, street or road, whether or not curbed, and the adjacent private property line, and all areas used for any public park, playground, municipal building or other installation, including driveways, parking areas, walks, paths and other public ways thereupon.

Refuse. All putrescible and non-putrescible solid wastes (except body wastes), including but not limited to garbage and rubbish.

Rubbish. Non-putrescible solid wastes, consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, except natural fall of leaves and needles left undisturbed.

Sec. 14-16. Acts of litter prohibited.

No person shall place upon, deposit, throw upon, leave or abandon upon any commercial, private or public property located within the municipality any litter, other than in a litter receptacle.

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

Sec. 14-17. Duty to keep commercial premise sanitary.

Occupants, owners, and/or operators of commercial premises within the municipality shall be responsible for removing litter from the sidewalks, walkways, pedestrian areas and parking areas during every day the premises are open for business. The areas shall be swept or otherwise cleaned as often as is necessary to maintain it free of litter.

Sec. 14-18. Removal of litter from commercial premises.

Every owner, operator and/or occupant of commercial premises shall have the duty and responsibility of providing sufficient and suitable litter receptacles with tightfitting covers for receiving and holding litter; and the litter receptacles shall be maintained in a manner, with the cover in place so as to avoid the creation of a nuisance.

Sec. 14-19. Additional acts prohibited.

No person shall place or cause to be placed upon, delivered, deposited, thrown upon, left or abandoned within or upon any private property or public ways adjacent to private property in the municipality any garbage, cans, bottles, cartons and other types of refuse or rubbish, or any handbills, advertisements, brochures, flyers, shoppers or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever.

Sec. 14-20. Exceptions.

The provisions of section 14-19 shall not be applicable to the delivery of:

(a) Mail, parcels or packages by and in accordance with the rules of the United States Postal Service.

(b) Parcels, packages and materials by vendors organized for such purposes, and those delivered by vendors where ordered by or on behalf of the owner or occupant of the recipient premises.

(c) Newspapers and other publications and periodicals that are solicited or subscribed to by the owner or occupant of the recipient premises, provided that such material is placed firmly in a receptacle designed for such purpose, or there being no such receptacle, is tightly secured or packaged so as to prevent blowing or scattering upon the recipient premises or adjacent areas.

(d) Unsolicited and unsubscribed newspapers, publications and other periodicals that are wholly or partially of a commercial nature, provided that such material is placed firmly in a receptacle designed for such purpose, or there being no such receptacle is tightly secured or packaged so as to prevent blowing or scattering upon the recipient premises or adjacent areas.

(e) Laundry, dry cleaning, dairy, bakery and similar food products, and commercial product sampling, by agreement with or invitation of the owner or occupant of the recipient premises.

(f) Solicitation cards, brochures and flyers by duly authorized bona-fide non-profit charitable organizations, including, but not limited to, United Fund, American Red Cross, religious, educational, medical and volunteer police, fire and ambulance organizations, provided that such material is tightly secured or packaged and placed in such manner as not to blow or scatter upon the recipient premises or adjacent areas.

(g) Non-commercial handbills of a political or other nature whose distribution is protected by constitutional rights of free speech, provided that such handbills are tightly secured or packaged in such manner as not to blow and scatter upon the recipient premises or adjacent areas.

Sec. 14-21. Objection to delivery of unsolicited, commercial publications.

The owner or occupant of any property within the municipality shall have the right, at any time, in writing, either by certified mail or in person, to transmit to the local office of the publisher and/or distributor of any unsolicited or unsubscribed newspapers, publications or other periodicals that are wholly or partially of a commercial nature, a notice of objection to the continued delivery of any such unsolicited and unsubscribed material. Such notice of objection shall clearly identify the property to which the continued delivery of any such unsolicited or unsubscribed material is objected. Any publisher and/or distributor who receives said notice of objection, shall comply with said notice within fourteen days of receipt of said notice and shall discontinue the delivery of the objected to material to the property identified by said notice. Such notice of objection shall continue in effect until revoked, and it shall be deemed a violation of this article for any person, including, but not limited to, a publisher and/or distributor to deliver, continue to deliver or cause to be delivered any such unsolicited and unsubscribed material to the property of any such objecting owner or occupant.

To facilitate cooperative action with regard to violations as herein described, any owner or occupant of any property within the municipality who has transmitted written notice of objection as provided for herein to the publisher and/or distributor, may file a copy of said notice and all subsequent correspondence pertaining to said notice with the municipal clerk, who will maintain a file of such correspondence for public inspection. Said municipal clerk files are to be kept current by removing therefrom any correspondence which is more than three years old.

Sec. 14-22. Placement and servicing of litter receptacles in public places.

Litter receptacles shall be required in the following areas:

(a) In buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas;

(b) At any and all special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals.

The owners of the above mentioned places or the sponsors of the above-mentioned events, as the case may be, shall be responsible for providing and servicing the receptacles at such times and in such a manner that clean and adequate storage in the receptacles is maintained at all times.

Sec. 14-23. Separate violations.

Each violation of the provisions of this article shall be deemed a separate violation whether it shall occur on the same day or on succeeding days.

Sec. 14-24. Violations and penalties.

Any person, firm or corporation violating any provisions of this article shall be liable in the municipal court for fines as follows:

- (a) For the first violation, a fine of not less than one hundred dollars.
- (b) For a second violation, a fine of not less than two hundred dollars.
- (c) For a third violation, a fine of not less than three hundred dollars.
- (d) For each subsequent violation within one year of the date of the first violation, a fine of not less than five hundred dollars.

Sec. 14-25. Severability.

Every section or provision of this article shall be deemed a separate provision to the extent that if any portion shall be declared invalid, such determination shall not affect the remaining parts of this ordinance, which shall remain in force and effect to the extent severable.

Sec. 14-26. Enforcement.

This article shall be enforced by the police department and/or health department of the municipality of Princeton.