

§ 3-1. LITTER AND DISTRIBUTION OF HANDBILLS.

§ 3-1.1. Title. [Ord. No. 936 § 2401]

This section shall be known and may be cited as the "Fairfield Township Anti-Litter Regulations."

§ 3-1.2. Definitions. [Ord. No. 936 § 2402]

As used in this section:

AIRCRAFT — Shall mean 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 — Shall mean a litter storage and collection receptacle as required and authorized in the refuse collection and removal ordinance.

COMMERCIAL HANDBILL — Shall mean 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 collection is taken up for the purpose of defraying the expenses 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, or 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 — Shall mean the putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER RECEPTACLE — Shall mean a container suitable for the depositing of litter.

LITTER, GARBAGE, REFUSE AND RUBBISH — Shall mean as defined herein and all other waste material which has been discarded, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare, 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 or 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 waste of the primary processes of mining or other extraction processes, logging, saw milling, farming or manufacturing.

NEWSPAPER — Shall mean 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 — Shall mean 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 aforesaid definitions of a commercial handbill or newspaper.

PARK — Shall mean 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 — Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

PERSON IN CONTROL — Shall mean an owner, tenant, lessee, manager, supervisor, custodian, agent, or any other person who exercises any form of control over the premises in question or the litter emanating therefrom or has the authority of law or contract to maintain the premises, container, vehicle, receptacles or control the disposition of the litter.

PUBLIC PLACE — Shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE — Shall mean all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and commercial and industrial wastes.

RUBBISH — Shall mean non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

TOWNSHIP — Shall mean the Township of Fairfield.

VEHICLES — Shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 3-1.3. Litter in Public Places. [Ord. No. 936 § 2403]

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

§ 3-1.4. Placement of Litter in Receptacles. [Ord. No. 936 § 2404]

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.

§ 3-1.5. Sweeping Litter into Gutters Prohibited. [Ord. No. 936 § 2405]

No person shall sweep into or deposit in 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 property shall keep the sidewalk in front of their premises free of litter.

§ 3-1.6. Merchants' Duty to Keep Sidewalks Free of Litter. [Ord. No. 936 § 2406]

No person owning or occupying a place of business shall sweep into or deposit in 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 the sidewalk, parking area and public access areas in front of their business premises free of litter. Merchants shall be responsible for keeping all litter properly contained in receptacles for collection and shall maintain areas surrounding the receptacles free and clear of any litter.

§ 3-1.7. Litter Thrown by Persons in Vehicles. [Ord. No. 936 § 2407]

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

§ 3-1.8. Truckloads Causing Litter. [Ord. No. 936 § 2408]

No person shall drive or move any truck or other vehicle within the Township unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. No person shall 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 substances, litter or foreign matter of any kind.

§ 3-1.9. Litter in Parks. [Ord. No. 936 § 2409]

No person shall throw or deposit litter in any park within the Township except in public receptacles and in such a manner that the litter will 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 as provided herein.

§ 3-1.10. Litter in Lakes and Fountains. [Ord. No. 936 § 2410]

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

§ 3-1.11. Throwing or Distributing Commercial Handbills in Public Places. [Ord. No. 936 § 2411]

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Township. No person shall hand out or distribute or sell any commercial handbill in any public place. It shall not be unlawful on any sidewalk, street, or other public place within the Township for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 3-1.12. Placing Commercial and Noncommercial Handbills on Vehicles. [Ord. No. 936 § 2412]

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. 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 it.

§ 3-1.13. Depositing Handbills on Uninhabited or Vacant Premises. [Ord. No. 936 § 2413]

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.

§ 3-1.14. Distribution of Handbills Where Posted. [Ord. No. 936 § 2414]

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 placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "Posted," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises.

§ 3-1.15. Distributing Handbills at Inhabited Private Premises. [Ord. No. 936 § 2415]

- a. No person shall throw, deposit or distribute any commercial or noncommercial handbill 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.

- b. In case of inhabited private premises which are not posted as provided in this section, such person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon the inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about the 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.
- c. 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.

§ 3-1.16. Dropping Litter from Aircraft. [Ord. No. 936 § 2416]

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

§ 3-1.17. Posting Notices Prohibited. [Ord. No. 936 § 2417; Ord. No. 2014-02]

- a. A person shall not post, affix or otherwise display any notice, poster or other paper or device, calculated to attract the attention of the public, to any public lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.
- b. A person shall not post, affix or otherwise display any temporary commercial handbill or advertisement, to induce directly or indirectly any person to enter into any obligation or acquire title or interest in any property, object, ware, good, commodity, or service, on any real property located within a municipality, or any building, pole, post or other structure on the property, without the prior written permission of the owner of record for the property, or the building or other structure thereon. This does not apply to a person posting or otherwise displaying a temporary advertisement containing information and directional indicators

inviting the public to purchase or lease real property at a real estate open house or similar event for that property.

- c. Reporting Violations. Any person or entity suspected of violating this subsection shall be reported to the Fairfield Township Police Department or the Fairfield Township Zoning Officer (collectively "Enforcement Officer") for further investigation. Any report to the Enforcement Officer shall include a statement by the owner of record for the subject property indicating the suspected violator does not have permission to post, affix or otherwise display any advertisement as provided for in paragraphs a and b of this subsection.
- d. Removal of Advertisement. The Enforcement Officer shall have the power to remove or cause to be removed any advertisement posted or displayed in violation of Subsection a or b of this section. Any such removal may be accomplished by any commercially reasonable means.
- e. Cost of Removal; Reimbursement. Whenever the Township removes, or causes to be removed, an advertisement, the Township may present the person who posted or otherwise displayed the removed advertisement, or the business advertised in the removed advertisement, by certified and regular mail, a detailed itemization of the costs of removal incurred by the municipality, requiring reimbursement by that person or business of the removal costs. If the person or business does not provide reimbursement within 30 days of receipt of the municipal itemization, the Township may enforce the payment of these costs, together with interest and reasonable collection costs, by instituting an action at law for the collection thereof. The Superior Court or the Municipal Court shall have jurisdiction of any collection action.
- f. Establishment of Fund. Funds collected from the enforcement of this subsection shall be deposited in a dedicated Advertisement Removal Fund administered by the Chief Financial Officer of the Township. The funds shall be used exclusively to remove advertisements and otherwise enforce the provisions of this subsection, and to administer the fund.
- g. Report to the Division of Consumer Affairs. The Township may report to the Division of Consumer Affairs, in the Department of Law and Public Safety, for further investigation by the Division, any pattern or practice of advertisements posted or otherwise displayed in violation of Subsection b of this subsection, which

reasonably appears to violate the provisions of P.L. 1960, c. 39 (N.J.S.A. 56:8-1 et seq.).

- h. Violations. In addition to the costs imposed in Subsection e., any person convicted of violating this subsection shall be assessed a penalty as provided for in Chapter 1, § 1-5.

§ 3-1.18. Litter on Occupied Private Property. [Ord. No. 936 § 2418]

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

§ 3-1.19. Owner or Person in Control to Maintain Premises Free of Litter. [Ord. No. 936 § 2419]

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

§ 3-1.20. Litter on Vacant Lots. [Ord. No. 936 § 2420]

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

§ 3-1.21. Clearing of Litter from Open Private Property by Township. [Ord. No. 936 § 2421]

- a. Notice to Remove. In addition to any summons issued or fine imposed, the Health Officer or any other Township official designated by the Township Administrator is hereby authorized and empowered to notify the owner of any open or vacant private property within the Township or the agent of such owner to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to the owner at his last known address.
- b. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within five days

after receipt of written notice provided for in Subsection a above, or within five days after the date of such notice in the event the same is returned to the Township office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Health Officer is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Township.

- c. Charge Included in Tax Bill. When the Township has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the same rate as that imposed on delinquent taxes, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner of the property by the Township and the charge shall be due and payable by the owner at the time of payment of such bill.
- d. Recorded Statement Constitutes Lien. Where the full amount due the Township is not paid by the owner within 30 days after the disposal of such litter, as provided for in paragraphs a and b above, then the Health Officer, shall cause to be recorded in the Municipal Lien book a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of Court, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes in the event same is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions thereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

§ 3-1.22. Evidence of Noncompliances. [Ord. No. 936 § 2422]

The finding of a significant number of commercial or noncommercial handbills in or upon public places or private premises or upon unoccupied vehicles or public facilities such as drainage inlets within the Township shall constitute a presumption that the person,

business, commercial, mercantile or other establishments advertised or identified on the handbill has caused or authorized litter in violation of this section and shall be subject to penalties and provisions specified herein.