

*Borough of Berlin, NJ
Wednesday, July 25, 2018*

Chapter 207. Littering

[HISTORY: Adopted by the Mayor and Borough Council of the Borough of Berlin 10-9-1981 by Ord. No. 81-14. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, weeds and obnoxious debris — See Ch. **101**.

Solid waste — See Ch. **278**.

§ 207-1. Short title.

This chapter shall be known and may be cited and referred to as the "Anti-Litter Ordinance of the Borough of Berlin."

§ 207-2. Definitions.

The following definitions shall apply in the interpretation of this chapter:

AIRCRAFT

Any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

COMMERCIAL HANDBILL

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 which:

- A. Advertises for sale any merchandise, product, commodity or service.
- B. 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.
- C. 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 subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incidental to any meeting, theatrical performance, exhibition or event of any kind.

HANDBILL

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. The word "handbill," as utilized throughout this chapter, shall be deemed to include any commercial handbill.

LITTER

Garbage, trash and refuse as defined in Chapter 278 of the Code of the Borough of Berlin, and including, in addition, building and construction debris and any other matter or material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER

Any newspaper of general circulation, whether same be paid or free or whether it is primarily designed to report the news or as a form of commercial advertising, which is either delivered locally or through malls. It is intended that this definition of newspaper be given a broad interpretation to cover all local, regional, state-wide or national newspapers.

PARK

Any park, playground, recreation center or any other public place in the Borough, owned or used by the Borough and devoted to active or passive recreation.

PERSON

Any natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

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

PRIVATE PROPERTY

Any privately owned or occupied lands or premises, including property owned or occupied by any public utility.

PRIVATE RECEPTACLE

A litter storage and collection receptacle or system as required and authorized in Chapter 278, Garbage, Rubbish and Refuse, of the Code of the Borough of Berlin.

PUBLIC PLACE

Any and all streets, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

§ 207-3. Litter in public places.

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

§ 207-4. Placement of litter in receptacles so as to prevent scattering.

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.

§ 207-5. Sweeping litter into gutters or other public places restricted.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk or driveway, except that the occupants may rake fallen leaves into the gutter for purposes of collection during the normal collection period as specified by the Borough Council.

§ 207-6. Maintenance of business properties.

[Amended 9-11-1987 by Ord. No. 87-19]

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 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 Borough shall keep the sidewalk in and around the business premises free of litter and shall keep all of the environs of said business, including parking lots and other places to which the public is invited, free of litter.

§ 207-7. Truckloads and/or other vehicles causing litter.

No person shall drive or move any truck or other vehicle within the Borough, unless such 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 Borough, the wheels or tires of which carry onto or which deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 207-8. 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 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 sorts of litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 207-9. Throwing and/or distribution of handbills in public places.

No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the Borough. This provision shall not be construed as prohibiting the distribution of handbills to persons willing to accept the same.

§ 207-10. Depositing handbills on uninhabited or vacant premises prohibited.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 207-11. Distribution of handbills on posted property prohibited.

No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is posted on said premises in a conspicuous place 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 said premises do not desire to have their right of privacy disturbed or to have any such handbills left upon the premises.

§ 207-12. Distribution of handbills on inhabited private property.

Handbills shall be distributed to inhabited private premises which are not posted as provided in this chapter, provided that said handbills are placed or deposited in such a manner as to secure or prevent such handbill from being blown or drifted about the premises, sidewalks, streets or other public places, and except to the extent that mailboxes may not be so used when prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service nor to newspapers; provided, however, that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 207-13. Litter from aircraft.

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

§ 207-14. Posting of notices on public property or structures 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, shade tree or upon any public structure or building except as may be authorized or required by law.

§ 207-15. Litter on private property.

No person shall throw or deposit litter on any private property within the Borough, 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.

§ 207-16. Maintenance of private property.

The owner 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.

§ 207-17. Litter on vacant lots.

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

§ 207-18. Commercial handbill distribution: license; application; revocation; fees.

- A. Any person, firm or corporation engaged in the distribution of commercial handbills within the Borough of Berlin shall make application to and obtain from the Borough Clerk a commercial handbill distribution license. Said application shall be in writing on a form or forms to be supplied by the Borough Clerk. Such forms shall contain, among other things, the name, business address and brief description of the nature of the business to be conducted by the applicant, the total number of employees to be so engaged and the length of time for which the license is required.
- B. Any person, firm or corporation obtaining a commercial handbill distribution license shall be permitted to distribute handbills pursuant to the provisions of this chapter between the hours of 9:00 a.m. and 5:00 p.m.
- C. Without excluding other just grounds for revocation, the Borough Council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter on repeated occasions or any other grounds specified by law. No license issued under this chapter shall be transferable, and no part of the fee for said license shall be returnable should the license be surrendered by the licensee or revoked by the governing body of the Borough for cause.
- D. Fees.
 - (1) License fees for a commercial handbill distribution license shall be as follows:
 - (a) For the period of one year: \$25.
 - (b) For the period of three months: \$10.
 - (c) For a period of one week: \$5.
 - (d) For a period of one day: \$3.
 - (2) The yearly license shall be for a calendar year or the portion thereof remaining at the time of issuance.

§ 207-19. Violations and penalties.

Any person in violation of any of the provisions of this chapter shall be fined in an amount not exceeding \$200 for each offense or be imprisoned for a period not exceeding 60 days, or be both so fined and imprisoned. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.