

## **Chapter 109**

### **LITTERING**

#### **GENERAL REFERENCES**

**Advertising materials — See Ch. 45.**

**Health and sanitation — See Ch. 97.**

**Brush, weeds and debris — See Ch. 68.**

**Nuisances — See Ch. 114.**

**Garbage, rubbish and refuse — See Ch. 93.**

**Streets and sidewalks — See Ch. 148.**



ARTICLE I  
**General Provisions**

**§ 109-1. Throwing rubbish, refuse, garbage and litter on streets, sidewalks and public places; duty to remove.**

No person shall throw, cast or lay or direct or permit any other person to sweep, throw, cast or lay any ashes, offal, garbage, cinders, shells, straw, shavings, paper, dirt, filth, broken glass, crockery, bottles or other rubbish, refuse or litter of any kind whatsoever or any fruit or vegetable or part or portion thereof or any dead animals or part thereof or animal dung in or upon any street, sidewalk or public place; provided, however, that clean ashes may be placed upon ice which has formed upon any sidewalk. In any case where a sidewalk has any of the foregoing materials upon it, it shall be the duty of the owner of the property adjacent to the sidewalk to remove and properly dispose of such materials.

**§ 109-2. Sweeping litter into streets.**

No person shall sweep, rake, dump, throw, cast, spill or pile or permit the sweeping, raking, dumping, throwing, casting, spilling or piling of dirt, earth, rock, brush, debris, mowed grass, cut grass, uprooted grass, hedge trimmings, leaves or tree trimmings into any gutter, street, curb, sidewalk or public place.

**§ 109-3. Trimmings and cuttings.**

No person engaged in the business of cutting grass, trimming hedges or branches, cutting or pruning trees or landscaping or employed by any person conducting such business<sup>1</sup> shall sweep, rake, dump, throw, cast or lay or cause to be swept, raked, dumped, thrown, cast or laid mowed, cut or uprooted grass, hedge trimmings, cinder, dirt, gravel or other material into any gutter or street. Such persons shall be individually liable for the removal of such refuse as a result of their labor from the premises affected.

**§ 109-4. Littering from vehicles; spilling receptacles.**

- A. No person owning or having control of any vehicle or of any receptacle shall cause or permit the scattering, dropping or spilling therefrom of any dirt, cinder, gravel, clay, loam, stone, building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste, refuse or rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or permit the same to be blown from any vehicle or receptacle in or upon any street or public place. If any such scattering or spilling occurs, the person in control of such vehicle or receptacle shall immediately remove the same from the street or public place and clean the same as directed by the Chief of Police or shall be responsible

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1. Editor's Note: See Ch. 94, Gardeners, Landscapers, Horticulturists, and Snow Removal Business.

to reimburse the city for all costs incurred for such removal and cleaning.

- B. It is unlawful for any vehicle to be driven, moved, stopped or parked on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its load from dripping, sifting, leaking or otherwise escaping therefrom.

**§ 109-5. Excavation and construction debris.**

- A. When any person, firm or corporation shall, within the confines of the City of Hackensack, be engaged in excavation or transporting of earth, rock, debris or other material and some of said earth, debris or other material is carried onto the streets of the City of Hackensack by the wheels or parts of the vehicle carrying the same, then, upon notice by the Chief of Police of the City of Hackensack, such person, firm or corporation shall cause said dirt, earth or material to be removed and take such precautions as would prevent a recurrence of such carrying of debris or rock, earth or material onto said streets and, further, shall place said streets or roads in a clean, traversable condition.
- B. It is unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or immediately following completion of any construction or demolition project. It is the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable 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 of refuse.
- C. All excavated material, including but not limited to earth, dirt, rock and other debris, generated at a construction site which is in excess of an amount reasonably necessary to provide for the grading or backfilling of the project shall be removed from the site within 30 days of the excavation of the same.

**§ 109-6. Dust and windborne matter.**

No person shall sieve, agitate or expose any lime, ashes, coal, dry fill, dust, hair, feathers or other material liable to be carried by the wind; or shake or beat any mat, carpet or cloth; or scour, clean or hang any cloth, yarn, garment, material or similar substances; or place, keep or expose any rags, damaged merchandise, barrels, wooden boxes, paper cartons, loose paper or broken bales of merchandise or goods in any place where such substances or materials or particles may be carried or deposited on any streets or public places or other occupied premises. It shall be unlawful to neglect to use any reasonable or usual precautions to prevent any fragments or other substances falling to the detriment or peril of life or health; or to permit any dust or light material to fly into any street or other place or building from any building or structure while the same is being built, altered, repaired or demolished; or to remove any material in

demolishing a building or part thereof without first properly wetting down in order to lay dust arising from the operation.

**§ 109-7. Distribution of circulars, handbills, newspapers, product samples and the like.**

A. Definitions. As used herein, the following terms shall have the meanings indicated:

PRINTED MATTER — Any and all of the following: circulars, handbills, notices, cards, newspapers, magazines, pamphlets and leaflets.

UNSOLICITED DISTRIBUTION — Free distribution not previously requested by the person to whom distribution is intended.

B. The following standards for the unsolicited distribution of printed matter and product samples, other than newspapers, are hereby established in the City of Hackensack:

(1) No printed matter or product samples shall be placed, thrown or discarded by any person upon any public street, road, avenue, park, or other public place or upon the lawn, driveway or in the yard appurtenant to any residence or other building located therein or upon any field or other open space within the city.

(2) No printed matter or product sample shall be distributed or caused to be distributed by any person at any residence or other building unless such printed matter or product sample shall be delivered into the possession of some person there offering to receive same or be placed in a slot or receptacle provided on the premises for the receipt of same or be placed within five feet of a door or entranceway of such residence or other building.

(3) No person shall distribute or cause to be distributed any printed matter or product sample upon the premises of any residence or other building known to be vacant by the person distributing or causing to be distributed such printed matter or product samples.

C. Notwithstanding the foregoing restrictions of Subsection B, the delivery of unsolicited newspapers shall be subject to the following restrictions:

(1) No delivery shall be made to any residence where notice has been given by the owner or occupant to the publisher of such newspaper to cease delivery to the specific site. Where no such notice to cease delivery has been given, deliveries shall be made in the following manner:

(a) With respect to those residences where public sidewalks exist, delivery shall be made beyond a line created by the interior line of the sidewalk extended through the entire frontage of the property.

- (b) With respect to those residences which do not have public sidewalks, delivery shall be effected by delivery of the newspaper beyond the edge of the pavement of the street abutting the front property line.
- (2) In the case of garden-apartment-type structures with common areas, delivery, when permitted, shall be prohibited in the parking areas, on any streets or on any private access driveways.
- (3) In the case of distribution of an unsolicited newspaper, the newspaper shall include within its pages a notice setting forth the telephone number and address where a recipient may contact the newspaper to resolve any distribution questions or problems. The notice shall be a minimum 10 point type in size and shall appear in each edition of the newspaper. This telephone number or address so published shall be the means by which notices for the cessation of delivery can be made by the recipient to the publisher.
- (4) There shall be no intentional delivery whatsoever of any such unsolicited printed matter to premises after the owner or occupant of which premises has notified the publisher or the delivery person or, in the case of printed matter referred to in Subsection C(3) hereof, after the owner or tenant of the premises has notified that person indicated in the printed matter to be the person having authority to cease further delivery of the same at the address or telephone number so indicated, that such delivery shall cease or be suspended for a stated period of time, or in violation of the provisions of this Subsection C.
- D. This section shall not apply to the distribution of printed matter or product samples that shall have been previously ordered or requested by the owner, tenant or occupant of the premises where such distribution is made or to the distribution of printed matter or samples of merchandise by mail.
- E. No person shall throw, cast or distribute or cause to be thrown, cast or distributed any printed matter or product sample upon any stoop, porch, patio, stairs or in any vestibule or hall of any residence or other building in such a manner or in such position that the same may be blown, carried or deposited by wind or otherwise in or upon any street or public place or into any yard or onto any open portion of any residence or other building.

**§ 109-8. Maintenance of vacant lots; fill material.**

No person shall throw, cast or lay or direct, suffer or permit any other person under his control to throw, cast or lay ashes, offal, garbage, cinders, shells, straw, shavings, paper, dirt, filth, broken glassware, crockery, bottles or any rubbish of any kind whatsoever or any food or vegetable or any portion thereof or animals or animal dung in or upon any vacant lot or plot

within the limits of the city, except that clean ashes, dirt or stones may be used for filling such lot or plot.<sup>2</sup>

**§ 109-9. Blockage of drainage ditches.**

The throwing of waste, rubbish or debris of any kind in any open water ditch within the city used for drainage purposes or the blocking thereof in any manner whatsoever is hereby declared a nuisance.

**§ 109-10. Receptacles.**

A. Commercial establishments.

- (1) The owner, agent, lessee or tenant of any commercial establishment which provides food and drinks for consumption off premises, including packaged candies and snack items, shall provide a suitable litter receptacle for the use of his customers. This litter receptacle shall be placed inside the establishment at each exit. The litter receptacle shall be present at all times that the establishment is open for business. The receptacle shall be of suitable height and capacity for the waste generated by the patrons of the establishment and should be appropriately identified as a litter receptacle. The owner, agent, lessee or tenant is responsible for disposing of the litter placed in the receptacle and for removing all litter on the sidewalk and at the curb in front of the establishment.
- (2) The term "food" cited above includes any raw, cooked or processed edible substances, water, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (3) All litter receptacles shall be clearly identifiable, have a lid to prevent the spillage of litter placed within them and be maintained in a sanitary manner.

B. Special events. Sponsors of special events such as parades, carnivals, circuses and festivals shall be responsible for providing an adequate number of litter receptacles to handle the litter generated by patrons of said event.

C. Public litter receptacles. Along sidewalks used by pedestrians in active commercially zoned areas there shall be a minimum of one litter receptacle for every single linear quarter-mile. These receptacles shall be owned and maintained by the Department of Sanitation of the City of Hackensack.

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2. Editor's Note: See also Ch. 114, Nuisances.

**§ 109-11. Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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.

**§ 109-12. Prohibited acts and regulated activities.**

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle or, having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this article, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this article.

**§ 109-13. Enforcement.**

This article shall be enforced by the Police Department and/or other municipal officials of the City of Hackensack.

**§ 109-14. Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500.



ARTICLE II  
**Illegal Dumping**

**§ 109-15. Illegal dumping and storage.**

It is unlawful for any person to discard, dump or store along any street or road, on or off any right-of-way or on any other public or private property any household or commercial solid waste, rubbish, refuse, litter, junk, junk vehicle parts, rubber tires, appliances, furniture or construction debris in any place not specifically designated for the purpose of solid waste storage or disposal.

**§ 109-16. Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000, plus reimbursement for reasonable cleanup costs incurred by the City or its agent.