

§ 89-1. Definitions and word usage.

A. Word usage. When not inconsistent with the context, words used in the present tense in this chapter 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.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

AIRCRAFT — Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air, including helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle.

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:

- (1) Advertises for sale any merchandise, product, commodity or thing.
- (2) 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.
- (3) 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. 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 incident to such meeting, theatrical performance, exhibit 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, however, that nothing contained in this subsection 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 law of this state or under any ordinance of the township.
- (4) 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 — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER — Garbage, refuse and rubbish, as defined herein, and all other waste 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 (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. In addition thereto, "newspaper" shall mean and include

any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public. The term "newspaper" shall not include publications delivered free of charge, not at the request of the property owner, which consist primarily of advertising material. Such publications are, for the purposes of this chapter, to be considered commercial handbills.

NONCOMMERCIAL HANDBILL — 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 copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK — A park, reservation, playground, recreation center or any other public area in the township, owned or used by the township and devoted to active or passive recreation.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRINCIPAL ADVERTISER — In a commercial handbill, the person, firm or corporation whose advertising message occupies a substantial amount of the advertising space in the handbill, such that it appears to be the sponsor of the handbill.

PRIVATE PREMISES — Any dwelling house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether uninhabited or temporarily or continuously inhabited or vacant, including but not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

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

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

TOWNSHIP — The Township of Medford.

VEHICLE — 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.

§ 89-2. Litter in public places.

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

§ 89-3. Placement of litter in receptacles.

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.

§ 89-4. Use of township landfill.

No person shall throw or deposit litter in, at or about the township landfill except within the confines of said landfill or at a location specified therein if a township employee is present and specifies a location, nor shall any person throw or deposit litter at said landfill or attempt to do so except during the hours permitted, as established by the Township Manager or his designee in the Department of Public Works.

§ 89-5. Duty of merchants.

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 their business premises free of litter.

§ 89-6. Litter receptacles in public places. [Added 8-7-1995 by Ord. No. 1995-13 ¹]

- A. Litter receptacles and their servicing are required at the following public places which exist within the municipality, including sidewalks used by pedestrians in active retail and commercially zoned areas:
- (1) Buildings held out for the use by the public, including schools, government buildings, railroad and bus stations.
 - (2) Parks.
 - (3) Drive-in restaurants.
 - (4) Off-street vendor locations.
 - (5) Self-service refreshment areas.
 - (6) Construction sites.
 - (7) Gasoline service stations.
 - (8) Shopping centers.
 - (9) Parking lots held out for use by the public.
 - (10) Campgrounds and trailer parks.
 - (11) Boat launching areas.
 - (12) Public and private piers and beaches operated for public use.
 - (13) Special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.

1. Editor's Note: This ordinance also provided for the renumbering of former §§ 89-6 through 89-22 as §§ 89-8 through 89-24, respectively.

- B. A "litter receptacle" shall mean a container suitable for the depositing of litter, as so determined by the Director of Public Works.

§ 89-7. Litter on construction sites. [Added 8-7-1995 by Ord. No.1995-13 ²]

It shall be unlawful for any owner, agent, contractor or subcontractor in charge of or working at a construction or demolition site to permit the accumulation of litter before, during or after completion of any such project. It shall be the duty of the owner, agent, contractor or subcontractor in charge of the work at the construction site to furnish containers adequate to accommodate flyable or nonflyable debris, trash or litter at areas convenient to the construction project and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse and in compliance with all existing local, state and federal regulations.

§ 89-8. Litter thrown from vehicles.

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.

§ 89-9. Truckloads causing litter.

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

§ 89-10. Litter in fountains and streams.

No person shall throw or deposit litter in any fountains, pond, stream or any other body of water within the township.

§ 89-11. Dropping litter from aircraft.

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

§ 89-12. Litter on private property.

No person shall throw or deposit litter on any occupied or unoccupied 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. "

§ 89-13. Owner to maintain premises free of litter.

The owner or person in control of any property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized

2. Editor's Note: This ordinance also provided for the renumbering of former §§ 89-6 through 89-22 as §§ 89-8 through 89-24, respectively.f

private receptacles for collection.

§ 89-14. Litter on vacant lots.

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

§ 89-15. Litter in commercial and industrial places.

No person shall throw or deposit litter in or upon any commercial or industrial place except in approved receptacles. Persons owning or in control of commercial or industrial places must provide receptacles for litter of sufficient size to be adequate for the area. Owners or tenants are completely responsible for the policing of the premises. Upon complaint of any citizen or township officials of trash or litter, if it can be determined from which store or place of business the trash originated, the owner(s) or tenant(s) will be held responsible.

§ 89-16. Liability of owners of pets.

The owner of any animal that violates this chapter shall be subject to the same penalty as provided for violations generally.

§ 89-17. Distributing commercial handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the township, nor shall any person hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 89-18. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that 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.

§ 89-19. Depositing handbills on vacant private premises.

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.

§ 89-20. Posting of private premises.

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 said premises in a conspicuous position 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 be molested or have their rights of privacy disturbed or to have any such handbills left upon such premises.

§ 89-21. Distribution of handbills on private premises.**A. Distribution restricted.**

- (1) No person shall throw, deposit or distribute, or cause to be thrown, deposited or distributed, any commercial or noncommercial handbill in or upon private premises which are inhabited if the owner of said premises has either posted said premises as specified in § 89-20 or notified the publisher or distributor of said handbill, by certified mail, return receipt requested, that no handbills are to be delivered to said premises. In the case of premises which are not posted and for which no notice has been sent, a person may place or deposit handbills thereupon, being careful to secure the same and prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places; mailboxes may not be so used when so prohibited by federal postal law or regulations.
- (2) Distributors of any commercial or noncommercial handbills on premises which are not posted, or which have not provided notification as specified in Subsection A(1), are restricted to distribution between the hours of 9:00 a.m. and 5:00 p.m. [**Added 4-19-1993 by Ord. No. 1993-6**]
- (3) All persons distributing handbills in or upon private premises under this subsection are hereby required to register this activity with the Medford Township Police Department, which registration shall state the distributor's identity, address, employer and desired areas and time of distribution within the township and which registration shall take place prior to any distribution of such handbills, at which time a registration fee as set forth in Chapter 71 of the Code of the Township of Medford is due and payable to the Township of Medford. [**Added 4-19-1993 by Ord. No. 1993-6**]

B. Exemption for mail and newspapers. The provisions of § 89-20 and Subsection A 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.

C. The provisions of § 89-20 and Subsection A of this section shall not apply to the distribution of any noncommercial handbill, the entire content of which consists of solely political and/or religious written material, except that distributors of such noncommercial handbills are required to secure the same in accordance with Subsection A(1). [Amended 4-19-1993 by Ord. No. 1993-6**]**

§ 89-22. Posting of notices.

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 or shade tree or upon any public structure or building except as may be authorized or required by law.

§ 89-23. Presumptions and exceptions.

A. There shall be a rebuttable presumption that an owner or person in control of any private

property has violated this chapter and failed to keep and maintain the premises free of litter, as the term is used in this chapter, if the litter, as defined herein, remains on the property and unremoved for a period in excess of 24 hours.

- B. No notice or warning by or to any person is required prior to the issuance of a summons or complaint for any violation of this chapter; however, nothing herein shall be deemed to prevent the issuance of said notice or warning permitting a reasonable time period for the removal of litter prior to the issuance of said summons or complaint.
- C. The fact of the charging or conviction of any person for the throwing or depositing of litter in violation of this chapter shall not relieve the owner or person in control of any private property of the responsibility to keep and maintain the property free of litter in accordance with the provisions of this chapter.
- D. The provisions of this chapter shall not apply to the officers and employees of the Township Department of Public Works in the exercise of their trash collection activities; nor shall the provisions hereof apply to the deposit and maintenance of litter in a location, suitably enclosed in a second trash dumpster, trash can or trash bag, along the street line, suitable for township or other authorized trash collection, for a period not to exceed one week.

§ 89-24. Violations and penalties. [Amended 5-16-1989 by Ord. No.1989-12]

- A. Any person, firm, corporation or other entity convicted of a violation of this chapter or any section thereof shall be punished by a fine of not less than \$250 nor more than \$750 if said conviction constitutes a first offense. For any second or subsequent offense, said person, firm, corporation or other entity shall be sentenced to a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment not to exceed 90 days, or both, in the discretion of the sentencing court. The fine may be suspended at the discretion of the court. In addition, any person, firm, corporation or other entity convicted of a violation of this chapter shall pay all expenses incurred for the removal of said litter. The Township Department of Public Works may, with or without notice, undertake said removal. The Director of the Township Department of Public Works shall then provide an account of the expenses incurred in said removal to be used in the prosecution of violations under this chapter. **[Amended 6-22-2010 by Ord. No. 2010-14]**
- B. Each day that litter thrown or deposited in violation of this chapter remains at the location of the violation after notice has been given to the violator to remove the same shall constitute a separate violation. Separate violations shall continue for each day the violator fails to remove the litter in an appropriate manner.
- C. The provisions of this chapter shall be read together with N.J.S.A. 13:1E-99.3.