

ORDINANCE NUMBER 09-2023

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 4, Littering Prohibited*

§ 4-1. LITTERING PROHIBITED.

§ 4-1.1 Purpose: An ordinance to establish requirements to control littering in City of Lambertville, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

4.2. Definitions: For the purpose of this ordinance, 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.

AUTHORIZED PRIVATE RECEPTACLE — Shall mean a litter storage and collection receptacle provided by the owner or occupier of private premises.

COMMERCIAL HANDBILL — Shall mean any printed or written matter, 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 advertises for sale any merchandise, product, commodity or thing; or

Which directs attention to any business or mercantile or commercial establishment or any activity for the purpose of either directly or indirectly promoting the interest thereof by sale, or

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 the clause shall not apply where an admission fee is charged or a collection is taken 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 of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by a law of this State or under any ordinance of this City; or

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 profit, benefit or gain of any person so engaged as advertiser or distributor.

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.

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 definition of a commercial handbill or newspaper.

PARK — Shall mean a park, reservation, playground, recreation center or any other public area of the City or other public entity devoted to active or passive recreation by the public.

PERSON — any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PLURAL — Shall mean and include the singular number and words used in the singular number shall include the plural number.

PRIVATE PREMISES — Shall mean 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, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

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

VEHICLE — Shall mean every device in and 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.

§ 4-2.1. Litter in Public Places. [1990 Code § 4-1.2] No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, except in public receptacles for collection.

§ 4-2.2. Placing Litter in Receptacles to Prevent Scattering. [1990 Code § 4-1.3] 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, alley, or other public place or upon private property.

§ 4-2.3. Sweeping Litter into Streets Prohibited; Sidewalks to Be Free of Litter. [1990 Code § 4-1.4] No person shall sweep into or deposit in any gutter, street or public place within the City the accumulation of litter from any building or lawn or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalk in front of their premises free of litter.

Litter in Public Places Prohibited. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the City 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 City shall keep the sidewalk in front of their business premises free of litter.

§ 4-2.4. Throwing Litter from Vehicles. [1990 Code § 4-1.5] No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the City or upon private property.

§ 4-2.5. Distribution of Handbills. [1990 Code § 4-1.6] No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any sidewalk, street, or other public place within the City. Nor shall any person distribute or sell any commercial handbill or newspaper in any public place, provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof any noncommercial handbill or newspaper to any person willing to accept it.

Placing on Vehicles. No person shall throw or deposit any commercial or noncommercial handbill or newspaper 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 or newspaper to any occupant of a vehicle who is willing to accept it.

Uninhabited or Vacant Premises. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant. Subsection 4-1.7 shall apply hereto.

Posted Property. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper 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 Advertisements" or any similar notice indicating in any manner that the occupant of the premises does not desire to have their right of privacy disturbed or to have any such handbills or newspapers left upon such premises. Subsection 4-1.7 shall apply hereto.

Inhabited Private Premises. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper in or upon private premises which are inhabited, except by handing or transmitting the same directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in the 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 or newspaper in or upon such inhabited private premises if the same is so placed or deposited as to secure or prevent the same from being blown about such premises or sidewalks, streets or other public places, and the same is not placed upon the surface of the ground. Mailboxes may not be used when so prohibited by Federal postal law or regulations, but private boxes may be used when so provided.

§ 4-2.6. Mail. [1990 Code § 4-1.7] The provisions of this section shall not apply to the distribution of mail by the United States or its agents or legally authorized deliverers.

§ 4-2.7. Litter on Occupied Private Property. [1990 Code § 4-1.8] No person shall throw or deposit litter on any occupied private property within the City 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.

§ 4-2.8. Owner to Maintain Premises Free of Litter. [1990 Code § 4-9.3] Person in control of any private 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 private receptacles for collection.

§ 4-2.9. Litter on Vacant Lots. [1990 Code § 4-1.10] No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

§4.3. Enforcement: This ordinance shall be enforced by the Police Department or Public Works Department of the City of Lambertville.

SECTION V. Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction, shall be liable to the penalty stated in Chapter 1 Section 1-5.

SECTION VI. Severability: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective date: This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: April 20, 2023

PUBLIC HEARING AND SECOND READING: May 18, 2023