



**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE # 2010-03**

**AN ORDINANCE OF THE BOROUGH OF LEBANON, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY TO PROHIBIT LITTERING**

**WHEREAS**, littering of public and/or private property creates unhealthy and unsightly conditions to the detriment of the general public, neighboring property owners, and the community at large; and

**WHEREAS**, the legislature has delegated to municipalities, the authority to adopt Ordinances as they may deemed necessary for the protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants pursuant to the N.J.S.A. 40:48-2 et. seq.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Lebanon with the approval of the Mayor, an Ordinance prohibiting litter within the Municipality as follows:

**LITTER**

**Section 1 – Definitions**

As used in this chapter:

“Garbage” means putrescible animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

“Litter” means garbage, refuse and rubbish as defined herein and all other waste material.

“Private premises” means any dwelling house, commercial/industrial/or otherwise building, or other structure, designed or used either wholly or in part for private residential purposes, or for business or commercial or other purposes, whether uninhabited or temporarily or continuously inhabited or vacant, and shall include, but not be 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” means all streets, sidewalks, boulevards, alleys, or other public ways, and all public parks, squares, spaces, grounds and buildings.

“Refuse” means all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

“Refuse Container” means any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

“Rubbish” means nonputrescible (not likely to grow rotten) solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, vehicles or vehicle parts, rubber tires, appliances, furniture and similar materials.

“Vehicle” means 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 on stationary rails or tracks.

## **Section 2 – General prohibitions.**

A. No person shall sweep, throw, deposit or dump litter in or upon any property whether occupied, open or vacant, with or without improvements, and whether owned by that person or by someone else, or in a public place or pond, lake or stream or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection.

B. No person shall throw or drop any bundle, object, article, litter or debris of any nature from a vehicle whether in motion or not when such vehicle is on a borough road or any other public highway in the Borough.

C. No person shall throw, place, deposit, discharge or drop any bundle, object, article or debris of any nature on any borough road, right-of-way, easement or on any other publicly owned land, except when acting under the authority of the Borough Governing Body.

D. No person shall store or permit the storage of household appliances, furniture, mattresses or tires on any residential property, except in a fully enclosed structure, or on specific days designated for the collection of such items by a private hauler, the Borough, or its agents.

E. No owner, agent or contractor in charge of a construction or demolition site shall permit the accumulation of litter, refuse, rubbish or garbage, before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent and contractor in charge of a construction site to furnish containers adequate to accommodate flyable and nonflyable debris, litter or trash at areas convenient to the construction areas, and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of the litter.

F. No owner, lessee, tenant, occupant or person in charge of any residential or commercial property shall permit open or overflow waste disposal bin on his or her property.

G. No person shall throw, deposit or store litter, junk or waste on any occupied 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 and removal of same in such manner that same shall not be unsightly and detrimental to the surrounding neighborhood. The owner or person in control of any private property shall at all times maintain the premises free of litter.

H. No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not. No person or persons shall throw, dump or place any garbage, trash, debris or other waste material on any private property not his own within the limits of the Borough of Lebanon.

I. The owner, lessee, tenant, occupant or person in charge of any residential or other property, including but not limited to, commercial property shall keep and cause to be kept the sidewalk and curb abutting the residence, structure or building free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter. No person shall sweep into or deposit in any gutter, street, catch basin or other public place, any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

J. No operator of a vehicle shall permit any vehicle to be driven, moved, stopped or parked, on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefore.

K. The person who controls, whether owned, leased, or operated, a refuse container or dumpster must insure that such container or dumpster is covered at all times, and shall prevent refuse from spilling out or overflowing. The person who owns, leases or otherwise uses a refuse container or dumpster must insure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the Borough of Lebanon storm sewer system. Exceptions to this prohibition shall be litter receptacles (other than dumpsters or bulk containers), individual home trash and recycling containers, refuse containers at facilities

authorized to discharge storm water under a valid NJPDES permit, and large bulky items (for example, furniture, bound carpet and padding, white goods placed curbside for pickup).

### **Section 3 – Use of litter receptacles.**

A container suitable for the depositing of litter (litter receptacles) and their servicing is required at the following public places which exist in the municipality, including:

A. Sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle;

B. Buildings held out for use by the public, including schools, government buildings, parks and drive-in restaurants;

C. All construction sites; gasoline service station islands; shopping centers; parking lots, and street vendor locations or self-service refreshment areas;

D. And at special events to which the public is invited, including sporting events, parades, carnivals and festivals.

The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing litter receptacles and that adequate containerization is available.

### **Section 4 – Removal of Litter.**

No person shall permit, allow or maintain litter in or on any of his property, either improved or vacant land and whether owned or leased in the Borough.

### **Section 5. Enforcement of provisions; Penalties.**

The zoning enforcement officer, construction official, or any state police officer of the municipality is designated as officer in charge with the enforcement of this chapter. The governing body may designate by resolution, such assistant enforcement officers for the purposes of the enforcement of this chapter as are needed for such purposes.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereto, be subject to a fine or other penalty in the discretion of the Court and in accordance with the General Penalty Provisions of the Lebanon Borough Ordinances/Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

### **Section 6. Severability.**

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough

Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

**Section 2 - Effective Date**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST:

LEBANON BOROUGH COUNCIL

\_\_\_\_\_  
Karen M. Romano  
Borough Clerk

\_\_\_\_\_  
R. Gary Quick, President

Vote after public hearing and upon final adoption:

Berger \_\_\_\_ 1

Bross \_\_\_\_ 0

Coyle \_\_\_\_ 1

Quick \_\_\_\_ 1

Reino \_\_\_\_ 1

Burton \_\_\_\_ 1

Ordinance approved by the Governing Body and presented to the Mayor on \_\_\_\_\_, 2010.

Veto in Whole or Part:

Approved:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

\_\_\_\_\_  
Mark Paradis, Mayor  
Date:

Returned to Borough Clerk with statement attached on \_\_\_\_\_, 2010

## **NOTICE**

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on February 17, 2010 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on March 24, 2010 at 7:00 p.m. at 6 High Street, Lebanon, New Jersey 08833.

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Karen M. Romano, RMC  
Borough Clerk

**BOROUGH OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**NOTICE OF FINAL PASSAGE**

**ORDINANCE 2010-3**

**NOTICE**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 17th day of February 2010, and the same came up for final passage at a meeting of the said Borough Council on the 24th day of March 2010 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC  
Borough Clerk

**INTRODUCED: February 17, 2010  
ADOPTED: March 24, 2010**

