

Town of Dover, NJ
Tuesday, January 12, 2021

Chapter 242. Littering

§ 242-1. Definitions.

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

LITTER

Litter is garbage discarded in a public place that has not been properly disposed. The terms "garbage" and "public place" are defined at Chapter 333 of this Code.^[1] "Litter" is also defined as 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, cup 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, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

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.

[1] *Editor's Note: For the definition of "garbage," See § 333-3; for the definition of "public place," see § 333-6.*

§ 242-2. Prohibited acts.

It shall be unlawful for any person to throw, drop, discard or otherwise place litter in any public place or upon private property, other than a litter receptacle, or, having done so, to allow such litter to remain.

§ 242-3. Sweeping litter into public places.

No person shall sweep into or deposit in any public place within the Town the accumulation of litter from any building or road or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their respective premises free from litter.

§ 242-4. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any public place within the Town.

§ 242-5. Vehicles causing litter to scatter.

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

§ 242-6. Additional prohibited acts.

- A. No person shall throw, put or place or cause to be thrown, put or placed into, upon or within any street, public place, parking lot or public building any substance, matter or thing whatsoever, whereby the safe, free or unobstructed use of the same by the public may be in anywise impeded or interfered with or whereby the same may be rendered unsightly in appearance; provided, however, that nothing herein contained shall prohibit the deposit of any such material in any public or private receptacles approved by the Mayor and Board of Aldermen for such purpose; provided also, however, that nothing contained herein shall be construed to prohibit construction, repair or maintenance equipment, materials or machinery from being utilized on such street, public place, parking lot or public building.
- B. No person shall sweep into or deposit in or on any sidewalk, gutter, street or other public place within the Town any garbage from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter.
- C. No person shall put, deposit or throw any garbage in or upon their private property or upon the private property of another, whereby the same may be rendered unsightly in appearance or detrimental to the health, safety and welfare of the public.
- D. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed, covered or loaded as to prevent any load, contents or garbage from being blown or deposited upon any street, alley or other public place, nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substance, litter or foreign matter of any kind.
- E. No person shall prevent or interfere with any employee of the Town or any municipally authorized person in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice or other refuse material.
- F. No person shall discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances or furniture on private property or in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 242-7. Enforcement.

This chapter may be enforced by any appropriate municipal employee, including the Code Official, Municipal Engineer, his designee, or the Police Department.

§ 242-8. Violations and penalties.

Any person who violates this chapter shall, upon conviction, forfeit and pay a fine of \$75 for the first offense, \$125 for the second offense occurring within two years of the first offense and, for the third and any subsequent offenses occurring within three years of the first offense, shall be subject to one or more of the following: a fine not exceeding \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, and if the municipality has provided for cleanup and disposal, an additional penalty for the reasonable costs of this work, as specified in the following section.

§ 242-9. Noncompliance; additional penalty for municipal costs to collect and dispose of litter or garbage.

In the event of noncompliance with the aforesaid provisions, any person authorized to enforce this chapter may provide notice to the owner or occupants of the property by personal service to a member of the household of the occupant or owner, or by posting upon the property, preferably upon an entry door, a document that includes a copy of this chapter and a statement that an inspection has determined that the property is in violation of this chapter, and that unless the property is restored to proper order within 48 hours of the notice that the Code Official may then employ the necessary labor and materials to perform the required work and proper disposal as expeditiously as possible. The costs reasonably necessary for the municipality to perform such work may be assessed as an additional penalty for violation of this section.

§ 242-10. Enhanced penalties for violations involving medical waste.

If the discarded material includes any medical waste, as defined at Chapter 333,^[1] then the penalty shall be as set out above for third and subsequent offenses.

[1] *Editor's Note: See § 333-5, Medical Waste, Subsection B, Definitions.*