

CHAPTER III POLICE REGULATIONS

Editor's Note: The general power to adopt local police ordinances of all kinds is contained in R.S. 40:48-1, 2.

3-1 LITTER.

Editor's Note: For regulations on littering in public parks and lands, see subsection 9-1.5 of Chapter IX, Recreational Facilities.

3-1.1 Definitions.

As used in this section:

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter shall mean 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.

Public place shall mean any and all streets, sidewalks, boulevards, alleys, beaches or other public ways, and any and all public parks, squares, spaces, docks, grounds and buildings.

Refuse shall mean 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 shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle shall mean every device in, on or by which any person or property is or may be transported or drawn on a highway, including devices used exclusively on stationary rails or tracks.

(Ord. #165, §1; Ord. #168, §3; 1970 Code §4-3.1)

3-1.2 Litter in Public Places.

No person shall sweep, throw, deposit or dump litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or on any public place, or any pond, lake or stream or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements in or on any public place, or on private property. (Ord. #165, §1; Ord. #168, §1; 1970 Code §4-3.2)

3-1.3 Sweeping Litter into Gutters Prohibited.

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter or other public place within the Borough the accumulation of litter 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 of litter. (1970 Code §4-3.3)

3-1.4 Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter in or on any public place within the Borough or on private property. (1970 Code §4-3.4)

3-1.5 Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the Borough unless it is so constructed or loaded as to prevent its load, contents or litter from being blown or deposited in or on any public place; nor shall any person drive or move any vehicle or truck within the Borough, the wheels or tires of which carry onto or deposit in or on any public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (1970 Code §4-3.5)

3-1.6 Transportation from Outside Borough.

No person shall bring, cart, remove, transport or collect any litter from outside the Borough into the Borough for the purpose of dumping or disposing thereof. No truck or other vehicle containing litter which has been transported

into the Borough shall be parked or allowed to remain standing on any street or public property in the Borough for a period in excess of two (2) hours. (Ord. #168, §§1 & 2; 1970 Code §4-3.6)

3-1.7 Handbills.

No person shall cast or place, or cause to be cast or placed, any advertisement, handbill, circular or paper on any public street, on sidewalks, into any vestibules or yards, upon porches of any dwelling house or other buildings, or into any vehicle while on the public highways or on private property within the Borough, except that this subsection shall not apply to newspapers and addressed envelopes delivered to subscribers and addresses. Advertisements, handbills, circulars and papers may be distributed in the Borough, provided they are securely placed at each dwelling so as not to be blown away by the wind. (1970 Code §4-3.7)

3-1.8 Dumping.

No person, firm or corporation shall, within the limits of the Borough, throw, dump, cast, discard or deposit paper, paper products, bottles, tin cans, containers, junk, garbage, discarded furniture, tires, drums, debris or any other waste matter whatsoever alongside of any street, right of way or road or within any property. (Ord. #86-11, §1)

3-1.9 Penalties.

Any person, firm or corporation convicted of a violation of any of the provisions of this section shall be subject to a fine of not less than two hundred (\$200.00) dollars and not more than one thousand (\$1,000.00) dollars per event or imprisonment not to exceed ninety (90) days or both per event, in the discretion of the Municipal Judge.

Nothing in this section is intended to apply to a person, firm or corporation legally putting out garbage or trash for garbage collection. (Ord. #86-11, §2)

3-1.10 Open Fires.

- a. The term "person" used herein refers to individuals, partnerships, firms, businesses, corporations, organizations, schools, churches, and institutions.
- b. It shall be a nuisance and unlawful for any person to burn or allow to be burned, any material of any kind exuding smoke which may endanger the safety or health of the public, or disturb the comfort or repose of any person residing in the vicinity of the fire, or which causes excessive or noxious odors, or when such fire emits sparks, embers, or smoke upon adjacent, or nearby premises.
- c. The burning of any material outside of a structure shall not be permitted as follows:
 1. **Materials and Refuse Prohibited.** The following types of open fires which are prohibited include but are not limited to: leaves or grass, garbage or other organic refuse, building demolition or construction material, automobiles or parts thereof, highly flammable, toxic or explosive materials, electrical wiring, all rubber, plastic and paper products.
 2. **Burning on Public Land.** No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground, without obtaining a permit from the Moonachie Fire Department.
 3. **Burning on Private Land.** No person shall kindle or maintain any open fire on any private land.
 4. **Prohibition of Fires.** The Chief or designee of the Moonachie Fire Department may prohibit any and all open fires when circumstances make such fires hazardous or when such fires are prohibited by the New Jersey Department of Natural Resources.
 5. **Water Availability.** No burning shall be done unless an adequate water supply is available at the burning site to control the fire.
 6. **Burning Location.** No burning shall be done within seventy-five (75) feet of any structure or property line.
 7. **Wind Conditions.** No burning shall be done at any time or place when wind conditions may create a nuisance to anyone or the property of anyone in the vicinity.
- d. All burning permits shall be issued by the Moonachie Fire Department and a record of such permit shall be maintained by the Department. Any permit issued by the Department may be revoked by the Department for any reason including but not limited to any violation of this subsection, adverse weather or other hazardous conditions concerning the site, adverse advisories from the New Jersey Department of Natural Resources, or a valid complaint from any person residing in the vicinity of the fire that such fire is disturbing to such person or interfering with such person's peace, comfort and enjoyment of his own premises.

- e. *Enforcement.* The local enforcing agency established by subsection 3-13.8 of this section shall be under the direct supervision and control of Chief of the Moonachie Police Department or any other official of the Borough.
- f. *Penalties.* Any person, firm or corporation convicted of a violation of any of the provisions of this section shall be subject to a fine of not less than two hundred (\$200.00) dollars and not more than one thousand (\$1,000.00) dollars per event or imprisonment not to exceed ninety (90) days. Or both per event, in the discretion of the Municipal Judge.
(Ord. #2004-1, §§2-7)