

*Township of Little Egg Harbor, NJ  
Friday, April 4, 2025*

## Chapter 222. Littering

[HISTORY: Adopted by the Township Committee of the Township of Little Egg Harbor; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Solid waste and recycling — See Ch. 293.

Solid waste collection — See Ch. 374.

## Article I. General Provisions

[Adopted 5-10-2007 by Ord. No. 2007-08]

### § 222-1. Title.

This chapter shall be known as an "Anti-Litter Article" and may be so cited.

### § 222-2. Definitions and word usage.

- A. 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.
- B. For the purpose of this chapter, 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:

#### **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:

- (1) Which advertises any merchandise, product, commodity or thing for sale; or
- (2) Which 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; or
- (3) 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 gain or profit. The terms of this definition 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, exhibition or event of any kind, when it is held, is given or takes place in connection with the dissemination of information which does not violate the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this definition 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 a law of this state or ordinance of the Township; or

- (4) 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 private benefit and gain of any person so engaged as advertiser or distributor.

#### **HANDBILL**

Includes both commercial handbills and noncommercial handbills, as such terms are defined in this section.

#### **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, 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**

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 office as provided by general law. In addition thereto, "newspaper" means and includes any periodical or magazine regularly published with not less than four issues per year and sold to the public.

#### **NONCOMMERCIAL HANDBILL**

Any printed or written matter, any sample or device, circular, dodger, 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 definitions of a "commercial handbill" or "newspaper."

#### **PARK**

A park, reservation, playground, beach, recreation center or any other public areas in the Township owned or used by any public agency and devoted to recreation purposes.

#### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

#### **PRIVATE PREMISES**

Any dwelling, house, building or other structure designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously inhabited or vacant, and shall include any yard, grounds, walks, driveway, porch, steps, vestibules or mailbox belonging to or appurtenant to such dwelling, house or building or other structure.

#### **PUBLIC PLACE**

Includes all streets, sidewalks, boulevards, alleys or other public walkways and all public parks, squares, spaces, docks, grounds and buildings.

#### **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.

## § 222-3. Litter in public places.

- A. No person shall sweep, throw, drop, discard, deposit or otherwise place any litter of any nature upon any public property other than in a litter receptacle.
- B. Litter receptacles suitable for the depositing of litter and their servicing are required at the following public places which exist in the Township of Little Egg Harbor: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear 1/4 mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

## § 222-4. Placement of litter in receptacles.

- A. Litter shall be placed in litter receptacles, either public or private, in such manner as to prevent it from being scattered, carried or deposited by the elements upon any street, sidewalk or other public property or private property.
- B. Branches, clippings, shrubs and the like in excess of 24 inches in length but not greater than six feet in length and not in excess of 75 pounds in weight may be placed at the curb for pickup if securely tied in bundles so as to prevent their being scattered, carried or deposited by the elements upon any street, sidewalk or other public or private property.

## § 222-5. Littering from vehicles.

No person shall throw or deposit litter from any vehicle or boat upon any public or private property, including vacant land. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall be deemed to have violated this chapter.

## § 222-6. Litter caused by commercial vehicles.

No person shall drive or move any truck or other commercial vehicle unless the vehicle is so constructed or loaded as to prevent any litter from being blown or deposited upon any street, alley or other public or private property. No person shall drive or move any vehicle or truck if the wheels or tires carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind from any other place other than the traveled portion of a public street or alley. Whenever any litter is thrown, discarded or allowed to fall from such truck or other commercial vehicle in violation of this chapter, the operator or owner, or both, of the truck or other commercial vehicle shall also be deemed to have violated this chapter.

## § 222-7. Litter in bodies of water.

No person shall throw or deposit litter in any fountain, lake, pond, stream, bay or any other body of water.

## § 222-8. Litter on private property.

No person shall throw or deposit litter on any occupied private property, whether owned by him or not, except that the owner or person in control of private property shall maintain private litter receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any other public place or upon any private property.

## § 222-9. Responsibility of owner.

The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not be construed to prohibit the storage of litter in private litter receptacles for collection.

## § 222-10. Throwing or distributing handbills in public places.

- A. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place.
- B. No person shall hand out, distribute or sell commercial handbills in any public place; provided, however, that it shall not be deemed unlawful for any person to hand out or distribute, without charge to the receiver thereof, in any sidewalk, street or other public place any noncommercial handbill to any person who is willing to accept it.

## § 222-11. Placing handbills on vehicles.

No person shall throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful for a person to hand out or distribute without charge to the receiver thereof in any public place a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

## § 222-12. Depositing handbills on vacant premises.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

## § 222-13. Unlawful to distribute handbills on private premises where occupant refuses or where sign posted.

No person shall throw, deposit or distribute any handbill in or upon any private premises:

- A. If requested by anyone in or upon such premises not to do so; or
- B. If there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Handbills," "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

## § 222-14. Distributing handbills at inhabited private premises; exception for mail and newspapers.

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person then present, except as hereinafter provided. A person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon inhabited private premises, if the premises is not posted as provided under § 222-13 above and the handbill is placed or deposited so as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets or other public places or private premises. Mailboxes may not be so used when prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter; provided, however, that newspapers shall be placed on private premises in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or any other public place or upon private property.

## § 222-15. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any public lamp post, public utility pole, shade tree or upon any public structure or building, or upon any official traffic control devices except as may be authorized or required by law.

## § 222-16. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property whether owned by such person or not.

## § 222-17. Notice to clear litter from private property; removal by Township upon noncompliance; costs.

- A. Notice to remove. The Code Enforcement Officer or his duly designated agent is authorized and empowered to notify the owner of any private premises or vacant land or the tenant or agent of such owner to dispose properly of litter located on such owner's property which is dangerous to public health, safety or welfare. Notice shall be by registered or certified mail, return receipt requested, addressed to said property owner or his agent or tenant at his last known address or served personally upon said owner, tenant or agent.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner, tenant or agent so notified to dispose properly of the litter within 10 days after receipt of written notice specified in Subsection **A** of this section, or within 10 days after the date of such notice in the event it is returned to the Township by the post office department because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of the owner, tenant or agent, the Code Enforcement Officer or his duly designated agent is authorized and empowered to pay for disposing of such litter or to order its disposal by the Township.
- C. When the Township has effected the removal of dangerous litter or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next regular tax bill forwarded to the owner by the Township. The charge shall be due and payable by the owner at the time set for payment of the tax bill.
- D. Where the full amount due the Township is not paid by the owner within 30 days after the disposal of such litter as specified in Subsections **A** and **B** of this section, then, and in that case, the Code Enforcement Officer shall certify the cost thereof to the Township Committee which shall examine the certificate and, if found to be correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the

manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes in the event they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. The certification of the Code Enforcement Officer in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

## Article II. Do Not Deliver Registry

[Adopted 5-8-2014 by Ord. No. 2014-08]

### § 222-18. Purpose.

The purpose of this article is to regulate the standards and manner in which unsolicited handbills are distributed within the Township of Little Egg Harbor to insure the protection of the public health, safety and welfare. Furthermore, this article is designed to improve the overall clean appearance of the Township and to reduce litter.

### § 222-19. Registration required for handbill distribution.

It shall be unlawful for any person to distribute unsolicited handbills within the Township of Little Egg Harbor without first having registered with the Township Clerk of the Township of Little Egg Harbor.

### § 222-20. Registration form.

The registration shall be free of charge. The registration form shall be filed with the Township Clerk and contain the following information:

- A. The name and address of the business or organization distributing handbills.
- B. The name and address of the person in charge of the distribution of handbills.
- C. The e-mail address and/or facsimile number of the person in charge of the distribution of handbills.

### § 222-21. Submission of information for Do Not Deliver Registry.

Any resident, business or property owner who wishes to discontinue the delivery of such unsolicited handbills must submit his, her or its name and home address to the Township Clerk on forms provided by the Township Clerk.

### § 222-22. Notification of updated registry.

On the first Monday of every month, the Township Clerk shall cause to be transmitted to the person in charge of the distribution of unsolicited handbills an updated list of addresses of the Do Not Deliver Registry, if such list had been updated during the previous month.

### § 222-23. Violations and penalties.

- A. Within 10 calendar days following notification of the updated Do Not Deliver Registry, any person, firm, corporation or association delivering an unsolicited handbill circular to a residence on the Do Not Deliver Registry shall, upon conviction thereof, be punishable by a fine not to exceed \$250 for the first violation, a fine not to exceed \$1,000 for the second violation and a fine not to exceed \$2,000 for a third and all subsequent violations.
- B. Any person, firm, corporation or association distributing handbills or commercial circulars after the effective date of this article that has not registered with the Township Clerk shall be subject to the penalties as provided in Subsection **A** above.