

Newark Code of Ordinances, Chapter 8, Division 2. Litter

Sec. 8.04.051 Definitions

In this division:

Container. A city-approved receptacle used for the disposal of waste.

Litter. Any wastepaper, used beverage or food container, rubbish, trash, or garbage not placed in a container.

Littering or to litter. The act of placing, throwing, depositing, disposing or dropping of litter.

Pedestrian litter container. A container provided on public or private property for the disposal of litter by pedestrians.

Person. A natural person, joint venture, joint stock company, partnership, association, club, company, lessee, agent, servant, officer or employee of any of them.

Private property. Includes but is not limited to yards, grounds, driveways, entrances, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities owned by private individuals, firms, corporations, institutions and organizations.

Public property. Includes but is not limited to streets, medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, alleys, lanes, public right-of-way, public parking lots, school grounds, parks, publicly owned recreation facilities, and municipal bodies of water and waterways.

(Ordinance A-290, sec. 1 (30), adopted 10/20/05)

Sec. 8.04.052 Penalty

It is unlawful for any person to violate the provisions of this division. Any such violation shall constitute a misdemeanor and, upon conviction thereof, shall be punished by a maximum fine of two thousand dollars (\$2,000.00). Each day that a violation of this division occurs shall constitute a separate offense. (Ordinance A-290, sec. 1 (38), adopted 10/20/05)

Sec. 8.04.053 Depositing litter

A person commits an offense if the person throws or deposits litter except in a container or a pedestrian litter container. (Ordinance A-290, sec. 1 (31), adopted 10/20/05)

Sec. 8.04.054 Duty to keep property free of litter

(a) It shall be the duty of the person who owns, occupies, or leases or is engaged in construction on any private or public property to keep the exterior property free of litter.

(b) Persons who are owners, occupants or lessees of private property which abuts city sidewalks, streets, parkways, drainage ditches, or curb and gutter shall keep those sidewalks, streets, parkways, curb and gutter, and drainage ditches free of litter by removing litter and placing it in a container.

(Ordinance A-290, sec. 1 (32), adopted 10/20/05)

Sec. 8.04.055 Sweeping litter into street or gutter

It shall be unlawful for any person to sweep into or deposit in any gutter, street or other 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 property shall keep the sidewalk in front of their premises free from litter. (Ordinance A-290, sec. 1 (33), adopted 10/20/05)

Sec. 8.04.056 Containers to be kept closed; prevention of scattering

(a) All residential and commercial containers shall be closed with a well-fitting lid (cover) when any garbage, refuse, trash, debris, rubbish, solid waste or junk is in such container. If bags are utilized as a container, they shall be tightly sealed with a fastener. Pedestrian litter containers may be open for ease of use, but shall be designed in such a way as to reasonably prevent their contents from becoming litter.

(b) All persons placing containers for collection and removing them after collection shall take the necessary precautions to prevent the contents thereof from becoming litter.

(Ordinance A-290, sec. 1 (34), adopted 10/20/05)

Sec. 8.04.057 Pedestrian litter container use restrictions

A person commits an offense if the person deposits household or commercial garbage, refuse, trash, debris, rubbish, solid waste or junk in pedestrian litter containers. (Ordinance A-290, sec. 1 (35), adopted 10/20/05)

Sec. 8.04.058 Vehicles transporting loose materials

(a) Every vehicle used to transport manure, garbage, swill, ashes, cinders or other loose material on any of the streets of the city shall be fitted with a tight and sufficient cover to prevent the cargo of the vehicle from becoming litter.

(b) Failure to utilize such a cover, which results in the cargo of the vehicle becoming litter, shall constitute littering.

(Ordinance A-290, sec. 1 (36), adopted 10/20/05)

Sec. 8.04.059 Littering from motor vehicle

If littering occurs from a motor vehicle, proof that the particular vehicle was the origin of the litter, together with proof that the defendant was at the time of such violation the registered owner or lessee of the vehicle, shall constitute prima facie proof that the registered owner or lessee is the person who committed such littering. (Ordinance A-290, sec. 1 (37), adopted 10/20/05)