

**MONTAGE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE 2023-17**

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP  
OF MONTAGUE AT CHAPTER 47 ENTITLED “LITTERING”**

**WHEREAS**, the Governing Body desires for the betterment of the community and the general health and welfare of its citizens to amend the Township Code at Chapter 47 entitled “Littering”.

**BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Montague, in the County of Sussex, and State of New Jersey, as follows:

**SECTION 1.** Chapter 47 of the Township Municipal Code, “Littering,” is hereby amended to read as follows:

**§ 47-1. Definitions.**

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

- A. **LITTER** — Litter means any used or unconsumed substance or waste material that 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, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic, or proper 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.
- B. **LITTER RECEPTACLE** – a container suitable for the depositing of litter.
- C. **PERSON** — Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**§ 47-2. Prohibited acts and regulated activities:**

- A. No person shall throw, drop, discard, or otherwise deposit litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. No person shall sweep or deposit litter in any gutter, street, or other public place.
- C. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

**§ 47-3. Commercial Establishment and Residences.**

It shall be the duty of the owner, lessee, tenant, occupant, or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts, and

alleys free from litter and other offensive material. 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; however, no person shall be prosecuted for a violation of this section unless he or she has written notice of the condition for a period of 24 hours. Litter receptacles and their servicing are required at the following public places which exist in the municipality 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; 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.

**§ 47-4. Construction sites.**

It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after the completion of any construction or demolition project. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage to refuse.

**§ 47-5. Handbills.**

No person shall throw or deposit any handbill in or upon any vehicle; however, it shall not be unlawful in any public place to hand out or distribute a handbill to any person who is willing to accept it and is there to accept it.

**§ 47-6. Storage of household solid waste.**

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture, and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items; however, no person shall be prosecuted for a violation of this section unless he, she or it has written notice of the condition for a period of 24 hours.

**§ 47-7. Open or overflowing waste disposal bins.**

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

**§ 47-8. Illegal dumping.**

It shall be unlawful for any person to 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, except by written consent of the

owner of said property, any place not specifically designated for the purpose of solid waste storage or disposal.

**§ 47-9. Storage of tires.**

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

**§ 47-10. Uncovered Vehicles.**

It shall be unlawful for any vehicle to be driven, moved, stopped, or parked, on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, shifting, 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 therefor.

**§ 47-11. Violations and penalties.**

Any person violating any provision of this chapter shall, upon conviction, be subject to a fine not less than \$100 nor more than \$500. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense.

**§ 47-12. Presumption.**

In the event any litter deposited upon public or private property other than in a litter receptacle contains any correspondence, invoices, address or shipping labels, magazine labels, or similar documents identifying any person, it shall be presumed that the person or persons so identified by such documents shall have violated § 47-2.

**§ 47-12. Enforcement**

This ordinance shall be enforced by the Montague Township Constable, Code Enforcement Officer, Department of Health, State Police, and/or other Municipal Officials of the Township of Montague.

**SECTION 2.**

**Severability**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 3.**

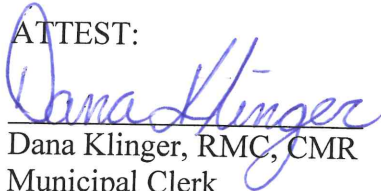
**Effective date:**

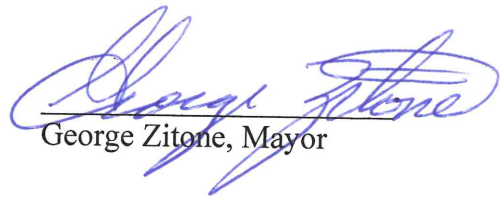
This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

*Introduced: November 14, 2023*

*Adopted: November 28, 2023*

ATTEST:

  
Dana Klinger, RMC, CMR  
Municipal Clerk

  
George Zitone, Mayor

<b>RECORD OF COMMITTEE VOTES – Ordinance 2023-17</b>				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
RICHARD INNELLA	X			
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			