

ORDINANCE NO. 25-2005

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 178  
“LITTERING” OF THE GENERAL CODE OF THE TOWNSHIP OF LIVINGSTON

*Italicized and bold language is added, [deleted language is in brackets]:*

**Section 1.** § 178-1. Definitions.

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

***CONTAINERIZED*** -- Means the placement of grass clippings and leaves in a trash can, bucket, bag or other vessel, such as to prevent the grass clippings or leaves from spilling or blowing out into the street and coming into contact with stormwater.

**GARBAGE** -- Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**LITTER** -- Garbage, refuse and rubbish, as defined herein, *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, grass clippings or other lawn or garden waste, 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* and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

***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.

**PUBLIC PLACE** -- Includes all streets, roads, highways, sidewalks, parking lots, alleys or other public ways, and any and all public buildings, parks, squares, spaces, grounds and recreation areas.

**REFUSE** -- All putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH** -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, bottles, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

***STREET*** -- means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines

**Section 2.** § 178-2. Litter in public places.

- A. No person shall throw, place or deposit any litter, nor cause, suffer or permit any litter to be thrown, placed or deposited, in or upon any street, sidewalk or other public place within the Township, except in public receptacles which may be provided for such purpose or in authorized private receptacles for private collection.
- B. Placing the litter in said receptacles shall be done in such manner as to prevent the litter from being carried or deposited by the elements upon such street, sidewalk or public place; and provided, however, that the public receptacles shall not be used for the deposit of domestic, commercial or industrial litter.
- C. ***Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance***

**Section 3.** § 178-3. Sweeping litter into gutters; clearing of sidewalks.

- A. No person shall sweep into or deposit, or cause, suffer or permit to be swept into or deposited, in any gutter, street or other public place within the Township, the accumulation of litter from any building or lot from any public or private sidewalk or driveway.
- B. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 178-4. Disposal of grass clippings and leaves. [Added by Ord. No. 8-1982; amended by Ord. No. 33-1989; Ord. No. 46-2003]

- A. Disposal of grass clippings. It shall be unlawful for any person to dispose of grass clippings by depositing them in any catch basin or sewer or by leaving them along any curb line or gutter. To the extent necessary in order to assemble and accumulate grass clippings, the same may temporarily be placed in a gutter or along a curb line so long as they are not left there permanently (i.e., any longer than reasonably necessary in the assemblage or gathering process). In addition, no person shall dispose of grass clippings by placing them or causing them to be placed (i.e., through air blowers or other mechanical equipment) upon adjacent property. ***Grass clippings may only be disposed if containerized.***
- B. Disposal of leaves. ***It shall be unlawful for any person to dispose of leaves by depositing them in any catch basin or sewer or by leaving them along any curb line or gutter. To the extent necessary in order to assemble and accumulate leaves, the same may temporarily be placed in a gutter or along a curb line so long as they are not left there permanently (i.e., any longer than reasonably necessary in the assemblage or gathering process). In addition, no person shall dispose of leaves by placing them or causing them to be placed (i.e., through air blowers or other mechanical equipment) upon adjacent property. Leaves may only be disposed if containerized, except during the leaf disposal period as defined in Subsection B(2).*** [~~No person shall dispose of leaves by placing them or causing them to be placed (i.e., through air blowers or other mechanical equipment) upon adjacent property.~~] For purposes of this section, adjacent property shall not be deemed to refer to the curb line or gutter of that portion of a public street that may be adjacent to the property from which the leaves are being disposed.

- (1) Leaves may be placed at the curb line or in the gutter of that portion of the public street adjacent to the property from which the leaves are being disposed of but only during the leaf disposal period *of time and dates* as defined in Subsection B(2). ***Leaves shall not be placed closer than 10 feet from any storm drain inlet or catch basin and may be in the street gutter only for a maximum period of 7 days before their actual collection.***
- (2) The leaf disposal period shall be that period *of scheduled time and dates* as shall be announced by the Township Manager ***or Township Engineer*** by giving two weeks' advance notice ***prior to*** ~~[of]~~ the period's commencement ~~[and two weeks' advance notice of its termination]~~, which notice shall be:
  - (a) Prominently posted in at least one public place reserved for such or similar announcements;
  - (b) Published in at least ***one newspaper*** ~~[two newspapers]~~ which ***is*** ~~[are]~~ circulated within the Township; and
  - (c) Filed with the Township Clerk.

~~[(3) In the event that the leaf disposal period is not announced by the Township Manager as provided in Subsection B(2), the leaf disposal period shall begin October 10 and end November 25 of the current calendar year.]~~

C. All persons residing on Essex County roads (Beaufort Avenue; East Cedar Street; Eisenhower Parkway; East/West Hobart Gap Road; Kennedy Parkway; Laurel Avenue; South/North Livingston Avenue; East/West Northfield Road; Old Short Hills Road; Parsonage Hill Road; Passaic Avenue; Shrewsbury Drive; South Orange Avenue; and Walnut Street) and State Highway Rt. 10 (East/West Mt. Pleasant Avenue) are required to place leaves for disposal in bags which have either been provided by the Township or their equivalent. No leaves for disposal may be placed at the curb line of the above-listed streets.

**Section 4.** Except as hereby amended, the General Doce of the Township of Livingston shall remain in full force and effect.

**Section 5.** This ordinance shall take effect upon final passage and publication in accordance with the law.

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DAVID B. KATZ, Mayor

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GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

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SHARON L. WEINER, Township Attorney

Adopted: 9/19/05