



**PARTNERSHIP
WEST, INC.**
Business Improvement District

Dear Stakeholder,

To help keep our community clean, beautiful and vibrant Partnership West, Inc. would like to share with you some common regulations that help our community look it's best. We hope that you'll join us in our beautification efforts as we continue to build the West Ward's brand. Please feel free to reach out to me or our Operations team if there are any questions or concerns that we can help resolve.

Best Regards,

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Common Ordinances

Illegal Dumping (Ord. 15:6-2a - Page 2) - It shall be unlawful for any person to deposit, place or dump, or to permit the dumping, depositing or placing of any litter, solid waste, paper, rubbish, trade waste or refuse upon any land, in any stormwater sewer, or in any waterway of the City

Private Trade Waste (15:4-16 - Page 11) - All trade waste, defined herein as waste produced by a commercial source, shall be collected by an authorized collector, as provided in Section 15:4-4

Obstruction of Sidewalks (Ord. 29:4-1a - Page 13) - It shall be unlawful for any person to place or cause, suffer or permit to be placed or maintained, any showcase or other construction or device for the display of merchandise, or any box, barrel, can, package or thing whatsoever on or over any sidewalk, roadway or public place; or to display or cause, permit or suffer to be displayed upon or over any sidewalk, roadway or public place, any merchandise for sale or advertisement, under penalty of a fine of not more than one thousand (\$1,000.00) dollars but not less than fifty (\$50.00) dollars for each offense for each and every day such encumbrance or obstruction shall continue.

Litter in Public Places (Ord. 15:9-5 - Page 19) - No person shall throw or deposit any litter in or upon any street, sidewalk or other public place except in public receptacles or in authorized private receptacles for collection

Littering (Ord 15:9-1a - Page 17) - Every owner, lessee, tenant occupant or person in charge of any structure shall keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction and nuisances of every kind, and shall keep the sidewalks, areaways, backyards, courts, and alleys free from litter and other solid waste by sweeping their sidewalks a minimum of twice a week.

Snow Removal (Ord. 29:17-1a - Page 22) - The owners or tenants of lands abutting or bordering upon the sidewalks and gutters of public streets, or public places in the City, are hereby required to remove all snow and ice from the travelled portion of the sidewalks and from the gutters within twelve (12) hours of daylight after the same shall be formed or fall thereon.

Illegal Dumping Ordinance

CHAPTER 6 DISPOSAL FACILITIES AND ILLEGAL DUMPING

15:6-1. DISPOSAL FACILITIES.

All disposal facilities located in the City shall comply with all provisions of the State Solid Waste Management Act, N.J.S. 13:1E-1 et al, and all applicable laws, rules and regulations of the Federal, State and local government. (R.O. 1966 C.S. § 13A:6-1)

15:6-2. DUMPING, DEPOSITING OR PLACING OF REFUSE PROHIBITED.

a. It shall be unlawful for any person to deposit, place or dump, or to permit the dumping, depositing or placing of any litter, solid waste, paper, rubbish, trade waste or refuse upon any land, in any stormwater sewer, or in any waterway of the City, except for those disposal methods permitted in 15:4-1 et seq., supra.

b. It shall be unlawful for any person to deposit, place or dump or to permit the placing, depositing, or dumping of any litter, solid waste, paper, rubbish, trade waste or refuse from any vehicle or any boat within the City.

(R.O. 1966 C.S. § 13A:6-2; Ord. 6 S+FJ, 5-17-06)

15:6-3. PERSONS PERMITTING ILLEGAL DUMPING; VIOLATION.

No person who owns any property in the City or who is in possession of the property, or who is in control of the property, shall allow or permit any person to dump any solid waste, refuse or other material defined in this Title upon the property. (R.O. 1966 C.S. § 13A:6-3)

15:6-4. OWNER TO MAINTAIN PREMISES FREE OF LITTER.

a. The owner of any property shall at all times maintain the premises free of debris and litter. This section shall not be construed to prohibit the storage of refuse in proper receptacles for collection. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. The owner may designate another person to be responsible for maintaining the premises free of debris and litter by filing a notice with the Department of Public Works Division of Sanitation in the City of Newark describing the name and address of the person responsible for maintaining the premises free of litter. The person so designated shall be jointly responsible with the owner for maintaining the premises free of debris and litter.

(R.O. 1966 C.S. § 13A:6-4; Ord. 6 S+FA, 11-16-87 § 1; Ord. 6 PSF-D, 2-17-10 § 2; Ord. 6PSF-F, 6-15-16)

15:6-5. REMOVAL OF MATERIAL DUMPED ILLEGALLY.

Any person violating any provisions of Chapter 6 of this Title shall immediately remove all of the material which the person has illegally dumped or deposited. (R.O. 1966 C.S. § 13A:6-5)

15:6-6. REWARDS.

A reward of two hundred fifty dollars and zero (\$250.00) cents shall be paid to any person or persons providing information leading to the detection and apprehension of any person found guilty of violating Sections 15:6-2 or 15:6-3. The reward is to be payable for conviction out of the fund established for this purpose, but no such reward may be paid to any public employee whose duty it is to investigate or to enforce the law. The Director of the Department of Engineering is authorized to and shall award the reward without the consent of the Municipal Council upon proof of conviction of such person or persons. The Director of Engineering and Director of Finance, prior to issuing the reward, shall affirm by way of affidavit that they received the appropriate documentation establishing the Court's reliance upon information received by that person or persons in its finding of guilt of the violator. A bi-annual report of the rewards distributed during each six (6) month period shall be prepared by the Director of Engineering and the Director of Finance and filed with the Office of the City Clerk. (R.O. 1966 C.S. § 13A:6-6; Ord. 6 S+FA, 7-10-85 § 1; Ord. 6 S+FK, 10-21-87 § 1; Ord. 6 S+FH, 9-5-90 § 1; Ord. 6 S+FJ, 8-6-97; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16; Ord. 6 PSF-A, 11-14-16)

Private Trade Waste

CHAPTER 4 COLLECTION AND DISPOSAL

15:4-1. ADDITIONAL RULES AND REGULATIONS AUTHORIZED.

To insure the effective operation of the provisions of this Title, the Directors are authorized to establish, from time to time, such regulations as may be necessary or expedient to carry out the intent of this Title. (R.O. 1966 C.S. § 13A:4-1)

15:4-2. INTERFERENCE WITH CITY AGENTS AND EMPLOYEES.

No person shall prevent or interfere with any City agent or employee in the discharge of his/her duties in the sweeping or cleaning of any street or in the removal therefrom of sweepings, snow, ice or other refuse material or in the removal of paper, glass or other recyclable materials. (R.O. 1966 C.S. § 13A:4-2)

15:4-3. REMOVAL OF SOLID WASTE AND RECYCLABLE MATERIALS PERMITTED ONLY BY CITY OR AUTHORIZED COLLECTOR.

All solid waste and recyclable materials, of any nature which shall be made and accumulated shall be removed by the City in accordance with the provisions set forth herein, or by a collector authorized by the City. (R.O. 1966 C.S. § 13A:4-3)

15:4-4. PRIVATE COLLECTORS; LICENSE REQUIRED; PREREQUISITES AS TO VEHICLES AND EQUIPMENT.

a. Each person desiring to engage in the business of privately collecting solid waste and/or recyclable materials within the City, when such collections are to be made from the sidewalks of any street or public place, shall apply annually to the City's Department of Finance, License Unit, for a license to do so and shall make collections with such City decal vehicles only within the City and not within any other municipality in this or any other State.

b. No such license shall be granted until and unless the applicant shall have satisfied the Director of the Department of Public Works of the sufficiency and sanitation of the equipment and vehicles to be used in the private collection and disposal of such solid waste.

c. Such license shall be issued and renewals thereof shall be for a period of one (1) year from the date of issuance.

d. All vehicles used to collect solid waste and/or recyclables shall bear on the right side a decal secured from the Department of Finance, License Unit, which shall have on it a number of the issued decal. The fee for such decal shall be one hundred (\$100.00) dollars. The decal shall expire one year from the date of issuance.

e. Any collection vehicle which fails to display a City decal or found deviating from the prescribed collection route designated in the Essex County District Plan shall be fined one thousand (\$1,000.00) dollars.

(R.O. 1966 C.S. § 13A:4-4; Ord. 6 S+FG, 11-4-87 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

15:4-5. PRIVATE COLLECTORS; COMPLIANCE WITH APPLICABLE REQUIREMENTS.

Every private collector of solid waste and/or recyclable materials, authorized as provided for in this Title, shall comply with the provisions of this Title, and any and all other ordinances of the City, and the regulations of the Directors

governing the collection of solid waste and/or recyclable materials, as well as all State and Federal laws, rules and regulations. (R.O. 1966 C.S. § 13A:4-5)

15:4-6. PRIVATE COLLECTOR; VEHICLES.

All vehicles used in transporting solid waste or recyclable materials through the streets of the City must be furnished by the owner with a sound and tight body and shall be securely covered when loaded with a type of cover approved by the City so as to prevent their contents from being scattered upon the streets. (R.O. 1966 C.S. § 13A:4-6)

15:4-7. REMOVAL BY CITY OR ITS AGENTS.

a. The City, by its designated agents and employees, will collect and remove at no direct cost to the residents or occupants of any residential sources in the City, only the household waste matter as classified in paragraph b. of this section, when such waste matter is placed into proper receptacles or bundles and collected in the quantity and manner prescribed herein. All City and designated agent vehicles utilized for the collection and transportation of solid waste shall be equipped with sufficient brooms and shovels. City employees and designated agents shall immediately clean up any refuse spilled as a result of their collection or solid waste disposal efforts. Any equipment issued by the City shall be accounted for on a daily basis with the strictest inventory controls to be developed and implemented by the Director.

b. Only such solid waste as may be classified as garbage, rubbish or recyclable materials, as defined in Section 15:1-1 of this Title, will be collected by the City; provided that these materials are prepared, held and stored in the manner required in Section 15:4-13 of this Title.

c. Hazardous refuse shall not be placed in receptacles for regular collection but shall be disposed of in accordance with laws and regulations of the State of New Jersey at the expense of the owner or possessor thereof.

(R.O. 1966 C.S. § 13A:4-7; Ord. 6 S+FQ, 10-5-88 § 1)

15:4-8. UNAUTHORIZED DISTUR-BANCE OF GARBAGE AND OTHER SOLID WASTE.

It shall be unlawful for any person, except an employee of the City in the discharge of his/her duties, or an authorized solid waste and/or recyclable materials collector, to collect or in any way disturb the solid waste or other refuse material deposited in any receptacle laid or placed on any street or public place in the City. (R.O. 1966 C.S. § 13A:4-8)

15:4-9. RECEPTACLES; REQUIRE-MENTS APPLICABLE TO PERSONS ACCUMULATING SOLID WASTE TO BE REMOVED.

a. Any location at which the property owner or tenant utilizes and maintains mechanical refuse container equipment shall be so located that it will not cause a health problem or create a nuisance for the general public or for owners or residents of the property in question or of abutting properties.

b. The owner, agent, lessee, tenant or occupant of every dwelling or other premises in the City where solid waste and recyclable materials shall accumulate must provide and keep on such premises sufficient and suitable receptacles or cans or barrels with tight-fitting covers therefor for receiving and holding the aforesaid refuse materials. Paper and other recyclable materials shall be prepared as set forth in this Title. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

c. The use of paper bags and cardboard boxes as receptacles for refuse is prohibited. All cartons must be flattened and secured for collection. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred, (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

d. Receptacles that are badly broken or otherwise fail to meet the requirements of this Title may be removed as refuse by the City.

e. In dwellings, multiple dwellings and apartment houses containing three (3) dwelling units or less, the receptacles shall be purchased and maintained, in the absence of a contract, by the tenants. In dwellings, multiple dwellings and apartment houses of more than three (3) dwelling units, for those structures from which the City collects solid waste, such receptacles shall be purchased and maintained, in absence of a contract, by the landlord.

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

(R.O. 1966 C.S. § 13A:4-9; Ord. 6 S+FC, 9-18-85 § 2; Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 PSF-D, 2-17-10 § 1)

15:4-10. RECEPTACLES: TIME OF PLACING AND REMOVING.

a. It shall be unlawful for any person to place or cause to be placed, or permit to remain on the sidewalk, any receptacles or bundle containing refuse material during times other than on the evening before a collection day between the hours of 6:00 p.m. and 10:00 p.m. Collection days for Zone A shall be Mondays and Thursdays, and collection days for Zone B shall be Tuesdays and Fridays. Zones A and B shall be those areas so designated by the Director of the Department of Public Works. The time schedule set forth above contemplates solid waste collection beginning at

approximately midnight on each particular collection day and continuing until conclusion, which is anticipated to be approximately 6:00 a.m. Empty receptacles must be removed on collection days no later than 10:00 a.m. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred fifty dollars (\$150.00).
2. Second Offense. A fine of three hundred dollars (\$300.00).
3. Third Offense. A fine of five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand, five hundred dollars (\$1,500.00) and/or up to ninety (90) days of community service, and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Whenever a premises' waste is removed at the owners' expense by an authorized collector other than the City or its agent, as set forth in Section 15:4-14, such person shall arrange with the collector to have the waste removed on the same day as the regularly scheduled collection for that area, as set forth by the Director of the Department of Public Works. In the event that the premises receive once a week collection, the owner may choose either of the regularly scheduled collection days in arranging for the premises' collection. If the premises receives collection on more days than the City normally collects in the area, the waste may be placed at the curb at the times set forth in paragraph a. above as long as such waste is collected before 6:00 a.m. the following day. If collection does not occur before 6:00 a.m., the waste shall be retained in a secure manner whether within or behind the premises and shall not be placed at the curb until the authorized collector arrives at the premises, except on the day the City normally collects in that area.

c. If any receptacles or bundles that are referred to in this section are found to remain on the sidewalk at any time other than the times permitted by this Title, then it shall be presumed that the bundles or receptacles are there with the knowledge of the manager and the owner of the property adjacent to the sidewalk.

(R.O. 1966 C.S. § 13A:4-10; Ord. 6 S+FK, 6-3-87 § 1; Ord. 6 S+FC, 11-16-87 § 2; Ord. 6 S+FC, 11-6-88 § 11; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6 PSF-C, 2-18-15 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

15:4-11. RECEPTACLE; PLACEMENT AND STORAGE.

a. The owner, lessee, tenant or other occupant of every privately owned building shall, in accordance with the times set forth in Section 15:4-10a. above, place or have placed all refuse material for collection in some convenient location outside of the building proper, between the curb and sidewalk, or if there is no space between the curb and sidewalk, but not in a manner to block pedestrian traffic, where such material will be easily accessible to the collector.

b. Receptacles awaiting collection shall be stored or kept in such places so as to ensure the receptacles do not cause a health problem or create a nuisance for the general public or for owners or residents of the property in question or of abutting properties. Except as otherwise provided in Section 15:4-1, no containers shall be stored in the street, on the curb or in a public right-of-way.

c. 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.

d. 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.

e. It shall be unlawful for any property owner to park or permit the parking of any vehicle on any residential lawn, or on any publicly owned unpaved City-owned lot. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred fifty dollars (\$150.00).

2. Second Offense. A fine of three hundred dollars (\$300.00).

3. Third Offense. A fine of five hundred dollars (\$500.00) and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

f. Every residential privately owned property shall be limited to ten (10) bulk items that can be placed outside on the scheduled bulk collection day. Anything exceeding ten (10) bulk items shall be removed by a private hauler, on the same day, at the owner's expense. Any person, firm, corporation, or entity that violates, fails or neglects to comply with the provisions of this subsection or paragraph f., or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of two hundred fifty (\$250.00) dollars for each item over ten (10) bulk items. If the bulk waste items are not picked up on the same day, then a fine of an additional two hundred fifty (\$250.00) dollars per day shall be assessed until abated.

2. Second Offense. A fine of three hundred fifty (\$350.00) dollars.

3. Third Offense. A fine of four hundred fifty (\$450.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand, five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the Third and Subsequent Violations of the provisions of this paragraph f. provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 C.S. § 13A:4-11; Ord. 6 S+FC, 9-18-85 § 2; Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6 PSF-C, 2-18-15 § 2; Ord. 6PSF-B, 6-15-16)

15:4-12. CITY COLLECTORS NOT TO ENTER PRIVATE BUILDINGS TO REMOVE REFUSE.

City employees and agents are prohibited from entering upon any privately owned structures, or portion of any such premises for the purpose of moving refuse to the curb for collection. (R.O. 1966 C.S. § 13A:4-12)

15:4-13. PREPARATION OF SOLID WASTE FOR COLLECTION.

a. Solid waste shall be placed and stored in a sufficient and suitable receptacle as described in Section 15:1-1 of this Title. Where this refuse is of such a nature that it cannot be deposited in a suitable receptacle, it shall be securely and properly tied into bundles or packages to prevent any spillage while being handled by City employees or its agents, or while such bundles or packages are located on the sidewalk awaiting collection. The bundles or packages shall be of a size and weight to permit ease of handling by one (1) person. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Paper shall be secured and properly tied into bundles or other packages, in a manner to prevent any scattering while being handled by City employees or its agents, or while such bundles or packages are located on the sidewalk awaiting collection. The bundles or packages shall be of a size and weight to permit ease of handling by one (1) person. Clean and uncontaminated newspaper shall be kept separate and not mixed with regular refuse. Newspaper shall be considered clean and uncontaminated if it has not been exposed to a foreign substance or substances, or conditions that render it unsuitable for recycling. Persons may wrap solid waste in used newspaper and discard the same with regular refuse even if wrapping renders the newspaper unsuitable for recycling. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

c. All suitable receptacles, used for the purpose herein described shall not be filled higher than three (3) inches below the top, and when so filled, they shall be of such a weight as can be easily handled by one (1) person. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

d. The Director of the Department of Public Works shall establish regulations as to the collection and for the storage of used and/or old newspaper by the City or its agents, if such collection is deemed necessary by the Director and shall publicly make known the same.

e. No one receiving collection from the City or its agents shall place more than three (3) receptacles, per dwelling unit, out for collection on any collection day. No receptacles when full, shall weigh more than one hundred (100) pounds.

f. Any person obtaining a permit from the central permit office under the Uniform Construction Code to renovate or construct a structure or structures shall provide for the private collection and disposal of all debris resulting from the renovation or construction so permitted. Municipal collection will not be provided for any refuse or debris resulting from any such permitted activity.

(R.O. 1966 C.S. § 13A:4-13; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

15:4-14. HANDLING AND DISPOSAL OF TRADE WASTE, VIOLATION; PENALTY.

No trade waste, as defined in Section 15:1-1 of this Title, shall be collected by the City. The producer thereof shall, at his/her own expense, deliver the trade waste to a legally registered disposal facility pursuant to Chapter 6 of this Title or have the trade waste collected by an authorized collector, as provided in Section 15:4-4 of this Title. (R.O. 1966 C.S. § 13A:4-14; Ord. 6 PSF-D, 9-15-10 § 1)

15:4-15. POSTING OF PERMIT.

Every owner, lessee or person in control of a commercial source of refuse shall post a permit which states clearly and legibly the trade or business name, addresses, telephone number and the day, time of refuse collection presently serving

the establishment, as well as the name, address and telephone number of the private refuse collection hauler serving the establishment.

Every owner, lessee or person in control of a commercial source of refuse shall post the trade waste permit issued by the Department of Public Works. The trade waste permit shall expire one (1) year from issuance and cost twenty-five (\$25.00) dollars. Such permits shall be prominently displayed by affixing to a window near the principal entrance of the commercial source so as to be easily visible from outside the structure. If this is not possible, such permit shall be prominently displayed inside, near the principal entrance. The applicant shall obtain and post a new permit annually, or whenever there is a change in the hauler utilized to collect refuse from the commercial source. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 § 13A:4-15; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6 PSF-D, 9-15-10 § 2; Ord. 6PSF-M, 5-18-16; Ord. 6PSF-F, 6-15-16)

15:4-16. PRIVATE COLLECTION; OTHER SOURCES.

All trade waste, defined herein as waste produced by a commercial source, shall be collected by an authorized collector, as provided in Section 15:4-4. Any premises whose solid waste is, at the time of adoption of this Title, not collected by the City or its agent shall continue to have their solid waste collected by an authorized collector as provided in the aforementioned section. (R.O. 1966 C.S. § 13A:4-16; Ord. 6 PSF-D, 9-15-10 § 4)

15:4-17. MECHANICAL REFUSE CONTAINER EQUIPMENT PLACEMENT AND STORAGE; PERMITS, FEES AND DEPOSITS.

a. No mechanical refuse container equipment may be placed on a street or public right-of-way without a permit. An application for a permit must be submitted to the Central Permit Office with the required fee. The applicant shall specify thereon the size and location of the equipment and the duration of time the equipment will be at the location.

If such equipment is to occupy the street or public right of way for twenty-four (24) hours or less, the applicant shall pay the required fee by mail or in person within twenty-four (24) hours, exclusive of weekends and holidays, after placement of the equipment. If the equipment is to be used for more than twenty-four (24) hours, the applicant must receive a permit prior to placement.

b. The fee for a permit shall be the sum of thirteen (\$13.00) dollars per container per location. In addition thereto, no permit shall be issued until and unless the applicant has posted an annual deposit with the Central Permit Office in the

amount of one thousand two hundred fifty (\$1,250.00) dollars. The deposit will cover all permits which are issued during a one (1) year period and shall be used to defray the costs of any damage which may occur to a City street as the result of the placement of mechanical refuse container equipment. The applicant shall be required to maintain this deposit at all times during the year. At the end of the year the remaining balance, if any, shall be returned to the applicant or may be applied toward the next annual one thousand two hundred fifty (\$1,250.00) dollar deposit. The posting of a deposit shall not be deemed to waive any additional rights which the City may have to pursue any claims for damage.

c. The duration and the location for which a permit shall be issued are subject to the discretion of the Director of the Department of Engineering.

d. Each permit shall be deemed issued subject to and controlled by the provisions of this Title and of other applicable ordinances and regulations of the City.

e. Mechanical refuse container equipment shall prominently display the name, address and telephone number of the owner thereof and shall be fitted with reflectors for night safety in such a manner as to indicate the height and width of same.

f. Mechanical refuse container equipment in violation of this Title may be impounded by the Division of Police after twelve (12) hours written or verbal notice given to the owner thereof by the Director of Engineering or his designee or by a Police Officer.

g. Notwithstanding paragraph f. above, any mechanical refuse container equipment situated in such a manner as to obstruct an adjacent owner's driveway or create a traffic or road hazard may be impounded immediately by the Division of Police.

h. Mechanical refuse container equipment impounded pursuant to paragraphs f. and g. above shall be towed or transported to locations within the City designated by the Director of the Department of Public Safety. Whenever such equipment is impounded as provided herein, the Division of Police shall, within five (5) days therefrom, send a notice of such fact to the owner thereof by certified mail, return receipt requested.

i. Any owner of impounded mechanical refuse container equipment or person acting on his/her behalf desiring to redeem same, shall first pay a service or towing charge of sixty-three (\$63.00) dollars and, in addition, a storage charge of thirteen (\$13.00) dollars per day for the time the impounded equipment was held in storage. The above charges and costs are in addition to other penalties that may be imposed for violation of any provision of this Title.

j. Whenever any mechanical refuse container equipment impounded by the Division of Police shall remain unclaimed by any person having the right to possession of same for a period of thirty (30) days, it shall be used by the City or alternately sold at public auction to the highest bidder. Such auction sale shall take place after notice of such sale has been given at least seven (7) days prior thereto, by publication in a newspaper circulating in the City and upon mailing of a copy of the notice to the owner of the equipment by regular mail at least seven (7) days prior to the sale.

k. Notwithstanding any other penalty for the violation of this Title, upon the violation of any provisions of this section or of any of the terms or conditions stated in the permit, the Director of the Department of Engineering may revoke any permit issued hereunder. No rebate shall be made of any fee or part of a fee paid for the permit, as the result of such revocation.

(Ord. 6 S+FC, 9-18-85 § 3; Ord. 6 PSF-D, 2-17-10 § 1; Ord. 6PSF-A(S), 1-7-16)

Obstruction of Sidewalk

CHAPTER 4 ENCUMBRANCES UPON AND INJURY TO STREETS AND SIDEWALKS; MISCELLANEOUS PROVISIONS

ARTICLE 1 Obstructions, Encumbrances, Projections and Encroachments; General Provisions

29:4-1. SHOWCASES, CERTAIN OTHER OBJECTS AND MERCHANDISE NOT TO BE PLACED ON SIDEWALK OR STREET; PENALTY; EXCEPTIONS.

a. It shall be unlawful for any person to place or cause, suffer or permit to be placed or maintained, any showcase or other construction or device for the display of merchandise, or any box, barrel, can, package or thing whatsoever on or over any sidewalk, roadway or public place; or to display or cause, permit or suffer to be displayed upon or over any sidewalk, roadway or public place, any merchandise for sale or advertisement, under penalty of a fine of not more than one thousand (\$1,000.00) dollars but not less than fifty (\$50.00) dollars for each offense for each and every day such encumbrance or obstruction shall continue.

b. Exceptions. The following business entities shall be exempt from the provisions of this section, provided that the entities operate in accordance with the Revised General Ordinances of the City of Newark:

1. Retail vendors of fruits and vegetables, whose sole and primary business venture is the sale of the merchandise for profit, and limits its use of the sidewalks for displays outside and in front of an ongoing commercial establishment in furtherance of the business, and where such use of the sidewalks is an integral part of the business. Provided in no event shall the sidewalk be encumbered or obstructed as to impede the flow of pedestrian traffic and no more than two (2) feet of sidewalk shall be otherwise obstructed by the display of the merchandise.

2. Retail vendors of flowers and other plants, whose sole and primary business venture is the sale of the merchandise for profit, and limits its use of the sidewalks for displays outside and in front of an ongoing commercial establishment in furtherance of the business, and where such use of the sidewalks is an integral part of the business. Provided in no event shall the sidewalk be encumbered or obstructed as to impede the flow of pedestrian traffic and no more than two (2) feet of sidewalk shall be otherwise obstructed by the display of the merchandise.

(R.O. 1966 C.S. § 22:4-1; Ord. 6 S+FK, 1-21-87; Ord. 6 S+FG, 10-7-87)

CROSS REFERENCE: Public auctions on streets or sidewalks are prohibited. See Sections 8:1-12 and 8:1-33 of these Revised General Ordinances.

29:4-2. POSTS AND POLES.

No person shall erect or maintain, or cause to be erected or maintained, any post or pole in any public street or public place in the City except for the purposes, and in the manner provided for by ordinance. (R.O. 1966 § 22:4-2)

29:4-3. BAY WINDOWS OVER STREETS; PENALTY.

No person shall hereafter construct, continue or enlarge any bay or bow window, upon or of, any dwelling house, store, building or other structure over or upon any street or public place in the City under penalty of a fine of not more than fifty

(\$50.00) dollars for each offense for each and every day such bay or bow window shall continue. (R.O. 1966 § 22:4-3)

29:4-4. BUILDINGS, FENCES AND APPURTENANT OBSTRUCTIONS IN STREETS; PENALTY.

No person shall erect, construct or place, or suffer or permit to remain any building or fence or any appurtenance or fixture connected therewith, in whole or in part, upon any street or public place in the City under penalty of a fine of not more than fifty (\$50.00) dollars for each offense, for each and every day such building or fence, appurtenance or fixture connected therewith shall continue. (R.O. 1966 § 22:4-4)

29:4-5. PLATFORMS, STOOPS AND STEPS.

No person shall hereafter construct or enlarge any platform or stoop or steps in or upon any street or public place in the City that shall project from the building line more than two and one-half (2 1/2%) percent of the width of the street but not more than five (5) feet. (R.O. 1966 § 22:4-5)

29:4-6. VEHICLES STANDING ON SIDEWALK.

No person shall cause, suffer or permit any horse, cart, wagon, motor or other vehicle, except construction equipment as authorized by this Title, to stand or remain upon any sidewalk or portion of a driveway occupying a sidewalk, of any street or public place in the City, under penalty of a fine of not more than twenty-five (\$25.00) dollars for each offense. (R.O. 1966 § 22:4-6)

29:4-7. SUMMARY REMOVAL AND ABATEMENT OF UNAUTHORIZED OBSTRUCTIONS AND ENCUMBRANCES; EXPENSE; EXCEPTION.

The Director or his authorized representative is hereby authorized, empowered and directed to summarily take out, remove and abate, or cause to be summarily taken out, removed and abated any article, or thing whatsoever which may obstruct, encumber, project in or over, or encroach upon any street or public place in the City contrary to the applicable provisions of this chapter and of Chapters 6, Walls and Fences through Chapter 12, Sidewalk Elevators of this Title. The expense thereof shall be recoverable of the owner, lessee or occupant of the premises appertaining to the thing so taken out, removed or abated. Provided, however, that in those cases requiring notice by any provisions of this chapter and of Chapters 6 through 12 of this Title, such removal shall be undertaken only after service of the required notice and the expiration of the prescribed time limit. (R.O. 1966 § 22:4-7)

29:4-8. DISPOSITION OF ARTICLES REMOVED OR ABATED PURSUANT TO SECTION 29:4-7.

Any article or thing, which may be removed in accordance with the provisions of Section 29:4-7, shall be advertised and sold by the Director or his authorized representative at the end of thirty (30) days after such removal, unless the same shall be sooner reclaimed, and the penalty and cost paid by the owner thereof. The Director or his authorized representative making such sale shall immediately thereafter pay the proceeds to the City treasury, and furnish the comptroller with a statement of the article or thing sold, the amount for which the same was sold. The balance, if any, after deducting the penalty and costs, shall be paid to any person furnishing satisfactory proof of ownership. Provided, however, that all perishable goods or articles removed under the provision of the preceding section may be sold after twenty-four (24) hours' publication of notice of sale in any newspapers published in the City, or by posting such notice of sale in five (5) public places in the City twenty-four (24) hours before the time of such sale. (R.O. 1966 § 22:4-8)

ARTICLE 2 Injuring or Defacing Pavements, Sidewalks and Curbs; Damage by Vehicles

29:4-9. PAINTING OR DEFACING PAVEMENTS, SIDEWALKS OR CURBS; EXCEPTION; PENALTY.

a. It shall be unlawful for any person to gouge, paint, stencil, color, mark or deface the pavement, sidewalk or curb of

any public street in the City or any pavement in the City; provided, however, that this section shall not apply to the painting of curb and sidewalk at driveways in a manner approved by the Director.

b. Any person convicted under this section shall be punished as provided in Section 1:1-9 in addition to paying the expense of restoring such pavement, sidewalk or curb to its proper condition.

(R.O. 1966 § 22:4-9)

29:4-10. BREAKING AND DISPLACING PAVEMENTS AND APPURTENANCES.

It shall be unlawful for any person to break up, displace or remove any pavement, crosswalk, curb, sidewalk, basin head or inlet, manhole head or any other construction placed or authorized by the Governing Body, appurtenant or related to street pavement and improvement, except as provided for by ordinance and the regulations of the Director. Any person convicted of a violation of this section shall be punished as provided in Section 1:1-9 of these Revised General Ordinances in addition to paying the expense of restoring such construction to its proper condition. (R.O. 1966 § 22:4-10)

29:4-11. HEAVY VEHICLES OR EQUIPMENT; PERMITS; FEE AND DEPOSIT.

No person shall move or transport over any bridge or paved roadway, paved sidewalk or other paved public place in the City any vehicle or equipment weighing in excess of twenty (20) tons, or having a greater wheel load than eight (8) tons, without first obtaining the written permission of the Director or his authorized representative and approval of the route to be followed through the City, under penalty of a fine or not more than thirty-five (\$35.00) dollars for each offense. No such permit shall be granted until and unless there shall be paid to the City the sum of thirty-five (\$35.00) dollars as a fee for such permit. (R.O. 1966 C.S. § 22:4-11; Ord. 6 S+FD, 10-20-93)

29:4-12. TRACK LAYING VEHICLES.

No person shall move on its own treads or tracks any metal faced track laying vehicle over or upon the paved streets of the City under penalty of a fine of not more than twenty-five (\$25.00) dollars for each offense in addition to paying the cost of restoring the pavement to its proper condition. (R.O. 1966 § 22:4-12)

29:4-13. MOVING CERTAIN UNUSUAL VEHICLES OR STRUCTURES THROUGH STREETS; PERMIT.

No person shall remove, or cause to be removed, or aid or assist in removing any lunch wagon, or steam shovel or shovel using other motive power or roller, or other vehicle except pleasure vehicles and the ordinary vehicles of commerce, through any street or public place in the City without first obtaining the approval and the written permission of the Director or his authorized representative and paying to the City a fee of thirty-five (\$35.00) dollars for each such vehicle or lunch wagon moved. (R.O. 1966; C.S. § 22:4-13; Ord. 6 S+FD, 10-20-93)

29:4-14. MOVING BUILDINGS THROUGH STREETS; PERMIT.

No person shall remove or cause to be removed, or aid or assist in removing any building to, along or across any street in the City without first having obtained the written permission of the Director. (R.O. 1966 § 22:4-14)

29:4-15. VEHICLE CROSSING AT OTHER DRIVEWAYS; CONSENT OF ABUTTING OWNER; PERMIT; DEPOSIT FOR DAMAGE.

a. No person shall cross over or upon the curb or paved sidewalk of any street in the City with any horse, cart, wagon, truck or other vehicle except at driveways, without the permission of the owner or occupant of the building or lot in front of which such curb or sidewalk is situated and the written permission of the Director or his authorized representative.

b. No permit required by this section shall be granted until there has been deposited with the City the sum of one hundred thirty (\$130.00) dollars. Upon expiration of the permit the deposit shall be returned less any cost or expense to the City by reason of any injury or damage to the curb or sidewalk caused by the holder of such permit. No such permit shall be granted until and unless there shall be paid to the City the sum of thirty-five (\$35.00) dollars as a fee for such permit.

(R.O. 1966 C.S. § 22:4-15; Ord. 6 S+FD, 10-20-93)

29:4-16. PENALTY FOR VIOLATION OF SECTION 29:4-15.

Any person violating any of the provisions of Section 29:4-15 shall, in addition to paying the cost or expense of restoring any curb or sidewalk injured or damaged by such person, be subject to the penalties provided in Section 1:1-9 of these Revised General Ordinances. (R.O. 1966 § 22:4-16)

Littering & Litter in Public Places

CHAPTER 9 LITTERING

15:9-1. LITTER; GENERAL.

a. Every owner, lessee, tenant occupant or person in charge of any structure shall keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction and nuisances of every kind, and shall keep the sidewalks, areaways, backyards, courts, and alleys free from litter and other solid waste by sweeping their sidewalks a minimum of twice a week, except as provided in paragraph b. Such persons shall also remove all such litter and other solid waste between the curb abutting the building or premises and the roadway extending eighteen (18) inches from the curb into the street on which the building or premises fronts. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

b. Within thirty (30) minutes of opening and closing for business and between the hours of 12:00 p.m. and 1:00 p.m., including weekends and holidays, when open for business, merchants must sweep their sidewalks and an area eighteen (18) inches out from the curb onto the roadway. Such business merchants shall pick up all paper, debris, and litter collected as a result of such sweeping and deposit it into a suitable receptacle.

c. No person shall sweep litter, liquid pollutants, or any similar debris into any gutter, storm sewer, catch basin, street, or other public place. Every person who owns or occupies property shall keep the sidewalk in front of his/her premises free of litter. All sweepings shall be collected and properly disposed of in a suitable receptacle for disposal pursuant to Chapter 4 of this Title.

(R.O. 1966 C.S. § 13A:8-1; Ord. 6 S+FK, 9-7-88 § 1; Ord. 6 S+FG, 9-1-93 § 1; Ord. 6 S+FE, 9-18-02 § 1; Ord. 6 S+FJ, 5-17-06; Ord. 6 PSF-D, 2-17-10 § 3)

15:9-2. LITTER ON OCCUPIED PRIVATE PROPERTY PROHIBITED.

No person shall throw or deposit litter on any occupied private property, whether owned by him/her or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (R.O. 1966 C.S. § 13A:8-2)

15:9-3. LITTER ON PRIVATE PROPERTY PROHIBITED.

a. No person shall throw or deposit litter on any private property, whether owned by him/her or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.
2. Second Offense. A fine of two hundred (\$200.00) dollars.
3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.
4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.
5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.
6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(Ord. 6 S+FB, 6-1-88; 6 PSF-D, 2-17-10 § 3)

15:9-4. LITTER ON CONSTRUCTION OR DEMOLITION SITES PROHIBITED.

a. It shall be unlawful for any owner, agent thereof, person to whom a construction or demolition or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project.

b. It shall be the duty of the owner, agent, contractor, or person to whom the construction or demolition permit was issued by the City of Newark to furnish at the worksite suitable receptacles that are adequate to contain flyable or non-flyable debris, solid waste, rubbish, or liquid pollutants. The receptacles should be placed in areas convenient to construction/ demolition areas.

c. The owner, agent, person to whom a construction or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site shall maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of the debris.

d. It shall be unlawful for any owner, agent, person to whom a construction or demolition permit was issued by the City of Newark, or contractor in charge of a construction or demolition site to permit litter, debris, solid waste, or liquid pollutants to be placed, swept or discharged into the City's stormwater sewer.

(Ord. 6 S+FB, 6-1-88 § 1; Ord. 6 S+FJ, 5-17-06)

15:9-5 LITTER IN PUBLIC PLACES PROHIBITED.

No person shall throw or deposit any litter in or upon any street, sidewalk or other public place except in public receptacles or in authorized private receptacles for collection. Any person, firm, or corporation who violates or fails or neglects to comply with any provision of this chapter or rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof by a fine or penalty as provided below:

1. First Offense. A fine of one hundred (\$100.00) dollars.

2. Second Offense. A fine of two hundred (\$200.00) dollars.

3. Third Offense. A fine of three hundred fifty (\$350.00) dollars and/or up to ninety (90) days of community service.

4. Fourth and Each Subsequent Offense. A fine of one thousand five hundred (\$1,500.00) dollars, and/or up to ninety (90) days of community service and discontinuance of solid waste collection service until compliance is met. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

5. A mandatory court appearance is required for the third and subsequent violations of this chapter provided that the third offense must be within one (1) year of the first offense.

6. The City waives the application of the additional penalty for a subsequent violation within one (1) year of a previous violation pursuant to N.J.S.A. 40:49-5.

(R.O. 1966 C.S. § 13A:8-3; Ord. 6 PSF-D § 3, 2-17-10)

15:9-6. LITTER ON VACANT LOTS PROHIBITED.

No person shall throw or deposit litter on any open or vacant property whether owned by such person or not. (R.O. 1966 C.S. § 13A:8-4)

15:9-7. LITTER IN PARKS PROHIBITED.

No person shall throw or deposit litter in any park except in public receptacles and in such a manner as to prevent such litter from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried from the park by the person responsible for its presence and shall be properly disposed of elsewhere. (R.O. 1966 C.S. § 13A:8-5)

15:9-8. LITTER IN CITY WATERS PROHIBITED.

No person shall throw or deposit litter, or cause liquid pollutants to be drained into any stormwater sewer, catch basin, fountain, pond, lake, stream, river, bay or any other body of water. (R.O. 1966 C.S. § 13A:8-6; Ord. 6 S+FJ, 5-17-06)

15:9-9. UNCOVERED VEHICLES.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any road or highway unless such vehicle is constructed, loaded and covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any debris 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 debris or objects and shall pay the costs thereof. (R.O. 1966 C.S. § 13A:8-7; Ord. 6 S+FB, 6-1-88 § 1)

15:9-10. LITTER THROWN FROM VEHICLES PROHIBITED.

No person shall throw or deposit litter from a vehicle upon any street or other public place. (R.O. 1966 C.S. § 13A:8-8)

15:9-11. WASTE RECEPTACLE PROVIDED BY STREET VENDORS.

Every person distributing or offering for sale in any street or public place any food or drink for consumption shall provide in a conspicuous place a receptacle for all refuse. The vendor shall maintain and empty the receptacle in such a manner, and with such a frequency, so as to prevent the spillage of refuse. (R.O. 1966 C.S. § 13A:8-9)

15:9-12. USE OF LITTER RECEPTACLES.

a. Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: 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 utilized 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 stations islands; shopping centers; parking lots; 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.

Litter receptacle means a container suitable for the depositing of litter.

b. No person shall use any open mesh litter basket (receptacle), placed on the streets by the City, for the deposit of residential or commercial solid waste, refuse, rubbish, garbage or other waste material.

(R.O. 1966 C.S. § 13A:8-10; Ord. 6 S+FB, 6-1-88 § 1)

15:9-13. THROWING OR DIS-TRIBUTING HANDBILLS IN PUBLIC PLACES SO AS TO CAUSE LITTER.

a. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place.

b. No person shall hand out or distribute or sell any handbill in any public place; provided, however, 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 handbill to any person willing to accept it. Nothing herein shall attempt to limit or restrain the right of self expression.

(R.O. 1966 C.S. § 13A:8-11)

15:9-14. PLACING HANDBILLS ON VEHICLES PROHIBITED.

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 handbill to any occupant of a vehicle who is willing to accept it. (R.O. 1966 C.S. § 13A:8-12)

15:9-15. DEPOSITING HANDBILLS ON VACANT PREMISES PROHIBITED.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (R.O. 1966 C.S. § 13A:8-13)

15:9-16. DISTRIBUTION OF HANDBILLS PROHIBITED WHERE SIGN POSTED.

No person shall throw, deposit or distribute any handbill in or upon private premises: a. if requested by anyone in or upon such premises not to do so; or b. if there is placed on the premises a sign with the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (R.O. 1966 C.S. § 13A:8-14)

15:9-17. DISTRIBUTION OF HANDBILLS RESTRICTED AT INHABITED PRIVATE PREMISES; EXCEPTION FOR MAIL, NEWSPAPERS AND PROPERLY SECURED HANDBILLS.

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting such handbills directly to the owner, occupant or upon inhabited private premises or sidewalks, streets or other public places, or in the alternate by depositing the handbills in mailboxes, except as otherwise 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. Alternately, handbills may be distributed to private premises which are inhabited if properly secured by placing the same under the door or attaching securely to the doorknob of the structure. (R.O. 1966 C.S. § 13A:8-15)

15:9-18. 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 lamppost, public utility pole, shade tree, or upon any public structure or building, except as may be authorized or required by law. (R.O. 1966 C.S. § 13A:8-16)

CROSS REFERENCE: For other provisions concerning the posting of notices, see Section 29:22-1 of these Revised Ordinances.

Snow Removal

CHAPTER 17 SNOW AND ICE

29:17-1. REMOVAL FROM SIDEWALK AND GUTTERS BY ABUTTING OWNERS OR TENANTS.

a. The owners or tenants of lands abutting or bordering upon the sidewalks and gutters of public streets, or public places in the City, are hereby required to remove all snow and ice from the travelled portion of the sidewalks and from the gutters within twelve (12) hours of daylight after the same shall be formed or fall thereon.

b. In cases where the building is occupied by more than one (1) family, then the tenant or tenants of the first floor or story thereof are hereby required to remove all snow and ice from such portion of the sidewalks and gutters within twelve (12) hours of daylight after the same shall be formed or fall thereon.

(R.O. 1966 § 22:17-1)

29:17-2 REMOVAL BY CITY UPON OWNER'S OR TENANT'S FAILURE; TAX LIEN.

If the owner or tenant of any such premises shall neglect or refuse to comply with Section 29:17-1, the Director of Engineering may forthwith remove such snow and ice. The Director of Engineering shall thereupon certify to the Council the cost of such removal, which cost after verification by the Council shall be charged against the land abutting or bordering upon such sidewalks or gutters. The amount so charged shall forthwith become a lien upon such land, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, and shall bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as taxes. The provisions of this section shall operate in addition to the penalties provided in the chapter. (R.O. 1966 C.S. § 22:17-2; Ord. 6PSF-F, 6-15-16)

29:17-3. KEEPING TRAFFIC LANES CLEAR; MANNER OF CLEARING ACCESS OR PARKING PLACES.

No person shall place, or cause to be placed, any snow or ice upon the traffic lanes of the roadway of any street. In the event that it is necessary to clear the roadway of snow and ice in front of any property for the purpose of providing parking space or to give access to such property, then such snow or ice shall be properly piled in the roadway in front of such property at no greater distance than six (6) feet from the curblin and in such a manner that the gutter way shall be unobstructed. (R.O. 1966 § 22:17-3)

29:17-4. DUMPING IN ROADWAY FROM PRIVATE PROPERTY.

It shall be unlawful for any person to remove snow or ice from any private property and place the same onto the sidewalk or roadway of any street. (R.O. 1966 § 22:17-4)

29:17-5. OBSTRUCTION OF GUTTERS; DUTY OF OWNER OR TENANT.

Whenever the gutter opposite to any dwelling house, store or other building, or lot of ground in the City shall become obstructed with snow, ice, dirt or anything whatsoever, the owner or occupant, or person having charge thereof, shall cause the gutter to be cleaned out to the width of two (2) feet, so that the water may run freely along the same. (R.O. 1966 § 22:17-5)

29:17-6. PENALTY.

Any owner, tenant or person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1:1-9 of these Revised General Ordinances. (R.O. 1966 § 22:17-6)