

## Chapter 93

### JUNK, TRASH, GARBAGE AND DEBRIS

§ 93-1. Definitions.

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[HISTORY: Adopted by the Borough Council of the Borough of Westfield 6-9-2004 by Ord. No. 294.<sup>1</sup> Amendments noted where applicable.]

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#### § 93-1. Definitions.

Within this chapter the following definitions shall apply:

DEBRIS — Rubble, bits and pieces of rubbish, fragments and remains of demolished or dismantled structures.

GARBAGE — Ordinary household waste, including kitchen refuse and rubbish capable of being compacted; unwanted or unusable items.

JUNK — Castoff material that can be put to some use.

OTHER HARMFUL MATERIALS — Every kind of refuse, earth, mud, dirt, fill, discarded material or object, stone, rock, block, brick, wood, lumber, building material or other kind of object or substance which will create or could create any type of hazard, danger, obstruction or interference of or with the public streets, sewers, gutters, roadways, highways or sidewalks in the Borough.

PERSON — Every natural person, copartnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to copartnership or associations, means the partners or the members thereof, and as applied to a corporation, the officers and directors thereof.

RESPONSIBLE PARTY — Any person who is the operator or controller of any vehicle or other media which is used to carry or transmit junk, trash, garbage, debris or "other harmful materials," or the owner of any real property from which they are transmitted or transported or from which they flow or from which they emanate.

TRASH — Worthless or waste matters of any kind, rubbish, loppings and trimmings of trees and plants, waste lumber, abandoned, discarded or unused objects or equipment, such as furniture, stoves, refrigerators, freezers, cans or containers.

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1. Editor's Note: This ordinance also repealed former Ch. 93, Junk, Garbage and Debris, adopted 6-11-2003 by Ord. No. 287.

**§ 93-2. Depositing or accumulation prohibited; trash, garbage or debris prohibited.**

- A. No person shall throw or deposit any junk, trash, garbage or debris upon any property in the Borough.
- B. No person shall set up or establish on any property any dump or place where junk, trash, garbage or debris may be dumped or deposited; or allow junk, trash, garbage or debris to accumulate on any property under his control.
- C. The provisions in this section do not prohibit owners or tenants from establishing a compost pile on their own premises.
- D. The provisions in this section do not prohibit any legal operation of a licensed junkyard.

**§ 93-3. Notice of removal.**

- A. Whenever any junk, trash, garbage or debris, as set forth in § 93-2B above has been allowed to accumulate on lands lying within the limits of the Borough, and the Fire Marshal, Chief of Police or Mayor deems it necessary and expedient (for the preservation of the public health, safety or general welfare, or to eliminate a fire hazard) to remove or destroy the same, said Fire Marshal, Chief of Police or Mayor shall give the owner or tenant or occupant of any such land, a written notice setting a reasonable time limit, (in no event less than seven days, nor more than 30 days) to remove the same.

**§ 93-4. Failure to comply; removal by Borough; costs.**

If any owner or tenant or occupant shall refuse or neglect to remove the junk, trash, garbage or debris by the time limit set in the notice, then the Borough may cause the same to be removed and collect the cost thereof, together with a penalty of 10% of such costs, in the manner provided by law for the collection of municipal claims. Such remedy shall be in addition to the penalty provided hereunder in § 93-6.

**§ 93-5. Deposit in public ways prohibited.**

No person shall cause or permit junk, trash, garbage, debris or other harmful materials to wash, drain, flow, roll, fall, fly, drop or be placed upon any street, roadway or sidewalk in the Borough (when they could, or are likely to, inhibit the flow of, or clog drains, gutters, sewers or culverts in the Borough or where they could, or would be likely to, interfere with the normal and customary use of such street, roadway, highway or sidewalk) when the same could have been prevented by reasonable precaution by the responsible party.

**§ 93-6. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to undergo imprisonment for a term not to exceed 30 days, or until such fine and

costs are paid. Each day that a violation of this chapter continues shall constitute a separate offense.