

**BOROUGH OF GARWOOD
ORDINANCE NO. 24-27**

Introduced:	September 26, 2024
Motion:	Councilman Kearney
Seconded:	Councilman Lazarow

Public Hearing:	October 10, 2024
Motion:	Council President Kearney
Seconded:	Councilman Foley

AN ORDINANCE OF THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 99, ENTITLED "HEALTH AND SANITATION", ARTICLE IV "LITTERING", SECTION 99-26 "HANDBILLS"

WHEREAS, unsolicited materials can become the cause of rubbish strewn upon the streets and sidewalks of the Borough resulting in not only a poor appearance but also in clogging stormwater inlets, placing persons and property in danger of flooding,

WHEREAS, it is necessary to update and amend the Garwood Municipal Code to address this concern, specifically to amend Section 99-26, "Handbills" by deleting and replacing with new language; and

WHEREAS, the Borough Council has found it proper to amend the language of the Code accordance therewith;

NOW, THEREFORE, BE IT THEREFORE ORDAINED by the Borough Council of the Borough of Garwood, in the County of Union, that Chapter 99-26, "Handbills," is hereby amended as follows (additions underscored, deletions ~~strike through~~):

A.

~~No person shall cast or place or cause to be cast or placed any advertisement, handbill, circular or paper on any public street, on sidewalks, into any vestibules or yards, upon porches of any dwelling house or other buildings, or into any vehicle while on the public highways or on private property within the Borough, except that advertisements, handbills, circulars and papers may be distributed in the Borough, provided they are securely placed at each dwelling so as not to be blown away by the wind. This section shall not apply to newspapers and addressed envelopes delivered to subscribers and addressees.~~

B.

~~Nothing contained herein shall be construed to apply to charitable, religious or nonprofit organizations, political parties or candidates, or any other noncommercial purpose.~~

§ 99-26. Distribution, etc., of circulars, pamphlets, etc.

- A. It shall be unlawful for any person to deliver or deposit, or for any person, firm or corporation to cause the delivery or deposit of, any unsolicited advertising circulars, newspapers and other like-printed material to or upon any private premises within the Town, except in accordance with the terms hereof. For the purposes of this section, "unsolicited" shall mean unsolicited advertising circulars, newspapers and other like-printed material which has not been ordered, subscribed to or requested by the recipient.
- B. Such unsolicited advertising circulars, newspapers and other like-printed material shall be placed on the ground or floor at the place where the premises receives its mail or within a three-foot radius of that point. The unsolicited advertising circulars, newspapers and other like-printed material shall clearly state the contact person and telephone number to whom notice may be given, requesting that such delivery of the unsolicited advertising circulars, newspapers and other like-printed material be ceased or canceled.

- C. There shall be no intentional delivery of any such unsolicited printed material to the premises after the owner or tenant of such premises has notified the contact person, referred to in Subsection B hereof, that such delivery shall cease or be suspended for a stated period of time. For the purposes of condominiums or other common properties, notification must come from the individual unit owner or tenant.
- D. Violations and penalties.
 - 1. Any person found to be in violation of the provisions of this article shall be subject to a fine as follows:
 - a. First offense: \$100.
 - b. Second offense: \$200.
 - c. Any subsequent offense: an amount not to exceed \$500.
 - 2. Each day a violation continues shall be deemed a separate offense.

Section II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

Section III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

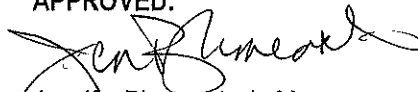
Section IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

Section V. Nothing contained herein shall be construed to apply to charitable, religious or nonprofit organizations, political parties or candidates, or any other noncommercial purpose.

ATTEST:


 Nennette Perry, R.M.C
 Municipal Clerk

APPROVED:


 Jennifer Blumenstock, Mayor

<u>RECORDED VOTE</u>	<u>INTRODUCTION:</u>	<u>ADOPTION:</u>
COUNCILWOMAN BOTO	AYE	AYE
COUNCILMAN FOLEY	AYE	AYE
COUNCILMAN LAZAROW	AYE	ABSENT
COUNCILWOMAN NOLDE	AYE	AYE
COUNCILWOMAN SALMON	AYE	NAY
COUNCIL PRESIDENT KEARNEY	AYE	AYE