**O: 2020-03**

**ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 369, *LITTERING***

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

**Section One.**

Chapter 369, *LITTERING,* of the Code of the Town of Phillipsburg is hereby amended to add the following:

§ 369-1

Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

**PRINTED MATTER OR PRINTED MATERIALS**

All newspapers, shoppers, circulars, leaflets, flyers, handbills, commercial and noncommercial, and all similar materials.

**UNSOLICITED**

The printed matter referred to herein which has not been ordered, subscribed to or requested by the recipient.

§ 369-9.1

**Distribution of printed materials in public places**.

No person shall throw or distribute any printed material in or upon any sidewalk, street or other public place within the Town of Phillipsburg or in or upon any unoccupied motor vehicle.

§ 369-9.2

**Delivery of printed materials to private premises.**

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 printed material to or upon any private premises within the Town of Phillipsburg, except in accordance with the terms hereof.

§369-9.3

**Permitted delivery to private premises**.

Printed matter may be delivered to private premises when delivered in accordance with the following:

A. Printed matter shall be placed only within a permanently installed appurtenance to the premises designed and designated for the receipt of such printed matter, or if there is none, it shall be placed on the ground or floor at a point beneath the place where such premises receives its mail or within a three-foot radius of that point.

B. Printed matter which plainly bears upon it an address to which a written notice indicating the recipient's desire to cease future delivery of the particular item of printed matter may be sent, may at all times be delivered to private premises unless delivery is prohibited pursuant to the terms of § 369-9.4.

§ 369-9.4

**Premises to which delivery of printed matter is prohibited**.

It shall be a violation of this chapter when unsolicited printed matter is intentionally delivered to a private premises after the owner or tenant of said premises has notified the publisher or the delivery person, or in the case of printed matter referred to in § 369-9.3B hereof, after the owner or tenant of the premises has provided notice by certified mail, return receipt requested, at the address so indicated, that delivery shall cease or be suspended for a stated period of time.

**Section Two.**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

**Section Three.**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section Four.**

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**ATTEST: TOWN OF PHILLIPSBURG**

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VICTORIA L. KLEINER, RMC TODD TERSIGNI

Municipal Clerk Mayor

DATED:

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their January 21, 2020 meeting.

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 VICTORIA L. KLEINER,

 Municipal Clerk