

Chapter 158

LITTERING

[HISTORY: Adopted by the Township Council of the Township of Mount Holly 7-7-1980 as Sec. 3-6 of Ch. III of the Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 137.

Property maintenance — See Ch. 212.

Public health nuisances — See Ch. 176.

Cleaning of streets and sidewalks — See Ch. 241, Art. IV.

Parks and recreation areas — See Ch. 187.

Littering by taxicab operators — See Ch. 251, § 251-23D.

§ 158-1. Title.

This chapter shall be known and may be cited as the "Mount Holly Township Anti-Litter Ordinance."

§ 158-2. Definitions.

In the interpretation of this chapter, the following words and phrases shall have the following meanings:

AIRCRAFT — Any contrivance now known or hereafter invented used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle as required and authorized in An Ordinance to Regulate Garbage, Trash and Waste Collection in the Township of Mount Holly, codified in Chapter 137, Article I.

COMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise, product, commodity or thing;
- B. Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;
- C. Which directs attention to or advertises any meetings, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying incidental expenses in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; or

- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as an advertiser or distributor.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER — 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, carton 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; newspaper; or magazines; glass, metal, plastic or paper containers or other packaging or construction material; or any handbills, advertisements, brochures, flyers, shoppers or other unsolicited commercial matter, printed or otherwise, of every kind or nature whatsoever. **[Amended 12-12-1988 by Ord. No. 1988-15]**

LITTER RECEPTACLE — A container suitable for the depositing of litter. **[Added 12-12-1988 by Ord. No. 1988-15]**

NEWSPAPER — Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK — A park, reservation, playground, beach, recreation center or any other public area in the Township owned or used by the Township and devoted to active or passive recreation.

PRIVATE PREMISES — Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE — All putrescible and nonputrescible solid wastes (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, yard clippings, leaves, wood, glass, bedding, crockery, brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth and debris.

TRASH — Litter as defined herein.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 158-3. Public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township except in public receptacles, in authorized private receptacles for collection or in official Township landfills during specified hours and shall place or deposit litter in such a manner that it will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 158-4. Use of receptacles. [Added 12-12-1988 by Ord. No. 1988-15]

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 held out for use by the public, including schools and government buildings; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; 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.

§ 158-5. Sidewalks.

Persons owning or occupying places of business or property within the Township shall keep the sidewalk in front of their premises free of litter.

§ 158-6. Litter thrown from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Township or upon private property.

§ 158-7. Vehicle loads.

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

§ 158-8. Parks.

No person shall throw or deposit litter in any park within the Township except in public receptacles and in such a manner that the litter will be prevented 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 such litter shall be carried

away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 158-9. Bodies of water.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Township.

§ 158-10. Distribution of handbills in public places.

No person shall hand out or distribute or sell any commercial handbill in any public place, provided that it shall not be unlawful on any sidewalk, street or other public place within the Township for any person to hand out or distribute, without charge, any noncommercial handbill to any person willing to accept it.

§ 158-11. Placing of handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, provided that it shall not be unlawful in any public place for a person to hand out or distribute, without charge, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 158-12. Deposit of handbills on uninhabited and vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant.

§ 158-13. Distribution of handbills at private premises.

- A. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign or notice indicating in any manner that the occupants of the premises do not desire to have any such handbills left upon such premises. A person, unless requested by anyone upon such premises not to do so, may place or deposit any commercial or noncommercial handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations; or may hand or transmit any such handbill directly to the owner, occupant or other person then present in or upon such private premises.
- B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 158-14. Dropping litter from aircraft.

No persons in an aircraft shall throw out, drop or deposit within the Township any litter,

handbill or any other object.

§ 158-15. Posting notices.

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 or shade tree or upon any public structure or building, except as may be authorized or required by law.

§ 158-16. Litter on private property.

No person shall throw or deposit litter on any occupied private property or on any open or vacant lots within the Township, whether owned by such person 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 be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 158-17. Maintenance of private property.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 158-18. Storage of tires. [Added 12-12-1988 by Ord. No. 1988-15]

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.

§ 158-19. Open or overflowing waste disposal bins prohibited [Added 12-12-1988 by Ord. No. 1988-15]

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

§ 158-20. Responsibilities of owner or occupant. [Added 12-12-1988 by Ord. No. 1988-15]

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 158-21. Violations to be deemed separate. [Added 12-12-1988 by Ord. No. 1988-15]

Each violation of the provisions of this chapter shall be deemed a separate violation whether it shall occur on the same day or on succeeding days.

§ 158-22. Removal by Township. [Amended 12-12-1988 by Ord. No. 1988-15]

The Township Clean Communities Coordinator or his designee is hereby authorized to remove litter from properties and enforce the provisions of this chapter of the Code, subject to and in accordance with the supervision and direction of the Township Manager. Should it be necessary to have litter removed from private property by Township employees, the property owner shall be responsible for the cost of cleanup by the Township employees at the prevailing rate paid by the Township, and a lien may be placed upon that property to ensure collection thereof.

§ 158-23. Violations and penalties. [Added 12-12-1988 by Ord. No. 1988-15; 6-22-1992 by Ord. No. 1992-5]

Pursuant to N.J.S.A. 13:1E-99.3, any person, firm or corporation violating any provisions of this chapter shall be liable in the Municipal Court for a fine not to exceed \$1,000 or community service for a term of not less than 20 hours nor more than 40 hours for a first offense or not less than 40 hours nor more than 80 hours for a subsequent offense within one year of conviction.