

Chapter 170

LITTERING

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[HISTORY: Adopted by the Township Committee of the Township of Eagleswood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 198.

Refuse containers and dumpsters — See Ch. 241.

Solid waste — See Ch. 231.

Zoning — See Ch. 295.

ARTICLE I

Anti-Litter**[Adopted 11-9-1982 by Ord. No. 17-82 (Ch. 31 of the 1977 Township Code)]****§ 170-1. Title.**

This article shall be known as an "Anti-Litter Ordinance" and may be so cited.

§ 170-2. Definitions. [Amended 9-13-1983 by Ord. No. 8-83]

As used in this article, the following terms shall have the meanings indicated:

GARBAGE — Putrescible animal and vegetable waste resulting from either the handling, preparation, cooking or 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 or can, any unlighted cigarette, cigar, match or any flaming or glowing material, or any garbage, trash, refuse, debris, rubbish, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing. **[Amended 9-26-2005 by Ord. No. 2005-22]**

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

PRIVATE PREMISES — Any dwelling, house, building or other structure designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walks, driveway, porch, steps, vestibules or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.¹

PUBLIC PLACE — Includes all streets, sidewalks, boulevards, alleys or other public walkways and all parks, squares, docks, grounds and buildings.

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, dead trees, tree stumps, abandoned automobiles and boats, and solid market and industrial wastes and specifically including abandoned furniture, household equipment, scrap building materials and other similar items.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cigars and tobacco wastes, cardboard, tin cans, yard, garden or lawn clippings, leaves, wood, glass, bedding, crockery and similar materials.

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.

§ 170-3. Litter in public places.

No person shall sweep, throw, deposit or dump litter in or upon any street, sidewalk or other public place except in public receptacles or in private receptacles for collection or in official Township disposal areas.

§ 170-4. Placement of litter in receptacles. [Amended 6-14-1988 by Ord. No. 14-88]

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Litter shall be placed in private receptacles in such manner as to prevent it from being scattered, carried or deposited by the elements upon any street, sidewalk or other public place or private premises. It shall be unlawful for any residential or commercial property owner or occupant to permit open or overflowing waste disposal bins or receptacles on his or her property.
- B. Litter, other than garbage, shall be placed in public receptacles or in private receptacles. Litter receptacles suitable for the depositing of litter and their servicing are required at the following public places which exist in the municipality: 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, 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; campgrounds and trailer parks; 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.
- C. Branches, clippings, shrubs and the like in excess of 24 inches in length but not greater than six feet in length and not in excess of 75 pounds in weight may be placed at the curb for pickup if securely tied in bundles so as to prevent their being scattered, carried or deposited by the elements upon any street, sidewalk or other public or private place or premises.

§ 170-5. Littering from vehicles. [Amended 6-14-1988 by Ord. No. 14-88]

- A. No person shall throw or deposit litter from a vehicle upon any street or other public place or upon any private premises or vacant land.
- B. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen out 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 glass or objects and shall pay the costs therefor.

§ 170-6. Litter caused by commercial vehicles.

No person shall drive or move any truck or other commercial vehicle unless the vehicle is so constructed or loaded as to prevent any litter from being blown or deposited upon any street, alley or other public place or private premises. No person shall drive or move any vehicle or truck if the wheels or tires carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind from any other place other than the traveled portion of a public street or alley.

§ 170-7. Litter in public parks.

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.

§ 170-8. Litter in bodies of water.

No person shall throw or deposit litter in any fountain, lake, pond, stream, bay or any other body of water.

§ 170-9. Litter on private property.

No person shall throw or deposit litter on any occupied private property, whether owned by him or not, except that the owner or person in control of private property shall maintain private receptacles for collection in such a manner that litter will not be carried or deposited by the elements upon any other public place or upon any private property.

§ 170-10. Owner to maintain premises free of litter. [Amended 6-14-1988 by Ord. No. 14-88]

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not be construed to prohibit the storage of litter in private receptacles for collection.
- B. It shall be unlawful for any residential property owner or occupant to store or permit the 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. Nothing contained herein shall be construed to supersede the land use restrictions of the Township zoning code or to permit any commercial use in a residential zone.
- C. It shall be unlawful for any residential property owner or occupant 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. In no event shall any person store more than four tires per registered vehicle of said person.
- D. 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.
- E. It shall be unlawful for any owner, agent 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. In order to prevent any litter, rubbish or construction waste materials from littering the construction site or surrounding areas, the owner of the real property upon which improvements or renovations are being made and the contractor or agent performing such work shall:
[Amended 2-15-1996 by Ord. No. 7-96]

- (1) Provide private receptacles for the deposit of litter, rubbish and construction materials in such a manner as to prevent litter, rubbish and construction waste materials from being scattered, carried or deposited by the elements upon any private property, public property or waterways and to maintain and empty the receptacles in such a manner and with such frequency so as to prevent spillage of litter.
- (2) Provide for the erection of snow fence or other retaining fence between the construction site and any waterway adjacent to the construction site property in such a manner as to prevent any litter, rubbish and construction materials from being scattered, carried or deposited by the elements

into or upon any lake, stream, bay, lagoon or other waterway.

§ 170-11. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property, whether owned by such person or not.

§ 170-12. Notice to remove; removal by Township upon noncompliance.

- A. Notice to remove. The Code Enforcement Officer or his duly designated agent is authorized and empowered to notify the owner of any private premises or vacant land or the tenant or agent of such owner to dispose properly of litter which is located on such owner's property and which is dangerous to public health, safety or welfare. Notice shall be by registered or certified mail, return receipt requested, addressed to said property owner or his agent or tenant at his last known address or served personally upon said owner, tenant or agent.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner, tenant or agent so notified to dispose properly of said litter within 10 days after receipt of written notice as specified in Subsection A of this section, or within 10 days after the date of such notice in the event that it is returned to the Township by the Post Office Department because of inability to make delivery thereof, provided that the notice was properly addressed to the last known address of the owner, tenant or agent, the Code Enforcement Officer or his duly designated agent is authorized and empowered to pay for disposing of such litter or to order its disposal by the Township.
- C. When the Township has effected the removal of dangerous litter or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next regular tax bill forwarded to the owner by the Township. The charge shall be due and payable by the owner at the time set for payment of the tax bill.
- D. Where the full amount due the Township is not paid by the owner within 30 days after the disposal of such litter, as specified in Subsections A and B of this section, then and in that case the Code Enforcement Officer shall certify the cost thereof to the Township Committee, which shall examine the certificate and, if found to be correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes which are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. The certification of the Code Enforcement Officer in accordance with the provisions thereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

§ 170-13. Violations and penalties.²

Any person who shall violate any of the terms or provisions of this article shall, upon conviction thereof, be subject to the penalty as stated in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Township of Eagleswood.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE II

**Distribution of Materials on Private Property
[Adopted 5-20-2014 by Ord. No. 2014-05]****§ 170-14. Purpose.**

The purpose of this article is to regulate the standards and manner in which handbills and commercial circulars are distributed within the Township of Eagleswood to ensure the protection of the public health, safety and welfare. Further, this article is designed to improve the overall clean appearance of the Township and to reduce litter.

§ 170-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

UNSOLICITED PUBLICATION — Any newspaper, circular, leaflet, booklet, pamphlet, advertising paper or any other printed literature which is delivered free of charge to a location in the Township without the request of the owner, tenant or occupant of the location.

§ 170-16. Registration required.

It shall be unlawful for any person to distribute unsolicited publications within the Township of Eagleswood without first having registered with the Township Clerk of the Township of Eagleswood.

§ 170-17. Registration form.

The registration shall be free of charge and the registration form shall be filed with the Township Clerk and contain the following information:

- A. The name and address of the business or organization distributing handbills or commercial circulars.
- B. The name and address of the person in charge of the distribution of handbills or commercial circulars.
- C. E-mail address and/or facsimile number of the person in charge of the distribution of handbills or commercial circulars.

§ 170-18. Do-Not-Deliver Registry.

Any resident, business or property owner who wishes to discontinue the delivery of such commercial circulars or handbills must submit his name and home address to the Township Clerk on forms provided by the Township Clerk.

§ 170-19. Notification of updated Do-Not-Deliver Registry.

On the first Monday of every month, the Township Clerk shall cause to be transmitted to the person in charge of the distribution of handbills or commercial circulars an updated list of addresses of the Do-Not-Deliver Registry, if such list had been updated during the previous month.

§ 170-20. Violations and penalties.

- A. Within 10 calendar days following notification of the updated Do-Not-Deliver Registry, any person, firm, corporation or association delivering a handbill or commercial circular to a residence on the

Do-Not-Deliver Registry shall be subject to the penalties as provided in § 170-13.

- B. Any person, firm, corporation or association distributing handbills or commercial circulars after the effective date of this article that has not registered with the Township Clerk shall be subject to the penalties as provided in § 170-13.