

§ 5-1. Litter. [Ord. 12/30/69; Ord. 1976-8; Ord. 1979-22; Ord. 2005-24; Ord. 2006-14]

§ 5-1.1. Definitions.

As used in this section:

- a. GARBAGE — Shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- b. LITTER — Shall mean 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, grass clippings or other lawn or garden waste, 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.
- c. REFUSE — Shall mean 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.
- d. RUBBISH — Shall mean 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 and similar materials.
- e. VEHICLE — Shall mean 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 on stationary rails or tracks.
- f. PUBLIC PLACE — Shall mean any and all streets, sidewalks, boulevards, alleys, beaches or other public ways, and any and all public parks, squares, spaces, docks, grounds and buildings.
- g. LITTER RECEPTACLE — Shall mean a container suitable for the depositing of litter.

- h. PERSON — Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§ 5-1.2. Litter in Public and Private Places.

No person shall sweep, throw, drop, discard, deposit, dump or otherwise place any litter of any nature upon public or private property or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake or stream or other body of water within the township, except in public litter receptacles or in authorized private litter receptacles for collection, or having done so, to allow such litter to remain. Persons placing litter in public litter receptacles or in authorized private litter receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.

§ 5-1.3. Sweeping Litter Into Gutters Prohibited.

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter, street or other public place within the township, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 5-1.4. Litter Thrown by Persons in Vehicles or Boats.

No person, while a driver or passenger in a vehicle or boat, shall throw or deposit litter upon any street, pond, lake, stream or other body of water or other public place within the township or upon private property. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this subsection, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this subsection.

§ 5-1.5. Truck Loads Causing Litter.

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; nor shall any person drive or move any vehicle or truck within the township, the wheels or tires of which

carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 5-1.6. Transportation from Outside Township.

No person shall bring, cart, remove, transport or collect any litter from outside the township or into the township for the purpose of dumping or disposing thereof, except at an official landfill site and in accordance with the regulations pertaining thereto. No truck or other vehicle containing litter which has been transported into the township shall be parked or allowed to remain standing on any street in the township or on any public property for a period in excess of two hours.

§ 5-1.7. Distribution of Unsolicited Printed Matter.

- a. No person shall distribute or cause to be distributed to any resident of the township any printed matter of the type described in paragraph b, which is unsolicited by such resident, unless such person shall insure that the material to be distributed shall be secured or packaged in such a way that it will reasonably be expected not to fall or blow away and litter streets and the public right-of-way.
- b. Any resident or property owner may declare his unwillingness to receive such unsolicited printed matter by indicating in writing to the township clerk that he does not wish to receive any specific item or publication or any or all of the following general classes of unsolicited printed matter.
 1. Any unsolicited printed matter of any sort;
 2. Commercial advertising and handbills;
 3. Newspapers distributed at no cost to the recipient;
 4. Nonprofit or charitable advertising and handbills;
 5. Civic and political fliers, brochures, newsletters.

Nothing in this paragraph, however, shall be deemed to permit the owner of any multiple dwelling complex to register with the clerk on behalf of any of his tenants or otherwise to forbid access to said tenants under color of this section.

It shall be the responsibility of residents wishing to remain on such lists to renew their notice to the clerk on or before 15 January of each year.

- c. The clerk shall cause lists to be kept for each category cited in paragraph b of this subsection of the names and addresses of those residents desiring not to receive same. Any person

intending to distribute unsolicited printed matter shall first obtain from the clerk the most current such list for the type of printed matter he intends to distribute. He shall not thereafter distribute or cause to be distributed any such printed matter to a person who has requested not to receive same.

- d. The clerk shall prepare a revised list in each category by the first day of every second month so that six such revisions shall be prepared per year. It shall be the responsibility of those wishing to distribute unsolicited printed matter to ascertain that their list is current prior to each distribution.
- e. The cost of purchasing such lists shall be as follows:
 1. All unsolicited printed matter: \$5.
 2. Commercial advertising: \$5.
 3. Newspapers distributed at no cost: \$5.
 4. Nonprofit: no charge.
 5. Civic and political: no charge.
- f. Civil liability for violation of this subsection shall be fixed by the municipal court after a hearing to determine responsibility for such violation. Penalties imposed shall be as follows:
 1. For distribution to any single resident or property owner who had signified desire not to receive same, pursuant to paragraph b hereof:
 - for the first such distribution: \$50.
 - for the second such distribution within two months: \$100.
 - for the third such distribution within six months: \$250.
 - for each subsequent distribution within one year: not to exceed \$500.
 2. Each distribution to each resident or property owner shall be considered a separate violation for purposes of this subsection, but the subsequential penalties in subparagraph 1 of this paragraph shall only be applicable to sequential distributions to a single resident or property owner.
 3. Any person may waive his right to a hearing and pay the penalties imposed hereunder for first and second distribution pursuant to subparagraph 1 hereof providing he can prove

that he had in his possession a valid list from the clerk as described in subparagraph d.

4. If any person is found to have distributed to persons on the clerks list without first having in his possession such a valid clerks list, he shall be liable to fines as follows:

for the first distribution: \$25.

for the second distribution: \$50.

for the third distribution: \$100.

for each subsequent distribution within one year: not to exceed \$500.

§ 5-1.8. Enforcement.

This section shall be enforced by the township police department.