

Chapter 133. Littering

§ 133-1. Purpose; definitions and word usage.

[Amended 10-18-1988 by Ord. No. 1048; 9-20-2005 by Ord. No. 1511]

- A. Purpose. The purpose of this chapter is to establish requirements to control littering in the Township of Wyckoff so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Definitions and word usage.
- (1) For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
 - (2) As used in this chapter, the following terms shall have the meanings indicated:

DUMPSTER

A litter and garbage container with a capacity of at least one cubic yard.

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 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.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PRIVATE PREMISES

Any dwelling house, building or other structures 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, ground, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling house, building or other structure.

PUBLIC PLACE

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

PUBLIC STRUCTURE OR BUILDING

Any structure or building owned or operated by the federal, County, local or state government or any governmental agency.

REFUSE

All putrescible solid wastes (except body wastes), including garbage, street cleanings and dead animals.

RUBBISH

Nonputrescible solid or liquid wastes consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery, gasoline, oil or other chemical wastes, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery, solid market and industrial wastes, building materials and similar materials.

TOWNSHIP

The Township of Wyckoff.

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.

§ 133-2. Prohibited acts and regulated activities.

[Amended 6-19-1984 by Ord. No. 927; 10-18-1988 by Ord. No. 1048; 9-20-2005 by Ord. No. 1511]

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this chapter.

§ 133-3. Placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any streets, sidewalk or other public place. No person shall burn in the open any rubbish or garbage or refuse, including leaves, wood and building debris. This shall not be construed to prohibit outdoor cooking and the use of normal fuel therefor.

§ 133-4. Sweeping litter into gutters.

No person 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, leasing or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 133-5. Duty of merchants regarding sidewalks; receptacles required.

[Amended 10-18-1988 by Ord. No. 1048]

- A. No person owning, leasing or occupying a place of business or his employees or anyone on his behalf shall sweep into or deposit in any gutter, street or other public place within the Township any litter, and he shall keep the sidewalks in front of his premises free of litter.
- B. Litter receptacles and their servicing shall be required at the following public places which exist in the municipality: sidewalks used by pedestrians in active commercially owned 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 station islands; shopping centers; parking lots; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, fairs, auctions, art shows and festivals. The sponsors of these events or the proprietors, owners and occupiers of these places, as designated by the Township Committee, shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

§ 133-6. 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.

§ 133-7. Litter falling from trucks.

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 or contents of 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 or foreign matter of any kind.

§ 133-8. Litter in parks.

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

§ 133-9. Distribution of handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Township. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, 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 to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 133-10. Placing handbills on vehicles.

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

§ 133-11. Litter from aircraft.

No person in any aircraft shall throw out, drop or deposit within the Township any litter, handbill or any other object.

§ 133-13. Litter on occupied private property.

No person shall deliver to, throw, deposit or store litter on any occupied private property 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 and removal of the same in such manner that the same shall not be unsightly and detrimental to the surrounding neighborhood.

§ 133-14. Maintenance of premises by owner.

The person owning, leasing or occupying 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.

§ 133-15. Litter on vacant lots.

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

§ 133-16. Exemptions.

This chapter shall not apply to:

- A. Building materials or similar materials stored upon the premises pursuant to a valid building permit or any other valid permit issued by the Township of Wyckoff.
- B. Personal property used on the premises in connection with a business use or any other lawful use of the premises, provided that such personal property is stored in such a way that it cannot be observed by the owners of the adjoining property or from any public street.

§ 133-17. Enforcement.

[Amended 10-18-1988 by Ord. No. 1048]

In issuing a summons for a violation of this chapter, the summons should be issued to the person who is primarily responsible for causing the littering or to the tenant or occupant of the premises in question or to the owner of the premises.

§ 133-18. Violations.

[Amended 10-18-1988 by Ord. No. 1048]

Anything contained herein to the contrary notwithstanding, no person owning, leasing or occupying a place of business shall be deemed to be in violation of any provision of this chapter unless such person fails to abate a violation of this chapter within 48 hours [three hours for events of less than two days' duration] after written notice from the Building Inspector, Township Administrator, police officer, Sanitarian, Health Officer, Zoning Officer or any other person designated by the Township Committee of such violation has been served upon him either by mail or by personal service.

§ 133-19. Violations and penalties.

[Amended 3-15-1988 by Ord. No. 1028; 10-18-1988 by Ord. No. 1048; 2-16-1993 by Ord. No. 1157]

The violation or failure to comply with any of the provisions of this chapter shall subject such violator to a fine not to exceed \$ 1,000 or to imprisonment for a term not to exceed 90 days, or both. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

§ 133-20. Severability.

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this chapter.