

Chapter 213

LITTERING

GENERAL REFERENCES

Property maintenance — See Ch. 258.

Streets, sidewalks and driveways — See Ch. 301.

Solid waste; recycling — See Ch. 289.

§ 213-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

CONTAINERIZED — The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.**[Added 3-13-2006 by Ord. No. 7-2006]**

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

IMMEDIATE — That the pet solid waste is removed at once, without delay.**[Added 2-28-2006 by Ord. No. 4-2006]**

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.**[Amended 2-28-2006 by Ord. No. 4-2006]**

LITTER RECEPTACLE — A container suitable for the depositing of litter.**[Added 2-28-2006 by Ord. No. 4-2006]**

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Mendham or other public body, and is designed and used for collecting and conveying stormwater.**[Added 3-13-2006 by Ord. No. 8-2006]**

OWNER/KEEPER — Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.**[Added 2-28-2006 by Ord. No. 4-2006]**

PERSON — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.**[Added 2-28-2006 by Ord. No. 4-2006; amended 3-13-2006 by Ord. No. 7-2006; 3-13-2006 by Ord. No. 8-2006]**

PET — A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.**[Added 2-28-2006 by Ord. No. 4-2006]**

PET SOLID WASTE — Waste matter expelled from the bowels of the pet; excrement.**[Added 2-28-2006 by Ord. No. 4-2006]**

PROPER DISPOSAL — Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.**[Added 2-28-2006 by Ord. No. 4-2006]**

PUBLIC PLACE — All streets, sidewalks, boulevards, alleys, beaches or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.

REFUSE — All putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste.

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

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.**[Added 3-13-2006 by Ord. No. 8-2006]**

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.**[Added 3-13-2006 by Ord. No. 7-2006]**

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 on stationary rails or tracks.

YARD WASTE — Leaves and grass clippings.**[Added 3-13-2006 by Ord. No. 7-2006]**

§ 213-2. General prohibitions. [Amended 2-28-2006 by Ord. No. 4-2006]

- 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. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this chapter. **[Added 3-13-2006 by Ord. No. 7-2006]**
- C. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Mendham is prohibited. The spilling, dumping or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited. **[Added 3-13-2006 by Ord. No. 8-2006]**

§ 213-3. Exceptions to prohibitions. [Added 3-13-2006 by Ord. No. 8-2006]

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated groundwater (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air-conditioning condensate (excluding contact and noncontact cooling water).
- D. Irrigation water (including landscape and lawn-watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from firefighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for their intended purposes;
 - (2) Equipment used in the application of salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g.,

shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded; and

- (3) Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage and exposed parts and does not apply to engines or other enclosed machinery.

§ 213-4. Placing in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner which prevents the litter from being carried or deposited by the elements upon a public place or upon private property.

§ 213-5. Sweeping litter into gutters prohibited.

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

§ 213-6. Litter thrown by persons in vehicles. [Amended 2-28-2006 by Ord. No. 4-2006]

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.¹

§ 213-7. Handbills.

Advertisement, handbills, circulars and papers may be distributed in the Township only if they are so securely placed at each dwelling that they will not be blown away by the wind; otherwise, no person shall place any advertisement, handbill, circular or paper on or in any public street, sidewalk, building or vehicle within the Township.

§ 213-8. Construction sites. [Added by Ord. No. 1-1990; amended by Ord. No. 4-1991]

- A. Accumulation of construction waste prohibited. No person in charge of or responsible for any construction work on any lot within the Township shall permit or allow the accumulation of any litter or waste building materials on such lot, nor shall such person store any construction materials, waste building materials or litter outside of any building in a manner that is likely to cause any of the foregoing to be carried by the forces of nature onto any adjacent property or street right-of-way.

1. Editor's Note: Original Sec. 3-1.6, Transportation from Outside Township, which immediately followed this section, was repealed 11-14-2005 by Ord. No. 14-2005.

- B. Disposition of tree stumps, brush. No person in charge of or responsible for construction work on any lot within the Township shall permit or allow the accumulation upon such lot of any tree parts, tree stumps or brush. Unless chipped, such materials shall be disposed of beyond the limits of the Township in a manner that complies with all applicable state regulations for solid waste disposal.

§ 213-9. Litter on sidewalks or other public areas. [Added by Ord. No. 1-1990]

- A. Every owner, lessee, tenant, occupant or other person in charge of any building or structure within the Township shall keep and cause to be kept any sidewalk, curb or other public areas abutting the property upon which the building or structure is located free from litter and other debris.
- B. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. **[Added 2-28-2006 by Ord. No. 4-2006]**

§ 213-10. Litter from vehicles. [Added by Ord. No. 1-1992]

No person shall operate or otherwise move any vehicle upon any public street within the Township unless the vehicle is constructed, loaded or covered so as to prevent any of the contents of the vehicle from being dropped, scattered or blown upon the street or upon any public or private property.

§ 213-11. Exemptions. [Added 2-28-2006 by Ord. No. 4-2006]

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this chapter while such animal is being used for that purpose.

§ 213-12. Violations and penalties. [Added 3-13-2006 by Ord. No. 7-2006; amended 3-13-2006 by Ord. No. 8-2006]

Penalties shall be subject to a fine in the maximum amount permitted by law.