

**CHAPTER 171 LITTERING**

[HISTORY: Adopted by the Township Committee of the Township of Hanover 12-9-1971 by Ord. No. 13-71. Section 171-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

**GENERAL REFERENCES**

Garbage, rubbish and refuse — See Ch. [154](#).

Litter in parks — See Ch. [198](#).

Property maintenance — See Ch. [218](#).

Mud and dirt; obstructions — See Ch. [248](#), Art. [IV](#).

**§ 171-1 Definitions and word usage.****A.**

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.

**B.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

**GARBAGE**

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

**LITTER**

Garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown, deposited or stored as herein prohibited, tends to create a danger to public health, safety and welfare.

**PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

**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 or state government or any governmental agency.

**REFUSE**

All putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery and solid market and industrial wastes.

**RUBBISH**

Nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, building materials and similar materials.

**TOWNSHIP**

The Township of Hanover.

**VEHICLE**

Every device in, or upon a highway, including devices used exclusively upon stationary rails or tracks.

**§ 171-2 Litter in public places prohibited; use of receptacles.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township, except in public receptacles or in authorized private receptacles for collection or in official Township dumps: provided, however, that said public

receptacles shall not be used by persons owning or occupying property in the vicinity of said public receptacles for the deposit of domestic, commercial and industrial litter arising from the conduct of said activities.

**§ 171-3 Placement of litter in receptacles; open burning.**

**A.**

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 street, sidewalk or other public place.

**B.**

No person shall burn in the open any rubbish or garbage or refuse, including leaves, wood and building debris, except by special permit of the Fire Department, obtained from the Township Clerk. This shall not be construed to prohibit outdoor cooking and the use of normal fuel therefor.

**§ 171-4 Sweeping litter into gutters prohibited.**

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 or occupying property shall keep the sidewalk in front of their premises free of litter.

**§ 171-5 Deposit of leaves.**

[Amended 12-29-1986 by Ord. No. 37-86

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

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Nothing in this chapter shall be construed to prohibit the deposit of leaves in a neat and careful manner in the gutter of any street when the Public Works Department is collecting the same. No leaves, however, shall be placed on a street except during that period of time in which the Township is, in fact, collecting leaves. However, no person, even during that period of time in which the Township is collecting leaves, shall place the leaves more than five feet beyond the curb of any street. This condition and restriction on the placing of leaves within the street is to protect the travelling public and to avoid any type of accident.

**§ 171-6 Duty of merchants.**

No person 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 places of business within the Township shall keep the sidewalk and gutter in front of their business premises free of litter.

**§ 171-7 Litter thrown by persons in 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.

**§ 171-8 Truck loads causing litter; pickup of fallen material.**

**A.**

No person shall transport on or over any of the roads within the Township in any wagon, vehicle, truck, tractor or trailer, unless the vehicle is completely enclosed, any litter, garbage, refuse, rubbish, hay, manure or other similar material that may fall from said vehicle or be deposited, spilled or scattered in or upon any street unless said material is properly secured by canvas, tarpaulin or other similar or equal covering to prevent said material or other matter from being blown or falling from said vehicle.

**B.**

In case any such paper or other material being transported shall fall from any such wagon, truck or other vehicle, the driver thereof shall immediately stop and pick up and replace the same. The Chief of Police, or officer in charge in the absence of the Chief of Police, is hereby authorized to arrange for the removal of any matter that spills or falls from a motor vehicle, at the expense of the owner or driver of the vehicle responsible for any matter that spills or falls onto a public highway, semipublic parking area, roadway, school property, municipal recreation area, private property, etc., or at the expense of the owner, lessee, or person responsible for said motor vehicle in the event that the owner, lessee, driver or person responsible is unable or fails to immediately initiate action to remove said waste paper, spilled material, matter, etc.

**§ 171-9 Litter in 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.

**§ 171-10**            **Litter in 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.

**§ 171-11**            **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 or upon any sidewalk, street or other public place within the Township; 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.

**§ 171-12**            **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 register thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

**§ 171-13**            **Handbills on vacant private premises.**

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

**§ 171-14**            **Handbills on posted premises.**

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 said premises, in a conspicuous position near the entrance thereof, a sign bearing the words "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

**§ 171-15**            **Handbills on inhabited private premises.**

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such 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, except that mailboxes may not be used when so prohibited by federal postal law or regulations.

**§ 171-16**            **Distribution of newspapers.**

No person shall throw, deposit or distribute any newspaper in or upon private premises except by handing or transmitting said newspaper directly to the owner, occupant or other person then present in or upon the said premises; provided, however, that newspapers may be thrown, deposited or distributed on private premises with the consent of the owner so long as they are thrown, deposited or distributed 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.

**§ 171-17**            **Posting of 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 by the owners thereof or required by law.

**§ 171-18**            **Litter on occupied private property.**

No person shall 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 the collection and removal of the same in such manner that same shall not be unsightly and detrimental to the surrounding neighborhood.

**§ 171-19            Responsibility of owners of private premises.**

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.

**§ 171-20            Litter on vacant lots.**

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

**§ 171-20.1         Deposit of garbage and rubbish on private property.**

[Added 8-25-1988 by Ord. No. 24-88]

It shall be unlawful for any persons to deposit or dispose of any garbage, rubbish or refuse on any public or private property within the Township of Hanover, except in designated receptacles or areas specifically designated as sites or facilities for the receipt of such garbage, rubbish or refuse, which sites or facilities must have been designated as such by state, county or local authorities.

**§ 171-21            Enforcement.**

[Amended 12-29-1986 by Ord. No. 37-86; 5-28-1998 by Ord. No. 15-98]

The Hanover Township Public Works Department, the Township of Hanover Police Department or the Property Maintenance Officer shall have the authority to enforce the terms and conditions of this chapter and, particularly, the above-referenced new section.

Editor's Note: See § [171-5](#).

**§ 171-22            Violations and penalties.**

[Amended 8-25-1988 by Ord. No. 24-88]

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or may be imprisoned in the county jail for a term not to exceed 90 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Each day that garbage, refuse or rubbish remains dumped in violation of this chapter shall constitute a separate and distinct offense, in addition to the act of dumping such material.