

§ 176-10. Purpose.

The purpose of this article is to establish requirements to control littering in the Borough of Essex Fells, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 176-11. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

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.

§ 176-12. Prohibited acts and regulated activities.

- A. It is 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 article, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this article.

§ 176-13. Enforcement.

This article shall be enforced by the Police Department of Essex Fells.

§ 176-14. Violations and penalties. [Amended 11-17-2009 by Ord. No. 2009-878]

Any person, firm or corporation who violates any of the provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article III, General Penalty, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.