

Chapter 94. Littering

[HISTORY: Adopted by the Mayor and Council of the Town of Clinton 7-23-1985 by Ord. No. 85-18. This ordinance also superseded former Ch. 94, Littering, adopted 12-14-1971 as Ch. VI of the Revised General Ordinances, 1971, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 82.

Recycling — See Ch. 109.

§ 94-1. Definitions; word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

GARBAGE

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

LITTER

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

PRIVATE PREMISES

Any vacant lot or land, dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, ground, walk, driveway, porch steps or vestibule belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any street, sidewalk, alley or other public way 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, ashes, street cleanings, dead animals and solid market and industrial wastes which give off odors or are capable of decaying or deteriorating so as to give off odors or which may attract vermin, flies or marauding animals.

RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery, building materials and similar materials and any other waste material that has been discarded or abandoned.

- B. Word usage. The word "shall" is always mandatory and not merely directory.

§ 94-2. General regulations.

- A. Littering public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, in authorized private receptacles for collection.
- B. Littering parks. No person shall throw or deposit litter in any park within the town 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.
- C. Littering waters. No person shall throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere, whether on public or private property.
- D. Littering vacant lots. No person shall throw or deposit litter on any open or vacant private property within the town, whether owned by such person or not.
- E. Maintenance 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. The owner and tenant will each be responsible for any litter on property they own or possess, whether it emanates from within or without their property. Any person may sign a complaint against any person who causes or allows litter to come on to the complainant's property.
- F. Maintenance of sidewalks by merchants; public receptacles. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the town any waste materials or rubbish, as defined in § 94-1A, but such person shall keep the sidewalk in front of his business premises free of litter. All persons operating filling stations or other mercantile establishments where commodities are sold between any curb area of the town and the office building or equipment from which such commodities are dispensed shall maintain at all times covered receptacles into which all waste materials and rubbish may be deposited by customers, employees or other persons.
- G. 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 litter from being carried or deposited by the elements upon any streets, sidewalks or other public place.
- H. Tampering with receptacles or removing contents. It shall be unlawful for any person to tamper with or to take or remove any of the contents from any public or private receptacle containing garbage, refuse, rubbish, junk or any other waste material which has been placed or deposited along any public highway, street, lane or alleyway for collection by the town or any of its agents or servants.
- I. Sweeping litter into gutters. No person shall sweep into or deposit in any gutter, street or other public place within the town 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.
- J. Trucks depositing litter. No person shall drive or move any truck or other vehicle within the town 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.
- K. Throwing litter 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 town.
- L. Throwing litter from aircraft. No person in any aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object.

§ 94-3. Handbills and other material.

- A. Distribution in public places. No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon any sidewalk, street or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill, newspaper, periodical, magazine, circular, card or pamphlet in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet to any person willing to accept it.
- B. Distribution at private premises.
 - (1) No person shall throw, deposit or distribute any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon private premises which are inhabited, except by handing or transmitting any such material 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, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon such inhabited private premises if such materials are so placed or deposited as to secure or prevent them from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be used when so prohibited by federal postal law or regulations.
 - (2) The provisions of this subsection shall not apply to the distribution of mail by the United States.
- C. Depositing at vacant premises prohibited. No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet in or upon any private premises which are temporarily or continuously uninhabited or vacant. Any owners and/or tenants away from their properties for any extended time(s), thus leaving the property unoccupied, shall be responsible for arranging their properties be kept free of litter.
- D. Placement on vehicles prohibited. No person shall throw or deposit any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet 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, newspaper, paper, periodical, magazine, circular, card or pamphlet to any occupant of a vehicle who is willing to accept it.
- E. Distribution prohibited where posted. No person shall throw, deposit or distribute any commercial or noncommercial handbill, newspaper, paper, periodical, magazine, circular, card or pamphlet upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words NO TRESPASSING, NO PEDDLERS OR AGENTS, NO ADVERTISEMENT or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such material left upon such premises.
- F. Political posting on public or private property. All political campaign posters must be removed within five days following the primary election, unless the candidate(s) whose signs are thus posted will appear on the ballot in the next general or special election following the primary, in which case the posters may remain until five days following the general or special election.

§ 94-4. Commercial storage of garbage and refuse.

- A. The owner or operator of all commercial premises, office buildings or apartment complexes having more than six dwelling units, hereinafter referred to as "commercial enterprise," shall arrange to store waste materials, including garbage, rubbish and refuse so as to prevent unpleasant odors and litter.

- B. No commercial enterprise shall store or maintain any refuse or garbage outside any building unless it is in a tightly covered metallic container or dumpster. All refuse or garbage placed in dumpsters shall be placed in a leakproof, airtight, sealed container before being deposited in said dumpster.
- C. Any dumpsters used by any commercial enterprise for the regular storage of garbage, refuse, rubbish or other wastes shall be covered with a lid capable of closing tightly. No such dumpster shall be filled beyond its design capacity, and no person shall add to any such dumpster any additional material if that addition prevents the dumpster from being tightly closed.
- D. All compactors owned, operated or used by any commercial enterprise shall be maintained in such a way so as to avoid smell, exudations and discharge therefrom. The compactor and its surrounding area shall be emptied and cleaned with such regularity so that no odor arises therefrom which is discernible from a distance of five feet from the compactor in any direction.

§ 94-4.1. Waste collection.

[Added 9-24-1985 by Ord. No. 85-22]

- A. No garbage as defined in this chapter shall be put out for collection more than 12 hours prior to 12:01 a.m. of the day of regular garbage collection.
- B. No person shall place any garbage, litter, refuse, rubbish or other materials put out for collection by a scavenger upon the traveled portion of any public street, road, thoroughfare, lane or alley of the Town of Clinton or in such a way so as to block any public sidewalk or other public right-of-way.

§ 94-5. Violations and penalties.

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 less than \$25 and of not more than \$500 or may be imprisoned in the county jail for a term not to exceed 90 days, or both.