

## Chapter 27A

### LITTERING

#### GENERAL REFERENCES

Housing Code — See Ch. 25.

Motor vehicle sales and storage — See Ch. 39.

Junkyards — See Ch. 26.

Peace and good order — See Ch. 34A.

Nuisances — See Ch. 33.

Sanitary Code — See Ch. 43.

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#### § 27A-1. Definitions.

As used in this chapter, the words or phrases shall have the meanings indicated unless otherwise required by the context:

**COMMERCIAL** — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

**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, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does 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.

**MOTOR VEHICLE** — Any vehicle propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

**PERSON** — Includes corporations, companies, associations, societies, firms, partnerships and joint-stock companies, as well as individuals, and also includes all political subdivisions of this state or any agencies or instrumentalities thereof.

**PRIVATE PROPERTY** — Any dwelling or structure, whether or not occupied, in any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mailbox, belonging to or appurtenant to such dwelling or structure.

**PUBLIC WAYS ADJACENT TO PRIVATE PROPERTY** — The areas between the edge of the pavement or traveled portion of a highway, street or road,

whether or not curbed, and the adjacent private property line; and all areas used for any public park, playground, municipal building or other installation, including driveways, parking areas, walks, paths and other public ways thereupon.

REFUSE — Rubbish, garbage, trade waste and plant life.

RUBBISH — Waste solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, papers, ashes, furniture, tin cans, glass, crockery, masonry and other similar materials.

SEMITRAILER — Every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

TRAILER — Every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Included in this definition is a pole trailer, which is designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle.

VEHICLE — Every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

### **§ 27A-2. Prohibited acts and regulated activities. [Amended 4-26-2006 by Ord. No. 2006-13]**

- 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 the ordinance.

### **§ 27A-3. Location where receptacles required; proprietors to provide and service receptacles.**

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there should 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; campgrounds and trailer parks; marinas, boat moorage and fueling stations;

boat-launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing receptacles such that adequate containerization is available.

**§ 27A-4. Disposal of solid waste.**

- A. It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture or private property in any place not specifically designated for the purpose of solid waste storage or disposal.
- B. Nothing herein shall prevent a person from obtaining a license to operate a junkyard as provided for in Chapter 26 of this Code.

**§ 27A-5. Storage of household solid waste.**

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

**§ 27A-6. Storage of tires.**

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

**§ 27A-7. Storage of vehicles.**

- A. It shall be unlawful for any residential property owner to park or permit the parking of any vehicle on his or her residential lawn.
- B. Nothing herein shall prevent a person from obtaining a license to sell or store motor vehicles under Chapter 29 of this Code if all other provisions and requirements of that chapter are met.

**§ 27A-8. Inoperable vehicles.**

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

- A. Is missing tires, wheels, engine or any essential parts;
- B. Displays extensive body damage or deterioration;
- C. Does not display a current, valid state registration plate; or

D. Is wrecked, disassembled or partially disassembled.

**§ 27A-9. Loading of vehicles to prevent littering.**

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the cost therefor.

**§ 27A-10. Construction sites.**

- A. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project.
- B. It shall be the duty of the owner, agent or contractor in charge of the construction or demolition site to furnish containers adequate to accommodate litter, including but not necessarily limited to flyable or nonflyable debris or trash, at areas convenient to construction areas and to maintain and empty the litter receptacles in such a manner and with such a frequency as to prevent spillage of their contents.

**§ 27A-11. Open or overflowing waste disposal bins.**

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his, her or its property.

**§ 27A-12. Property maintenance.**

- A. It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material.
- B. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway.
- C. Every person who owns or occupies property shall keep the sidewalk in front of his, her or its premises free of litter, and all sweepings shall be collected and properly containerized for disposal.

**§ 27A-13. Violations and penalties.**

- A. Each violation of the provisions of this chapter shall be deemed a separate violation, whether it shall occur on the same day or on succeeding days.
- B. Any person violating any provisions of this chapter shall, for the first offense, be subject to a fine of not less than \$100 nor more than \$500 and for a second or subsequent offense to a fine of not less than \$250 nor more than \$1,000 or to imprisonment in the county jail for a period not exceeding 90 days, or to a period of community service not exceeding 90 days, or to such combination of punishments as the Municipal Judge may, in his or her discretion, deem appropriate and just.

**§ 27A-14. Enforcement. [Added 4-26-2006 by Ord. No. 2006-13]**

This chapter shall be enforced by the Mansfield Township Police.

**§ 27A-15. Severability. [Added 4-26-2006 by Ord. No. 2006-13]**

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.

**§ 27A-16. Effective date. [Added 4-26-2006 by Ord. No. 2006-13]**

This chapter shall be in full force and effect from and after its adoption and any publication as may be required by law.