

CHAPTER 111
LITTER AND HANDBILLS

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**[*HISTORY:* Adopted by the BOROUGH COUNCIL 12-15-93 as Ord. No. 809.
Amendments noted where applicable.]**

ARTICLE I
General Provisions

§ 111.1. Declaration of Intent.

Litter carelessly deposited in the BOROUGH is a health, fire and safety hazard and subject to supervision and administrative control to protect the public interest.

§ 111.2. Word usage and definitions.

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

AUTHORIZED RECEPTACLE - A litter, GARBAGE or REFUSE storage and collection receptacle as provided by the BOROUGH or any private property owner for the use of the public.

COMMERCIAL HANDBILL - Any printed or written matter, circular, leaflet, pamphlet, paper, booklet or other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) advertises for sale any merchandise, product, commodity or thing.
- (2) directs attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.
- (3) directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.
- (4) while containing reading matter, other than advertising matter, is predominantly and essentially 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.

COMMERCIAL PLACE - Any store or building or group thereof, including shopping centers, shopping plazas and other similar places wherein mercantile activity and services are offered to the public, and includes all parking areas thereat.

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 or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER - Any NEWSPAPER of general circulation, whether the same is paid or free, or whether it is primarily designed to report news or as a form of commercial advertising, which is either delivered locally or through the mail. It is intended that this definition of NEWSPAPER be given the broadest interpretation to cover all local, regional, state-wide and national NEWSPAPERS.

NON-COMMERCIAL HANDBILL - Any printed or written matter, circular, leaflet, pamphlet, NEWSPAPER, magazine, paper or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a COMMERCIAL HANDBILL or paper.

PARK - Reservation, playground or other public area in the BOROUGH devoted to active or passive recreation.

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

PRIVATE PROPERTY OR PRIVATE PREMISES - Any 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, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE - Any and all streets, sidewalks, alleys or other public ways, and any and all public PARKS, spaces, grounds and buildings owned and/or operated by any public agency or entity.

REFUSE - All putrescible and non-putrescible SOLID WASTES, except body wastes, including GARBAGE, RUBBISH, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH - Non-putrescible SOLID WASTES consisting of both combustible and non-combustible WASTES such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

VEHICLE - Every device in, upon or by which any PERSON or property is or may be transported or drawn upon a highway or any other PUBLIC PLACE.

ARTICLE II

§ 111.3. Prohibited in PUBLIC PLACES.

111.3.1. No PERSON shall sweep into or deposit LITTER in or upon any PUBLIC PLACE within the BOROUGH, except in an AUTHORIZED RECEPTACLE, in such a manner that it may not be scattered by the elements.

111.3.2. No PERSON shall sweep or deposit into any gutter or other PUBLIC PLACE within the BOROUGH accumulation of LITTER from any building or LITTER from any sidewalk or driveway.

111.3.3. No PERSON while in a vehicle shall throw or deposit LITTER upon any PUBLIC PLACE or upon PRIVATE PROPERTY.

111.3.4. No PERSON shall drive or move any truck or other vehicle within the BOROUGH unless such vehicle is so constructed or loaded as to prevent any load, contents or LITTER therefrom being blown or discharged on to any public area or PRIVATE PROPERTY.

111.3.5. No PERSON shall throw or deposit LITTER on any occupied

PRIVATE PROPERTY or COMMERCIAL PLACE within the BOROUGH, whether owned by such PERSON or not, except that the owner or PERSON in control of such PRIVATE PROPERTY or COMMERCIAL PLACE may maintain private receptacles for collection in such manner that LITTER will be prevented from being carried or deposited by the elements on any PUBLIC PLACE or upon any PRIVATE PROPERTY.

111.3.6. 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.

111.3.7. No PERSON shall throw or deposit LITTER on any open or vacant PRIVATE PROPERTY within the BOROUGH, whether owned by such PERSON or not.

ARTICLE III

§ 111.4. Handbills at PUBLIC PLACES, on VEHICLES and PRIVATE PREMISES.

111.4.1. No PERSON shall throw or deposit any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any PUBLIC PLACE within the BOROUGH.

111.4.2. No PERSON shall throw or deposit any commercial or NON-COMMERCIAL 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 receiver thereof, a commercial or NON-COMMERCIAL HANDBILL to any occupant or a VEHICLE who is willing to accept it.

§ 111.5. PRIVATE PROPERTY.

No PERSON shall throw or deposit any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any PRIVATE PREMISES which is:

111.5.1. Temporarily or continuously uninhabited or vacant.

111.5.2. Posted with a conspicuous sign bearing the words "No Peddlers or Agents," "No Advertisement," "No Trespassing" or words of similar import indicating the desire of the occupants not to have such handbills left upon such premises, or where the occupant expressly directs the PERSON not to throw, deposit or distribute the handbill on the premises. Such express direction by the occupant may be made by the occupant filing notice of their desire with the BOROUGH. The BOROUGH shall maintain a written list of all such occupants filing such notice. All PERSONS wishing to distribute any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any PRIVATE PREMISES shall, before doing so, review and honor the list of such occupants as maintained by the BOROUGH.

§ 111.6. Exceptions.

The provisions of this Article shall not apply to the distribution of mail by the United

States nor to NEWSPAPERS [as herein defined], except that NEWSPAPERS shall be placed on PRIVATE PROPERTY in such a manner as to prevent their being carried or deposited by the elements upon any street or other PUBLIC PLACE or upon PRIVATE PROPERTY.

ARTICLE IV

§ 111.7. Violation and penalties *[Amended 2-7-96 by Ord. No. 847]*

111.7.1. Any PERSON, firm, or corporation who shall violate any of the provisions of Article I, Article II or Article III of this chapter shall, upon conviction thereof, be subject to the maximum penalty provided by law. The continuation of a violation for each successive day shall constitute a separate offense. Violation of Article II or Article III of this chapter shall constitute a separate offense as to each separate PRIVATE PREMISES.

111.7.2. In addition to the penalties set out in § 111.5.1, the BOROUGH may also maintain a separate action or proceedings in the name of the BOROUGH to compel compliance with or to restrain by injunction the violation of this chapter.