

AN ORDINANCE OF THE BOROUGH OF MONTROSE PERTAINING TO THE CONTROL OF LITTER
AND REGULATING THE DISTRIBUTION OF HANDBILLS

Be it ordained by the Council of the Borough of Montrose, as follows:

ARTICLE I

General Provisions

§ -1. Declaration of intent.

It is hereby declared and found that litter carelessly deposited in the borough is the cause of civic disgrace; that litter is a health, fire and safety hazard and pollutant; that an all-out litter-control campaign can result in substantial savings to taxpayers of the borough; that litter is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the borough.

§ -2. Definitions; word usage.

- A. Terms defined. As used in this ordinance, the following terms, phrases, words and their derivations shall have the meanings indicated:

BOROUGH -- The Borough of Montrose in the County of Susquehanna, Commonwealth of Pennsylvania.

COMMERCIAL PLACE -- Any store or building or group thereof, including shopping centers, shopping plazas and other similar places, wherein mercantile activities 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.

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

- (1) Advertises for sale any merchandise, product, commodity or thing.
- (2) Directs attention to any business or 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 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 -- 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 or creates unsightliness.

NEWSPAPER -- Any newspaper of general circulation, as defined by law; any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation; and any newspaper filed and recorded with any recording officer, as provided by law. In addition thereto, "newspaper" shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

NONCOMMERCIAL HANDBILL -- Any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original, or original or copies of any matter of literature not included in the aforesaid definitions of "handbill" and "newspaper." This definition shall include advertising or other printed material distributed in connection with any political campaign.

PARK -- A park, reservation, playground, beach, recreation center or any other public area in the borough, owned or used by the borough and devoted to active or passive recreation.

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

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 or appurtenant to such dwelling house, building or other structure.

PUBLIC PLACE -- Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE -- All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as yard clippings, leaves, 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, including devices used exclusively upon stationary rails or tracks.

- B. Word usage. 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.

ARTICLE II

Litter Control

§ -3. Litter in public places.

No person shall deposit or throw litter in or upon any street, sidewalk or other public place within the borough except in public receptacles, in private receptacles for collection, in official borough dumps or in rubbish pits.

§ -4. Placing litter in receptacles to prevent scattering.

Persons placing litter in public receptacles or in 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 or upon private property.

§ -5. Litter in gutters.

No person shall sweep or deposit in any gutter, street or other public place within the borough the accumulation of litter from any building or litter from any public sidewalk or driveway.

§ -6. Litter from vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or public place within the borough or upon private property.

§ -7. Trucks causing litter.

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 from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the borough, the wheels or tires of which carry onto or deposit in any street, alley or other public place any mud, dirt, sticky substances, litter or foreign matter of any kind.

§ -8. Litter in parks.

No person shall throw or deposit litter in any park within the borough 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, as provided herein.

§ -9. Litter in public waters.

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 borough.

§ -10. Litter on private and commercial premises.

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 authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

§ -11. Owners to maintain commercial premises litter-free.

Each owner or person in control of any commercial place, including shopping centers and delivery and parking areas thereat, shall keep said places, parking areas, delivery areas and other open areas which are a part of such commercial place free from litter.

§ -12. Owners to maintain private premises litter-free.

The owner or person in control of any private property shall at all times maintain the premises free from litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ -13. Litter on vacant lots.

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

§ -14. Notice to remove.

The Borough Council is hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the borough, or the agent of such owner, to properly dispose of litter located on such owner's property which is a nuisance or dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner at his last known address.

ARTICLE III

Distribution of Handbills

§ -15. Handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the borough.

§ -16. 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 receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ -17. Handbills on vacant 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.

§ -18. Handbills on private premises.

- A. No person shall throw, deposit or distribute any commercial or non-commercial 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.
- B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers (as defined herein), 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

Penalties

§ -19. Violations and penalties.

Any person who shall be convicted of violating or failing to comply with the provisions of this chapter shall be deemed guilty of a summary offense, punishable by a fine not exceeding three hundred dollars (\$300.) or by imprisonment for not more than thirty (30) days, or both. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

ARTICLE V

Miscellaneous Provisions

§ -20. Severability.

The provisions of this ordinance are declared to be severable and if any section, subsection, sentence, clause or part thereof is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

§ -21. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

§ -22. When effective.

This ordinance shall take effect as provided by law upon final adoption.

ENACTED AND ORDAINED this _____ day of _____, 1978.

BOROUGH OF MONTROSE

BY: _____
President

ATTEST: _____
Secretary

APPROVED this _____ day of _____, 1978

Mayor