

## **3-2 LITTER.**

### **3-2.1 Definitions.**

As used in this section:

**Aircraft** shall mean any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word aircraft shall include helicopters and lighter-than-air dirigibles and balloons.

**Authorized Private Receptacle** shall mean a **litter** storage and collection receptacle as required and authorized in the refuse collection system.

**Commercial Handbill** is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

- a. Which advertises for sale any merchandise, product, commodity or thing.
- b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest by sales.
- c. Which directs 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; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to the meeting, theatrical performance, exhibition, or event of any kind, when either the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this definition shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where the license is or may be required by any law of the State or Borough.
- d. 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 private benefit and gain of any person so engaged as advertiser or distributor.

**Garbage** shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Litter** shall mean garbage, refuse and rubbish as defined herein, and all other 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 flowing material or any

trash, debris, 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.

**Newspaper** shall mean any newspaper of general circulation as defined by general 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 general law, and in addition 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** shall mean any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, 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 newspaper.

**Park** shall mean a park, reservation, playground, recreation center or any other public area in the Borough owned or used by the Borough and devoted to active or passive recreation.

**Person** shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**Private Premises** shall mean 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 shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to the dwelling, house, building or other structure.

**Public Litter Receptacle** shall mean a container suitable for the depositing of **litter**.

**Public Place** shall mean all streets, sidewalks, boulevards, alleys, beaches or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.

**Refuse** shall mean all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste.

**Rubbish** shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**Vehicle** shall mean 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 on stationary rails or tracks.

(1971 Code § 14-1.1)

### **3-2.2 General Prohibition.**

No person shall sweep, throw, deposit or dump **litter** in or on any property, whether occupied, open or vacant and whether owned by that person, or in a public place or pond, lake or stream or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection. (1971 Code § 14-1.2)

### **3-2.3 Placing in Receptacles.**

Persons placing **litter** in public receptacles or in authorized private receptacles shall do so in a manner which prevents the **litter** from being carried or deposited by the elements upon a public place or private property. (1971 Code § 14-1.3)

### **3-2.4 Sweeping Litter into Gutters Prohibited.**

No person shall sweep into or deposit in a gutter, road, right-of-way or other public place within the Borough the accumulation of **litter** from a building or lot or from a public or private sidewalk or driveway. All persons owning or occupying property shall keep the sidewalk in front of their premises free of **litter**. (1971 Code § 14-1.4)

### **3-2.5 Litter Thrown by Persons in Vehicles.**

No person while a driver or passenger in a vehicle shall throw or deposit **litter** in or upon any public or private property. (1971 Code § 14-1.5)

### **3-2.6 Transportation from Outside Borough.**

No person shall bring, cart, remove, transport or collect any **litter** from outside the Borough and bring it into the Borough for the purpose of dumping or disposing thereof. No truck or other vehicle containing **litter** which has been transported into the Borough shall be parked or allowed to remain standing on any street in the Borough or on any public property for a period in excess of two (2) hours. (1971 Code § 14-1.6)

### **3-2.7 Merchants Duty to Keep Sidewalk Free of Litter.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of **litter** from any building or lot or from any public or private driveway or sidewalk. Persons owning or operating places of business within the Borough shall keep the sidewalk in front of their business premises, as well as areaways, courts, and alleys free of **litter** at all times; provided, however, that no person shall be prosecuted for a violation of this section unless such **litter** condition persists for a period of forty-eighty (48) hours or more after written notice to the person by the Police Department or Health Department to clear the **litter** from the premises. (1971 Code § 14-1.7)

### **3-2.8 Litter in Parks.**

No person shall throw or deposit **litter** in any park within the Borough except in public receptacles and in such 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 **litter** shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (1971 Code § 14-1.8)

### **3-2.9 Dropping Litter From Aircraft.**

No person in an aircraft shall throw out, drop or deposit within the Borough any **litter**, handbill or any other object. (1971 Code § 14-1.9)

### **3-2.10 Posting Notices Prohibited.**

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (1971 Code § 14-1.10)

### **3-2.11 Handbills.**

a. *Throwing or Distributing Commercial Handbills in Public Places.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place; provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the Borough for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill to any person willing to accept it.

b. *Placing Commercial and Noncommercial 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.

c. *Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporary or continuously uninhabited or vacant.

d. *Prohibiting Distribution of Handbills Where Property Posted.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance 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 the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises.

e. *Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant or other person then present; provided, that in the case of inhabited private premises which are not posted, as provided by this subsection, the person, unless requested by anyone upon the premises not to do so, shall have the authority to place or deposit the handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets, or other public places. Mailboxes may not be so used when prohibited by Federal postal law or regulations.

f. *Exemptions for Mail and Newspapers.* The provisions of this subsection shall not apply to the distribution of mail by the United States nor to newspapers.

(1971 Code § 14-1.11)

### **5-12.5 Violations and Penalties.**

Any person(s) who violates any provision of this section shall be subject, upon conviction, to a fine not to exceed one thousand (\$1,000.00) dollars. (Ord. No. 05-24 § BH:10-5-5)