

WEST WYOMING ORDINANCE REGULATING LITTERING
NO. 5-2011 OF 2011

LITTERING

ARTICLE 1. Purpose and intent. The purpose and intent of this chapter is:

- A. To protect the people of West Wyoming Borough against the health and safety menace and expense incident to the littering of the streets, public places and private lands by the throwing of trash or rubbish of any kind thereon and by the promiscuous and uncontrolled distribution of unsubscribed commercial handbills or samples.
- B. To protect the people against the alerting of would-be burglars, larcenists, arsonists and other persons of criminal intent to the temporary vacancy of any building by reason of accumulation of ungathered unsubscribed commercial handbills or samples lying upon or attached to the grounds or structures of any private property.

ARTICLE-2. Definitions.

The following terms when used in this chapter shall have the meanings set forth below:

COMMERCIAL HANDBILL - Any printed or written matter, leaflet, pamphlet or any other printed or otherwise reproduced literature or sample which advertises for sale any merchandise, product, commodity or thing or which directs attention to any business or mercantile establishment or which directs attention to or advertises any meeting, theatrical performance or event of any kind for which an admission fee is charged; and any printed or written matter 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.

DUMPING - The leaving of rubbish or trash, as defined in this section, on any private or public property without consent of the owner of the property.

LITTER - Any discarded rubbish or trash, as defined in this section, and all other waste material which, if thrown or scattered about in a careless manner or lying about in disorder as prohibited in this section, is determined to be a nuisance to the safety, health, cleanliness and comfort of the inhabitants of the Borough.

NEWSPAPER - Includes any newspaper of general circulation published or distributed for profit, as defined by general law; any newspaper published or distributed for profit, duly entered with the United States Postal Service in accordance with federal statute or regulation; and any newspaper published or distributed for profit, filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine regularly published and sold to the public.

NONCOMMERCIAL HANDBILL - Includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, unsubscribed newspaper or magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definition of a commercial handbill, or any commercial handbill, as previously defined, used for a charitable or nonprofit purpose within the meaning of Section 501 (c)(3) of the Internal Revenue Code.

PRIVATE PREMISES - Any dwelling, house, building, structure or vacant lot, whether inhabited, occupied or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any such dwelling, house, building or other structure. **PUBLIC PLACE** - Any street, sidewalk, highway, alley or other public way and any public park, square, space, ground or building including areas designated by West Wyoming Borough for collection of recyclables.

RUBBISH - Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, cans, yard clippings, leaves, wood, glass, bottles, bedding, crockery and similar items.

TRASH - All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, food and other household waste, street cleaning, dead animals, and solid and industrial waste, or any other form of waste which causes danger to the health, safety and welfare of any resident or business owner.

VEHICLE - Any device in, upon or by which any person or property is or may be transported or drawn upon a street, including devices used exclusively upon stationary rails or tracks.

ARTICLE-3. Word usage.

For the purposes of this section, the word "shall" is always mandatory and not merely directory.

ARTICLE-4. Littering/dumping in public places.

No person shall throw, dump, deposit or allow to occur trash or rubbish in or upon any street, sidewalk or other public place within the Borough, except that litter may be thrown or deposited in public receptacles or in authorized private receptacles for collection.

ARTICLE-5. Placing litter in receptacles.

Persons placing litter in public receptacles or in private receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other place or upon private property.

ARTICLE-6. Sweeping litter into public places.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough, the accumulation of litter from any building, lot, public or private sidewalk or driveway. Persons owning, leasing or occupying private premises, including places of business, shall keep the sidewalk in front of their

premises free of litter.

ARTICLE-7. 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 Borough or upon private premises.

ARTICLE-8. Vehicles to be constructed and loaded to prevent littering.

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 or other public place within the Borough or upon private premises.

ARTICLE-9. Vehicle tires depositing mud on public places.

No person shall drive or move any truck or other vehicle within the Borough so that the wheels or tires of such vehicle carry onto or deposit on any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind.

ARTICLE-10. Parks.

No person shall throw dump, deposit or allow to occur 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 by this section.

ARTICLE-11. Bodies of water.

No person shall throw, deposit or allow to occur litter in any stream, creek, run or any other body of water within the Borough.

ARTICLE-12. Occupied private premises.

No person shall throw, deposit, dump or allow to occur litter on any occupied private premises within the Borough, whether owned by such person or not, except that the owner or person in control of private premises may maintain authorized private receptacles for the collection of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private premises.

ARTICLE-13. Duties of property owners/persons in control.

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

ARTICLE-14. Vacant private premises.

No person shall throw, dump, deposit or allow to occur litter on any open or vacant property within the Borough, whether owned by such person or not.

ARTICLE-15. Commercial handbills on private premises restricted.

- A. It shall be unlawful for any person, firm or corporation to deposit, fasten, place, throw, scatter or cast any unsubscribed commercial handbill or sample, or cause the same to be done, upon any private premises if a sticker, sign, poster or other device conspicuously lettered LEAVE NO UNSUBSCRIBED MATERIALS is conspicuously posted on the front portion of the main dwelling house of such premises or along the main entrance to such premises; provided, however, that any such sign shall not exceed two square feet in area.
- B. It shall be unlawful for any person, firm or corporation to deposit, fasten, scatter or cast any unsubscribed commercial handbill or sample, or cause the same to be done, which does not have conspicuously printed thereon or therein the name and address of the person, firm or corporation who, in the capacity of distributor, caused the same to be distributed.
- C. Exemptions. The provisions of this § 216-15 shall not be deemed to apply to any newspaper or noncommercial handbill or sample, or to the distribution of mail by the United States Postal Service, or to the distribution of any unsubscribed handbill or sample upon private premises by handing or transmitting any such handbill or sample directly to the owner or occupant of such premises.

ARTICLE-16. Commercial and noncommercial handbills in public places restricted.

It shall be unlawful for any person, firm or corporation to throw or deposit commercial handbills or noncommercial handbills in or upon any sidewalk, street or other public place, or hand out, distribute or sell any commercial handbills or place the same in or upon any vehicle in any public place, provided that it shall not be unlawful on any sidewalk, street or other public place to distribute, without charge, any noncommercial handbill or commercial handbills to any person willing to accept it.

ARTICLE-17. Clearing of litter; notice; failure to comply.

- A. The Borough Secretary or Code Enforcement Officer is hereby authorized and empowered to notify the owner and/or occupant of any open or vacant private premises or any occupied or unoccupied private or business premises within the Borough, or the agent of such owner or occupant, to properly dispose of litter located on such property. Such notice shall be by certified mail, addressed to said owner and/or occupant at his last known address, or served personally by the Borough Secretary or Code Enforcement Officer or his nominee upon such owner or occupant.
- B. Upon failure, neglect or refusal of any owner or occupant so notified to properly dispose of litter within three days after receipt of the written notice provided for in Subsection A above, or three days after the date of such notice in the event that the same is returned unserved, the Borough Secretary or Code Enforcement Officer is hereby authorized and empowered to order the correction of such violation, using Borough funds or Borough personnel to accomplish such correction, and may charge the costs thereof to the violator. Collection of such costs by the Borough may be made by lien or otherwise as authorized by law.

ARTICLE-18. Violations and penalties.

Any person or entity violating any provision of this chapter shall, upon summary

conviction before the District Justice, pay a fine not to exceed \$1,000 and costs of prosecution and may be sentenced to the county jail for a term of not more than 30 days. The exact amount of the fine may be determined by resolution of the Borough Council from time to time. Each day that a violation hereunder shall continue shall constitute a separate offense punishable by like fine or penalty. Such fines and penalties shall be collected as like fines and penalties are now by law collected. It shall not be necessary for the Borough to give notice pursuant to the provisions of Article 17 A above in order to obtain a conviction for any of the prohibited acts in this chapter.

ARTICLE 19. Severability

If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered.

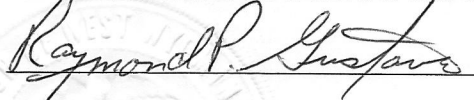
ARTICLE 20. Repealer.

Any Ordinance or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

This Littering Ordinance be hereby resolved and enacted by West Wyoming Borough Council on 10th day of October 2011.

ATTEST:

WEST WYOMING BOROUGH COUNCIL



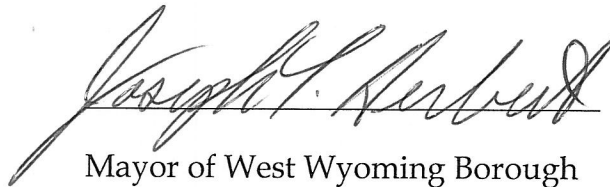
Raymond P. Gustava

Borough Secretary



Eileen Cipriani

Chairman of West Wyoming Borough Council



Joseph G. Herbert

Mayor of West Wyoming Borough