

CHAPTER 74

LITTERING

- | | |
|---|---|
| § 74-1. Title. | § 74-12. Depositing handbills on uninhabited or vacant premises. |
| § 74-2. Definitions; word usage. | § 74-13. Prohibiting distribution of handbills where property posted. |
| § 74-3. Litter in public places. | § 74-14. Distributing handbills at inhabited private premises. |
| § 74-4. Placement of litter in receptacles to prevent scattering. | § 74-15. Dropping litter from aircraft. |
| § 74-5. Sweeping litter into gutters prohibited. | § 74-16. Posting notices prohibited. |
| § 74-6. Businesses' duty to keep sidewalks free of litter. | § 74-17. Litter on occupied private property. |
| § 74-7. Litter thrown by persons in vehicle. | § 74-18. Owner to maintain premises free of litter. |
| § 74-8. Litter in parks. | § 74-19. Litter on vacant lots. |
| § 74-9. Litter in bodies of water. | § 74-20. Clearing of litter from open private property by township. |
| § 74-10. Throwing or distributing handbills in public places. | § 74-21. Violations and penalties. |
| § 74-11. Placing handbills on vehicles. | |

HISTORY: Adopted by the Board of Supervisors of the Township of Paradise 6-7-1988 by Ord. No. 88 (Ch. 10, Part 4, of the 1987 Code). Amendments noted where applicable.

GENERAL REFERENCES

Parks and recreation -- See Ch. 93.
Property maintenance -- See Ch. 102.
Recycling -- See Ch. 119, Art. I.

§ 74-1. Title.

This chapter shall be known and may be cited as the "Paradise Township Anti-Litter Ordinance."

§ 74-2. Definitions; word usage. ¹

A. 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.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 74

LITTERING

74-8

B. Except as defined in this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.

§ 74-3. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the township except in public receptacles or in authorized private receptacles for collection.

§ 74-4. Placement of litter in receptacles to prevent scattering.

A person placing litter in public receptacles or in authorized 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.

§ 74-5. Sweeping litter into gutters prohibited.

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

§ 74-6. Businesses' duty to keep sidewalks 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 township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the township shall keep any sidewalk in front of their business premises free of litter.

§ 74-7. Litter thrown by persons in vehicle.²

Placing of litter in or on highways by persons or trucks bearing loads shall be prohibited as provided in 75 Pa.C.S.A. § 3709.

§ 74-8. Litter in parks.

No person shall throw or deposit litter in any park within the township 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

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 74

LITTERING

74-14

from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 74-9. Litter in bodies of water. ³

Placing of litter in lakes, fountains, ponds, streams or any other body of water shall be prohibited as provided in 30 Pa.C.S.A. § 2503.

§ 74-10. Throwing or distributing handbills in public places.

No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the township; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the township for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it.

§ 74-11. Placing handbills on vehicles.

No person shall throw or deposit any 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 handbill to any occupant of a vehicle who is willing to accept it.

§ 74-12. Depositing handbills on uninhabited or vacant premises.

No person shall throw or deposit any handbill in or upon any private premises which are uninhabited or vacant.

§ 74-13. Prohibiting distribution of handbills where property posted.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof 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 said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 74-14. Distributing handbills at inhabited private premises.

A. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to

³Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CHAPTER 74

LITTERING

74-20

the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein).

§ 74-15. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the township any litter, handbill or any other object.

§ 74-16. 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 poles or shade tree or upon any public structure or building except as may be authorized or required by law.

§ 74-17. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the township, whether owned by such person or not, except that the owner or person in control of private property 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, sidewalk or other public place or upon any private property.

§ 74-18. Owner to maintain premises free of litter.

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.

§ 74-19. Litter on vacant lots.

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

§ 74-20. Clearing of litter from open private property by township.

CHAPTER 74

LITTERING

74-21

- A. Notice to remove. The Township Supervisors are hereby authorized and empowered to notify the owner of any open or vacant private property within the township or the agent of such property to dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to said owner at the owner's last known address.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within 10 days after receipt of written notice provided for in Subsection A above, or within 10 days after the date of such notice in the event the same is returned to the Township Supervisors because of inability to made delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Township Supervisors are hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the township.
- C. Charge for removal. When the township has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property and forwarded to said owner at the owner's last known address by registered mail.
- D. Recorded statement constitutes lien. Where the full amount due the township is not paid by such owner within 10 days after the disposal of such litter, as provided for in Subsections A and B above, then, and in that case, the Township Supervisors shall cause to be recorded in the office of the Prothonotary of Monroe County, at Stroudsburg, Pennsylvania, a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with all provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

§ 74-21. Violations and penalties. ⁴

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter

⁴Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)

CHAPTER 74

LITTERING

74-21

shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.