

43 - 1990

Section 1. Short Title This ordinance shall be known and cited as the "Centre Township Anti-Litter Ordinance."

Section 2. Definitions. For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. 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.

(a) "Township is the Township of Centre.

(c) "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 of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing; and

(2) Which directs attention to any business for mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which 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 profits; 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 such meeting, theatrical performance, exhibition or event of any kind, when either of 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 clause 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 such license is or may be required by any law of this State, or under any ordinance of this Township.

(4) 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.

(d) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(e) "Litter" is garbage, carcasses, 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.

(f) "Newspaper" is 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 thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(g) "Noncommercial handbill" is 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.

(h) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(i) "Private premises" is 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 such dwelling, house, building or other structure.

(j) "Public place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(k) "Refuse" is all putrescible and nonputrescible solid waster (except body wastes), including garbage, rubbish, ashes,

street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(1) "Vehicle" is 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.

Section 3. Litter in Public Places. No person shall throw or deposit litter in or upon any street, or other public place within the Township except in public receptacles or in authorized private receptacles for collection.

Section 4 Placement of Litter in Receptacles so as 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.

Section 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 driveway. Person owning or occupying property shall keep the area in front of their premises free of litter.

Section 6. Merchants' Duty to Keep From Areas Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, or other public place within the Township the accumulation or litter from any building or lot or from any public or private driveway. Persons owning or occupying places of business within the Township shall keep the area in front of their business premises free of litter.

Section 7. Litter Thrown by Person in 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 Township or upon private property.

Section 8. Trucks Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Township 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 Township, the wheels or tires of which carry into or deposited in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

Section 9. Litter in Streams and Runs. No person shall throw or deposit litter in any stream, run or any other body of water within the Township.

Section 10. Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any street or other public place within the Township. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any street or other public place within the Township for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Section 11. 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 or a person to hand or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Section 12. 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 temporarily or continuously uninhabited or vacant.

Section 13. Prohibiting Distribution of Handbills Where Properly 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 said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers, or Agents," "No Advertisements," or any similar notice, indicating in any matter 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 the said premises.

Section 14. 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 any such handbill directly to 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 ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon any 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, streets or other public places, and except that mail boxes may not be so used when so prohibited by federal postal law or regulations.

(a) 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) except that the 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.

Section 15. 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.

Section 16. 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 owners or person in control of private property may maintain authorized private receptacles for collection in such a 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.

Section 17. 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.

Section 18. 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.

Section 19. Clearing of Litter from Open Private Property by Township.

(a) Notice to Remove. The Township is hereby authorized and empowered to notify the owner of any open or vacant private property within the Township or the agent of such owner to properly 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 his 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 ten (10) days after receipt of written notice provided for in subsection (a) above, or within five (5) days after the date of such notice in the event the same is returned to the Township Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Township is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Township.

(c) Charge Billed to Property Owner. When the Township has affected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (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 on a bill forwarded to such owner by the Township, and said charge shall be due and payable by said owner at the time of payment of such bill.

(d) Collect by Assumpsit. Where the full amount due the Township is not paid by such owner within thirty (30) days after the disposal of such litter, as provided for in subsections (a) and (b) above, then, and in that case, the Township shall cause the same to be collected by an action of assumpsit against the property owner.

Section 22. Penalties. Any person violating any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and not less than Three Hundred (\$300.00) Dollars and costs of prosecution. Provided: each day that any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Provided further: any violation of any provision of this ordinance that shall also constitute a violation of a specific provision of the laws of Pennsylvania or of any regulation of the Commonwealth or any department or agency thereof having the effect of law shall be prosecuted under the said State Law or regulation and not under this ordinance.

Section 23. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

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and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 24. Inconsistent Ordinances. Any ordinance or the provision of any Ordinance which is inconsistent herewith is repealed.

Section 25. Effective Date. The effective date of this Ordinance shall be the earliest date allowed by law.

ENACTED AND ORDAINED AS AN ORDINANCE OF THE TOWNSHIP OF CENTRE THIS 14th DAY OF March ~~1989~~. 1990

CENTRE TOWNSHIP

Albert W. Bunderge Jr
Chairman

Attest:

Banga C. Seifert
Secretary

John D. Dumas
Supervisor

Harold A. Spitz
Supervisor