

Purpose and intent.

The purpose and intent of this ordinance is to protect the people of [MUNICIPALITY, PA] against the health and safety menace of the littering of the streets, public places and private lands by dumping or throwing of trash and rubbish of any kind.

Definitions.

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

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.

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.

RUBBISH

Non-putrescible 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 non-putrescible 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.

Word usage.

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

Littering/dumping in public places.

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

Placement of 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.

Sweeping of litter into public places.

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, 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.

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 Township or upon private premises.

Vehicles to be constructed and loaded to prevent littering.

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

Vehicle tires depositing mud on public places.

No person shall drive or move any truck or other vehicle within the Township 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.

Parks.

No person shall throw dump, deposit or allow litter to occur 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. [MUNICIPALITY] commits to install trash and recycling containers in all public spaces and to post signage that will inform passers-by about these offences and their related penalties.

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.

Occupied private premises.

No person shall throw, deposit, dump or allow litter on any occupied private premises to occur within the Township, 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.

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.

Vacant private premises.

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

Clearing of litter; notice; failure to comply.

A.

The Township Manager or any 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 Township, 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 Township Manager or any 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 Township Manager or any Code Enforcement Officer is hereby authorized and empowered to order the correction of such violation, using Township 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.

Violations and penalties.

Any person or entity violating any provision of this chapter shall, upon summary conviction before the Magisterial District Judge and upon a first offence, pay a fine of \$100 for litter violations and \$300 for dumping violations, as well as costs of prosecution and may be sentenced to the county jail for a term of not more than 30 days. For second and repeat littering offenses the fine shall increase to \$200 as well as possible additional charges for damages occurred in property or waterways. For second and repeat dumping offenses the fine shall increase to \$1,000 as well as possible additional charges for damages occurred in property or waterways. Such fines and penalties shall be collected as like fines and penalties are now by law collected. It shall not be necessary for the Township to give notice pursuant to the provisions of above in order to obtain a conviction for any of the prohibited acts in this chapter.