

## **Chapter 272**

### **LITTERING**

#### **§ 272-1. Litter in public places.**

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

#### **§ 272-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

LITTER — Any refuse, garbage, rubbish, paper wrappings, cans, leaves, wood, glass or any substance and material which might affect the health and welfare of the public or render the streets or public places unsightly.

#### **§ 272-3. Placement of litter in receptacles.**

Persons 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.

#### **§ 272-4. Sweeping litter into gutters prohibited.**

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 or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

#### **§ 272-5. Merchants' duty to keep exterior of premises 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 sidewalk or driveway. Persons owning or occupying places of business within the Borough shall keep the exterior of their business premises, including sidewalks, driveways and parking areas, free of litter.

#### **§ 272-6. Deposition in parks.**

No person shall throw or deposit litter in any park within the Borough in such a manner that the litter will be 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.

**§ 272-7. Deposition in lakes and fountains.**

No persons shall throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere within the Borough.<sup>1</sup>

**§ 272-8. Dropping from aircraft.**

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

**§ 272-9. 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 lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

**§ 272-10. Deposition on occupied private property.**

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

**§ 272-11. 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 that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

**§ 272-12. Deposition on vacant lots.**

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

**§ 272-13. Clearing of litter from open private property by Borough; lien.**

- A. Notice to remove. The Health Executive is hereby authorized and empowered to notify the owner of any open or vacant private property within the Borough or the agent of the owner to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be by registered mail, addressed to the owner, at his last known address.

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1. Editor's Note: Former Sections 4-1.7 through 4-1.11, dealing with handbills, all of which immediately followed this section, were deleted 12-16-1996 by Ord. No. 1172. See Ch. 232, Handbills.

- 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 five days after receipt of written notice provided for in Subsection A above, or within 10 days after the date of the notice in the event that the same is returned to the Borough Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Health Executive is hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the Borough.
- C. Charge included in tax bill. When the Borough has effected the removal of the dangerous litter, or has paid for its removal, the actual cost thereof plus interest computed at the same rate as is then charged for delinquent taxes from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner by the Borough, and the charge shall be due and payable by the owner at the time of payment of the bill.
- D. Recorded statement constitutes lien. Where the full amount due the Borough is not paid by the owner within 30 days after the disposal of the litter, as provided for in Subsections A and B above, then, and in that case, the Health Executive shall cause to be recorded in the Tax Collector's office 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 the work was done. The recordation of the 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. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to the same interest and penalties as that fixed for taxes in the event that the same is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the 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, constitute a charge against the property designated or described in the statement and the same is due and collectible as provided by law. **[Amended 7-7-2008 by Ord. No. 1625]**

#### **§ 272-14. Campaign literature.**

This chapter shall not apply to literature distributed in connection with a campaign for public office or a referendum for a public question.

**§ 272-15. Violations and penalties. [Amended 3-21-1988 by Ord. No. 955; 12-16-2008 by Ord. No. 1172]**

For a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.