

ORDINANCE NO. 145

PROHIBITING THE THROWING OR DEPOSITING OF LITTER IN PUBLIC PLACES IN THE BOROUGH OF CLYMER; CONTROLLING THE DEPOSITING OF LITTER ON PRIVATE PREMISES; PROVIDING FOR COLLECTION OF EXPENSES FOR BOROUGH CLEARANCE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF CLYMER AS FOLLOWS:

SECTION 1: Short title: This Ordinance shall be known and may be cited as the "Clymer Borough Anti-litter Ordinance".

SECTION 2; Definitions: For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning 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) "Borough" is the Borough of Clymer.

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

(c) "Litter" is "garbage", "refuse", "rubbish" and "other materials" (Not limited to waste materials) 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.

(d) "Other materials" are nonputrescible solid materials (not limited to waste material) consisting of both combustible and non-combustible solid materials, such as stones, mud, soil, coal, coal dust, and other similar materials.

(e) "Park" is a park, reservation, playground, recreation center, or any other public area in the Borough, owned or used by the Borough and devoted to active or passive recreation.

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

(g) "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 inhabited 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.

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

(i) "Refuse" is all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

(j) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(k) "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.

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SECTION 3: Litter in Public Places: No person shall throw or deposit litter in or upon any street, sidewalk, or other public places within the Borough except in public receptacles, 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 or 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 Borough the accumulation of litter from any building or lot 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.

SECTION 6: Merchants Duty to keep sidewalks free of Litter: No persons, owing 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 sidewalk in front of their business premises free of litter.

SECTION 7: Litter thrown by Persons 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 Borough, or upon private property.

SECTION 8: Truck Loads causing Litter: No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded, so as to prevent any load contents or litter from dropping, sifting, leaking, blowing, or otherwise escaping therefrom, and being deposited upon any street, alley, or other public place.

SECTION 9: Litter in Parks: No person shall throw or deposit 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 herein provided.

SECTION 10: Litter in Streams and runs: No person shall throw deposit litter in any stream, run or other body of water within the Borough.

SECTION 11: Posting Notices Prohibited: No person shall post or affix an 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 12: Litter on Occupied Private Property: No person shall throw or deposit litter on any occupied property within the Borough, whether owned by such a 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.

SECTION 13: 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 acton shall not prohibit the storage of litter in authorized private receptacles for collection.

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SECTION 14: Clearing from Open Private Property by Borough:

(a) Notice to Remove. The Street Commissioner is hereby authorized and empowered to notify the owner of any open or vacant private property within the Borough 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 on non Compliance. 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 in sub-section (a) above, or within five (5) days after the date of such notice in the event the same is returned to the Borough 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 Street Commissioner is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Borough.

(c) Charge Billed to the Property Owner: When the Borough 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 per cent (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 or a bill forwarded to such owner by the Borough 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 Borough is not paid by the such owner within thirty (30) days after the disposal of such litter as provided for in the sub-section (2) and (b) above, then, in that case, the Borough Street Commissioners shall cause the same to be collected by an action of assumpsit against the property owner.

SECTION 16: Penalties: Any person who shall be found guilty of violating any of the provisions of this Ordinance, shall upon conviction thereof, be sentenced to pay a fine not exceeding Fifty Dollars (\$50.00) and cost of prosecution, and in default of the payment thereof, shall undergo imprisonment for a period not exceeding ten (10) days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Offenses under this Ordinance shall be considered as summary offenses;

SECTION 17: Separability: If any section, sub-section, 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 not affect the validity of the remaining portion hereof.

SECTION 18: Ordinances Repealed: All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED this First day of August, 1966.

Patrick Corrigan.  
President.

ATTEST:

C. L. Longwill  
Secretary

APPROVED this first day of August, 1966.

Norman Richardson.  
Mayor