

BOROUGH OF CLARKS SUMMIT
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. 87-6

AN ORDINANCE TO PREVENT LITTERING
IN THE BOROUGH OF CLARKS SUMMIT, HEREINAFTER CALLED "MUNICIPALITY"
AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS

SECTION 1. DEFINITIONS.

(a) "Handbills" means any printed or written matter, sample, devise, circular, leaflet, pamphlet, paper, magazine, booklet or other printed or otherwise reproduced original or copy of any matter or material which advertises for sale any product or directs attention to any business, mercantile or commercial establishment or activity or any meeting, theatrical performance, exhibition or event of any kind.

(b) "Litter" means and includes garbage, refuse, ashes, rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(c) "Park" means a park, square, playground, pool, recreation center or other public area in the Municipality owned or used by the Municipality and devoted to recreation.

(d) "Private Premises" means any dwelling, house, building or other structure or parking lot designed or used either wholly or in part for residential, industrial or commercial purposes, whether inhabited, or temporarily or continuously uninhabited or vacant, including any yards, grounds, walks, driveways, porches, steps, vestibules or mailboxes or appurtenant to such premises.

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

(f) "Public Receptacles" means a receptacle placed by the Municipality at various locations for the reception of litter, other than household or commercial refuse.

(g) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

SECTION 2. DISPOSAL OF LITTER IN RECEPTACLES.

No person shall place, throw, drop or deposit litter in or upon any street, sidewalk, park, stream or other body of water or other place within the Municipality, except in public receptacles or in authorized private receptacles.

SECTION 3. PROPER DISPOSAL TO PREVENT SCATTERING.

No person shall place or deposit litter in public receptacles or authorized private receptacles except in such manner as to prevent it from being scattered or carried by the elements to any street, sidewalk or other public place or upon private premises.

SECTION 4. DEPOSIT FROM VEHICLES OR AIRCRAFT.

No person in a vehicle shall throw or deposit litter upon any street, sidewalk or other public place or private premises. No person shall operate a truck or other vehicle unless such vehicle is so constructed or loaded as to prevent its contents from falling, being blown or deposited upon any street or public place. No person shall throw out, drop or deposit any litter, handbill or other object from aircraft so as to cause it to fall within the Municipality.

SECTION 5. LITTER ON SIDEWALKS.

Persons owning or occupying private premises shall make reasonable efforts to keep the sidewalks in front of such premises free of litter. No person shall sweep into or deposit in any gutter, street or public place the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway.

SECTION 6. LITTER ON PRIVATE PREMISES.

The owner or person in control of any private premises shall at all times maintain the premises free from litter. No person shall throw or deposit litter on any private premises or on any open or vacant lot or premises, whether or not owned or controlled

by such person, except that such owner or person in control may maintain authorized private receptacles for deposit, collection or temporary storage of litter.

SECTION 7. HANDBILL DISTRIBUTION.

No person shall place or deposit any handbill in or upon any vehicle or premises without the acceptance thereof by the owner or occupant of such vehicle or premises, provided that this section does not prohibit or otherwise regulate the delivery of any matter by the United States Postal Service.

SECTION 8. DUMPING INSIDE THE MUNICIPALITY.

The dumping, throwing or placing of ashes, scrap, garbage, rubbish or refuse of any kind within the Municipality, by any person, is hereby declared to be a nuisance and is prohibited.

SECTION 9. DUMPING INTO PUBLIC OR PRIVATE RECEPTACLES.

The dumping of household or commercial refuse within the Municipality into a public receptacle or into another private receptacle without the owner's permission by any person, is hereby declared a nuisance, and is prohibited.

SECTION 10. VANDALISM COMMITTED BY MINORS.

If any person, parent, or adult knowingly permits a minor child to commit any violation of this Ordinance or if they knowingly permit the minor to commit acts of vandalism, the parent or adult shall be responsible for any costs which may be incurred by the Municipality or any designated sponsored group for causing the nuisance or repairing the vandalized property.

SECTION 11. TAMPERING WITH RECEPTACLES.

No person shall steal, upset, mutilate, deface or tamper with public or private receptacles or cause the contents thereof to be spilled or scattered in or upon any public place or private premises. If any provisions of this section is violated, the person or firm shall be required to provide incurred costs for repairing the damage, in addition, to any penalties hereafter prescribed.

SECTION 12. PREVENTING THE SCATTERING OF LITTER PRIOR TO PICK-UP.

All litter that is subject to movement by the elements shall be secured by the owner and/or occupant of the premises prior to

the regularly scheduled pick-up before the litter is scattered by the elements to adjoining public or private places.

SECTION 13. CONSTRUCTION OR DEMOLITION SITES.

The general contractor in charge of any construction or demolition site shall maintain the site in such a manner that litter will be prevented from being scattered by the elements to adjoining premises. All litter from construction, demolition or any related activities shall be picked up at the end of each work day and placed in containers in order to prevent scattering either on or to adjoining premises. Each day that the provisions of this section are violated shall be considered a separate and additional violation.

SECTION 14. LOADING AND UNLOADING.

The person owning, operating or in control of a loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

SECTION 15. DISPOSAL OF LITTER IN RIVERS, STREAMS OR OTHER BODY OF WATER.

No person shall place, throw, drop, dump, or deposit litter in any or along the banks of any river, stream or other body of water within the Municipality.

SECTION 16. PENALTIES.

(a) Any person who violates any of the provisions of Section 2 and 3 of this Ordinance shall be subject to a penalty or fine of not less than \$50.00 nor more than \$300.00 or to imprisonment not exceeding Five (5) days for each violation. Any person who violates the above provision shall have Five (5) days from the "Date of Notice of Violation" to pay said fine to Municipal Treasury. The failure to make payment within Five (5) days shall result in a Summons being issued in accordance with the law.

(b) Any person who violates, Section 4,5,6,7,9,10,11,12, 13, and 14 shall be subject to a penalty of not less than \$100.00 nor more than \$300.00 or to imprisonment not to exceed fifteen (15) days for each offense. Fine to be paid to Municipal Treasury.

(c) Any person who violates any of the provisions of Section 8 and 15 shall be subject to penalty or fine of not less than \$200.00 nor more than \$300.00 or to imprisonment not exceeding Thirty (30) days for each offense. Fine to be paid to Municipal Treasury.

(d) Any person, firm or corporation who violates any of the provisions of this Ordinance shall be issued a "Litter Offense Notice" which shall be a form delivered by the Municipality's Treasurer. The violator shall be required to pay the appropriate fine or penalty at the Municipal Building within Ten (10) days from the Notice of Violation. The failure to make said payment within ten (10) days shall result in a Summons being issued in accordance with law.

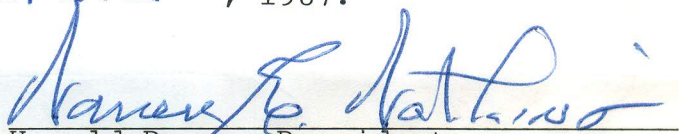
SECTION 17. ANTI-LITTER ACCOUNT.

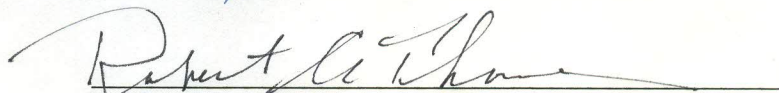
The Municipality's Treasurer may open a Special Account to be known as the Anti-Litter Account and any funds derived from violations of this Ordinance shall be deposited in this Account. Said funds shall be used to promote and effect this Ordinance.

SECTION 18. DESIGNATED APPROPRIATE MUNICIPAL EMPLOYEES.

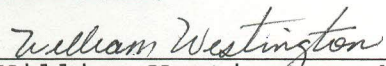
The ~~Borough Council of~~ Borough Council of the Municipality is hereby authorized to designate the appropriate Municipal employees to enforce the provisions of this Ordinance.

ORDAINED this *1st* day of *APRIL*, 1987.


Harold Parry, President
Clarks Summit Borough Council


Robert A. Thorne, Secretary
Clarks Summit Borough

APPROVED:


William Westington, Mayor