

ORDINANCE NO. 368

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE REGULATING THE DISTRIBUTION OF COMMERCIAL AND NON-COMMERCIAL HANDBILLS, CONTROLLING THE DEPOSITING OF LITTER ON PUBLIC OR PRIVATE PREMISES, PROVIDING FOR THE PLACING OF A LIEN FOR ANY EXPENSES INCURRED BY THE BOROUGH AND PRESCRIBING PENALTIES FOR THE VIOLATION OF IT PROVISIONS.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, and it is hereby ordained and enacted by the authority of the same.

Section 1. DEFINITIONS:

(1) "Authorized private receptacle" is a litter storage and collection receptacle maintained by a private person, fully enclosed and complete with tight fitting lid.

(2) "Borough" is the Borough of MONROEVILLE.

(3) "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:

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

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

(c) 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 profit; 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 Borough; or

(d) 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.

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

(5) "Litter" is "garbage", "refuse", and "rubbish", as defined herein and all other waster material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(6) "Newspaper" is any newspaper or general circulation as defined by general law, or any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, or 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.

(7) "Non-Commercial 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.

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

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

(10) "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.

(11) "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.

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

(13) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, used wood or wood scraps, glass, bedding, crockery and similar materials.

(14) "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 2. 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, in authorized private receptacles for collection, or in official Borough dumps.

Section 3. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. 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 or upon private property.

Section 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.

Section 5. MERCHANTS' DUTY TO KEEP SIDEWALKS 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 sidewalks in front of their business premises free of litter.

Section 6. 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 7. 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 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 Borough, the wheels or tires of which carry into or deposit in any street, alley or other public place, mud, dirt, sticky substances litter or foreign matter of any kind. Provided, however, that no person shall be deemed in violation of this Section of the Ordinance unless he has been given twenty-four (24) hours written notice signed by the Borough Manager or Chief of Police advising him to remove such litter or debris within such period.

Section 8. 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 provided herein.

Section 9. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the Borough. 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 sidewalk, street, or other public place within the Borough for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 10. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Section 11. DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Section 12. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or non-commercial 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 of Agents," "No Advertisement", or any similar notice, indicating in any manner 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 such premises.

Section 13. DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or non-commercial 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 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 or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

Section 14. EXEMPTION FOR MAIL AND NEWSPAPERS. The provisions of Section 13 above shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that 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, sidewalk 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, by Borough Council, or its authorized agents or by the Borough Council Permit Committee.

Section 16. LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property within the Borough, whether owned by such 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 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 for collection.

Section 18. LITTER 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.

Section 19. CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY BOROUGH.

(a) Notice to Remove. The Chief of Police or such other person as may be designated by Council is hereby 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 or Certified Mail, addressed to said owner at his last known address.

(b) Action Upon 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 for in sub-section (a) above, or within ten (10) 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 Chief of Police is hereby authorized and empowered to order its disposal by the Borough.

(c) Charge Against Owner. When the Borough has effected 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.

(d) Recorded Statement Constitutes Lien. The amount due the Borough, if not paid by the owner within thirty (30) days' of notice thereof shall be liened in the Office of the Prothonotary of Allegheny County in accordance with the law pertaining thereto.

Section 20. PENALTIES. Any person violating any of the provisions of this Ordinance, upon summary conviction thereof, shall be fined in an amount not exceeding One Hundred and no/100 (\$100.00) Dollars, or will be imprisoned in Allegheny County Jail not exceeding five (5) days. Each such violation that is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 21. SEVERABILITY. If any provision of this ordinance, or its application to any person or circumstances, shall be held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected. Any Ordinance or part of an Ordinance inconsistent herewith is hereby repealed.

ORDAINED AND ENACTED this 13th day of Sept., 1962.

Attest:

BOROUGH OF MONROEVILLE

S/ A. H. Curtis
Secretary

By S/ A. O. Strathern
President of Council

Examined and approved by me this _____ day of _____ 1962.

S/ John J. Duncan
Mayor