

ORDINANCE NO. 93 (MOP)
Adopted February 26, 1985

AN ORDINANCE SETTING FOR THE DEFINITION OF LITTER, THE PROHIBITION AGAINST AND THE PENALTIES THAT MAY BE ASSESSED FOR VIOLATION THEREOF.

Sec. 1. Definitions.

- (A) Aircraft: Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "Aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.
- (B) Authorized Private Receptacle: A litter storage and collection constructed so to reasonably confine and retain litter and trash.
- (C) Commercial Handbill: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original copies of any matter or literature:
 - (i) Which advertises for sale of any merchandise, commodity, or thing.
 - (ii) 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.
 - (iii) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for admission fee is charged for the purpose of private gain or profit by 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, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place at 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 City; or
 - (iv) Which, while containing reading matter other than advertising matter, is predominantly and essentially an

Also refer to Ord. #93-01(VAM) section 128 page 31 for more on Littering

Ordinance No. 93 (continued)

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.

- (D) Garbage: Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (E) Litter: Garbage, refuse and rubbish, 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.
- (F) Newspaper: Any newspaper of general circulation as defined by general law, and newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and 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 (4) issues per year, and sold to the public.
- (G) Noncommercial handbill: Any printed or written matter, or sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced or original or copies of any matter of literature not included in the aforesaid definitions of commercial handbill or newspaper.
- (H) Park: A park, reservation, playground, recreation center, or any other public area in the City, owned or used by the City and its inhabitants and devoted to active or passive recreation.
- (I) Private Premises: Any dwelling, house, building or other structure designed or used 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.
- (J) Public Place: Any street, sidewalk, boulevard, alley or other public way and any public park, square, space, grounds or building.

Ordinance No. 93 (continued)

- (K) Refuse: All solid waste (except body waste) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles and solid market industrial wastes.
- (L) Rubbish: Nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic and similar materials.
- (M) Vehicle: 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.

Sec. 2. Placing in Receptacles - Required.

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

Sec. 3. Same - 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.

Sec. 4. Sweeping Litter into Gutters: Cleanliness of Sidewalk.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any private or public sidewalk or driveway. Person owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Sec. 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 City, the accumulation of litter from any building or lot or from any public place or private or public sidewalk or driveway. Person owning or occupying places of business within the City shall keep all premises, including sidewalk, service alleys, and parking area of their business free of litter.

Sec. 6. Litter Thrown From Vehicles.

No person, while a driver or passenger in the vehicle shall throw or deposit litter upon any sidewalk or street or other public place within the City, or upon private property.

Sec. 7. Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the City 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 City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

Sec. 8. Litter in Parks.

No person shall throw or deposit litter in any park within the City 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.

Sec. 9. Bodies of Water.

No person shall throw or deposit litter in any fountain, pond, stream, ditch, canal or any other body of water in a park or elsewhere within the City.

Sec. 10. Littering from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object without obtaining a permit from the City.

Sec. 11. Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied or unoccupied private property within the City, 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.

Sec. 12. 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. However, this section shall not prohibit the storage of litter in authorized receptacles for collection.

Sec. 13. Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not. *Also refer to Ord #93-01(VAM) Section 128 page 31 for more on Littering*

~~Sec. 14. Handbills - Throwing or Distributing 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 City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place.~~ *Section 14 Repealed see Ord #93-01(VAM)*

Sec. 15. Same - Throwing on Vacant Private Premises.

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Sec. 16. Same - Distributing on Private Premises.

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises.

Sec. 17. Same - Distributing 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 handling or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, unless requested by anyone upon such inhabited private premises not to do so, such person may place or deposit any such handbill in or upon such private premises, if such handbill is so placed or deposited as to secure or prevent

Ordinance No. 93 (continued)

such handbills 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. The provision of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined). 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 on private property.

Sec. 18. Same - Political.

The provisions of this article notwithstanding, political handbills or printed matter may be handed out or distributed in public places to individuals who are willing to accept same provided, however, no handbills of a commercial, political or non-commercial nature may be handed out or distributed to any occupant of a vehicle upon the public streets, whether such a vehicle is moving or stopped. Nothing herein contained shall be construed in any way to deprive any bona fide organization or its members from enjoying and exercising any rights or privileges which they have or may hereafter have, under the provisions of the laws of the state or the laws or constitution of the United States of America.

Sec. 19. Posting Signs.

The Public Works Department of the City is directed to install and maintain adequate signs at appropriate places throughout the City outlining the substance of this article, said signs warning the public that any violations hereof will be prosecuted. In addition, the City Clerk is authorized to give proper publicity hereto.