

#39

adopted 6/16/01  
Effective 6/21/01

ORDINANCE NO. 39

AN ORDINANCE PROHIBITING THE THROWING OR DEPOSITING OF LITTER IN PUBLIC PLACES IN THE TOWNSHIP OF WESTFALL; CONTROLLING AND DEPOSITING OF LITTER ON PRIVATE PREMISES; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

Be it ordained and enacted by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania, pursuant to the authority given to it to promote the health and welfare of the citizens of Westfall Township, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the Westfall Township Anti-Litter Ordinance.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given 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.

(1) Garbage - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(2) Commercial Place - Any store or building or group thereof, including shopping centers, shopping plazas and other similar places, wherein mercantile activities and services are offered to the public, and includes all parking areas thereat.

(3) 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.

(4) Park - A park, playground, beach, recreation center or any other public area in the township, owned or used by the township and devoted to active or passive recreation.

(5) Person - Any person, firm, partnership, association, corporation, company or organization of any kind.

(6) Private Premises - 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.

(7) Public Place - Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(8) Refuse - 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.

(9) Rubbish - Nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(10) Township - The Township of Westfall in the County of Pike, Commonwealth of Pennsylvania.

(11) 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 rail or tracks.

SECTION 3. LITTER IN  
PUBLIC PLACES

No persons shall throw or deposit litter in or upon any street, sidewalk or other public place within the township except in public receptacles, in private receptacles for collection, in official Township dumps, or in rubbish pits.

#### SECTION 4. USE OF RECEPTACLES

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 place or upon private property.

#### SECTION 5. LITTER IN GUTTERS

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter from any building, or lot, or litter from any public or private sidewalk or driveway.

#### SECTION 6. LITTER FROM 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 township, or upon private property. In case of an accident, all tow truck operators will remove all debris from the scene of the accident.

#### SECTION 7. TRUCK CAUSING LITTER

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed, maintained, 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 township, 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.

#### SECTION 8. LITTER IN PARKS

No person shall throw or deposit litter in any park within the township 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. LITTER IN PUBLIC WATERS

No person shall throw or deposit litter in any fountain, pond, lake, stream, river, or any other body of water located within, or bordering the Township.

SECTION 10. LITTER ON OCCUPIED  
PRIVATE PROPERTY AND COMMERCIAL PREMISES

No person shall throw or deposit litter on any occupied private property or commercial place within the Township, whether owned by such person or not, except that the owner or person in control of private property or commercial place may maintain authorized private receptacles for collection in such 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 11. MAINTENANCE OF PREMISES  
IN LITTER FREE CONDITION

A. Each owner or person in control of any commercial place, including shopping centers and delivery and parking area thereat, shall keep said places, parking fields, parking area, delivery areas and other open areas which are a part of such commercial place free from litter.

B. The owner or person in control of any private property shall at all times maintain the premises free from litter; provided however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection; nor shall it prohibit the deposit of firewood, yard clippings, and/or leaves on ones own premises.

SECTION 12. LITTER ON VACANT LAND

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

SECTION 13. PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a summary offense and upon conviction thereof shall be fined in any amount not exceeding Three Hundred Dollars (\$300.00) or be

imprisoned in the Pike County prison for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 14. SEPARABILITY

If any section subsection, 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 be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 15. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall become effective five (5) days after the date of this enactment.

Duly enacted by the Supervisors of Westfall Township, Pike County, Pennsylvania, this 16<sup>th</sup> day of June, 1981, in lawful session duly assembled.

Attest

Kenneth H. Baer  
Secretary

SUPERVISORS OF WESTFALL TOWNSHIP

Kenneth H. Baer  
Carlton L. Gray

