

Chapter 83

LITTER AND HANDBILLS

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair at time of adoption of Code 8-2-76 by Ord. No. 632; see Ch. 1, Adoption of Township Code. Amendments noted where applicable, including Amendment 9-5-00 by Ord. No. 1829]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.

Brush, grass and weeds - See Ch. 48.

Garbage, rubbish and refuse - See Ch. 68.

Junk - See Ch. 93.

Parks and playgrounds - See Ch. 93.

Peddling - See Ch. 96.

ARTICLE I
General Provisions

§ 83.1. Declaration of intent.

It is hereby declared and found that litter carelessly deposited in the township is the cause of civic disgrace; that litter is a health, fire and safety hazard and pollutant; that an all-out litter-control campaign can result in substantial savings to taxpayers of the township; that litter is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the township.

§ 83.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL HANDBILL - Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature which:

- A. Advertises for sale any merchandise, product, commodity or thing.

- B. 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.
- C. 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.
- D. 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.

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.

GARBAGE - Putrescible, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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 or creates unsightliness.

NEWSPAPER - Any newspaper of general circulation, as defined by law; any 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 law. In addition thereto, "newspaper" 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.

NONCOMMERCIAL HANDBILL - Any printed or written matter, any sample or device, 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 "commercial handbill" and "newspaper." This definition shall include advertising or other printed material distributed in connection with any political campaign.

PARK - A park, reservation, 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.

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 includes any yard, grounds, walk,

driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE - Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings owned and/or operated by any public agency.

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.

RUBBISH - Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

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.

ARTICLE II Litter Control

§ 83.3. Litter in public places.

83.3.1. No person shall deposit or throw litter in or upon any street, sidewalk or other public place within the township except in public receptacles, in private receptacles for collection or in approved landfill disposal areas.¹

83.3.2. 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.

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

83.3.4. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

83.3.5. The owner or person in control of any public property shall at all times maintain the premises free from litter; provided, however, that this subsection shall not prohibit the storage of litter in private receptacles for collection.

¹Editor's Note: See also Ch. 68, Garbage, Rubbish and Refuse.

§ 83.4. Litter from vehicles.

83.4.1. No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or public place within the township or upon private property.

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

§ 83.5. Litter in parks and bodies of water.²

83.5.1. No person shall throw or deposit litter in any park or playground 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 playground or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park or playground by the person responsible for its presence and properly disposed of elsewhere as provided herein.

83.5.2. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the township.

§ 83.6. Litter on private and commercial premises.

83.6.1. 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 such private property or commercial place may maintain private collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

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

83.6.3. 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 private receptacles for collection.

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

²Editor's Note: See also Ch. 93, Parks and Playgrounds.

§ 83.7. Removal of litter.

The Township Manager and/or the Board of Commissioners is hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the township, or the agent of such owner, to properly dispose of litter located on such owner's property which is a nuisance or dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner at his last-known address.

**ARTICLE III
Distribution of Handbills****§ 83.8. Handbills in public places and on vehicles.**

83.8.1. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the township.

83.8.2. No person shall throw or deposit any commercial or noncommercial 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 noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 83.9. Handbills on private property.

No person shall throw or deposit any handbill in or upon any private premises which is:

83.9.1. Temporarily or continuously uninhabited or vacant.

83.9.2. Posted with a sign placed in a conspicuous position near the entrance thereof, bearing the words "No Peddlers or Agents," "No Advertisements" or words of similar import indicating the desire of the occupants not to have such handbills left upon such premises, or where an occupant expressly directs the person not to throw, deposit or distribute the handbill on the premises.

83.9.3. Inhabited, but not posted or subject to an express warning by an occupant, except by handing or transmitting any such handbill directly to an occupant, unless he places or deposits any such handbill so as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets or other public ways.

§ 83.10. Exemption.

The provisions of this Article 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 or other public place or upon private property.

ARTICLE IV³ **Advertising**

§ 83.11. Advertising in public places. [Added 9-2-86 by Ord. No. 1228⁴]

The distribution or erection of commercial handbills or noncommercial handbills shall be prohibited in or upon any park or public place within the township. [Amended 9-6-88 by Ord. No. 1350]

§ 83.12. Posting on trees prohibited.

No advertising shall be posted, fastened or in any way attached to any tree or other natural growth.

§ 83.13. Removal of advertising in violation. [Added 9-2-86 by Ord. No. 1228⁵]

The Township Manager or his designated representative shall have any advertising in violation of this Chapter removed. [Amended 9-6-88 by Ord. No. 1350]

ARTICLE V⁶ **Penalties**

§ 83.14. Violations and penalties.

Any person or organization who shall be convicted of violating or failing to comply with the provisions of this chapter shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished for each separate offense as provided in said Chapter 5.

³ Editor's Note: Former Article V, Advertising, was redesignated as Article IV, 9-5-00 by Ord. No. 1829, which ordinance also provided for the renumbering of former §83.14 as §83.11; former §83.15 as §83.12; and former §83.16 as §83.13.

⁴ Editor's Note: This ordinance also provided that it shall take effect December 1, 1986.

⁵ Editor's Note: This ordinance also provided that it shall take effect December 1, 1986.

⁶ Editor's Note: Former Article VI, Penalties, was redesignated as Article V, 9-5-00 by Ord. No. 1829, which ordinance also provided for the renumbering of former §83.17 as §83.14.