

§ 3-1 LITTER CONTROL. [1]

[1]

*Editor's Note: Prior ordinance history includes portions of 1975 Code § 79-1 — 79-5, 114-4 and Ordinance No. 7-83, 071-80. See subsection 17-1.3c.,4 pertaining to ownership of newspapers that are placed on the curb for recycling.*

§ 3-1.1 Purpose.

[Ord. No. 13-2006]

The purpose of this section is to establish requirements to control littering in the Borough of Allentown, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 3-1.2 Definitions and Word Usage.

[Ord. No. 13-2006]

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. 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.

LITTER

Shall mean any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE

Shall mean a container suitable for the depositing of litter.

PERSON

Shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PRIVATE PROPERTY

Shall mean and include any dwelling or structure, whether or not occupied, as well as any yard, grounds, sidewalk, wall, fence, driveway, porch, steps, vestibule or mail box belonging to or appurtenant to such dwelling or structure.

### PUBLIC PLACE

Hall mean all streets, sidewalks, boulevards, alleys, beaches, or other public ways, and all public parks, squares, spaces, docks, grounds and buildings.

### PUBLIC WAY ADJACENT TO PRIVATE PROPERTY

Shall mean and include the areas from the side edge of a highway, street or road, whether or not curbed, to and including the sidewalk, if any, and, if no sidewalk, to the front property line of the adjacent private property; and all areas used for any public park, playground, municipal building or other installation, including driveways, parking areas, walks, paths and other public ways thereupon.

### VEHICLE

Shall mean every device, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

### § 3-1.3 Prohibited Acts and Regulated Activities.

[Ord. No. 13-2006]

#### a.

It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

#### b.

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this section.

### § 3-1.4 Sweeping of Litter into Gutter.

[Ord. No. 13-2006]

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in a gutter, road, right-of-way, or other place within the Borough the accumulation of litter from a building or lot or from a public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter.

### § 3-1.5 Transportation from Outside of Borough.

[Ord. No. 13-2006]

No person shall bring, cart, remove, transport or collect any litter from outside the Borough and bring it into the Borough for the purpose of dumping or disposing thereof. No truck or other vehicle containing litter which has been transported into the Borough shall be parked or allowed to remain standing on any street in the Borough or on any public property for a period in excess of two hours.

### § 3-1.6 Penalty.

[Ord. No. 13-2006]

Any person violating any of the provisions of this section shall upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5.

§ 3-1.7 Enforcement.

[Ord. No. 13-2006]

This section shall be enforced by the Police Department and/or Code Enforcement Department of the Borough of Allentown.

§ 3-1.8 Severability.

[Ord. No. 13-2006]

Each subsection, sentence, clause and phrase of this section is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 3-1.9 Effective Date.

[Ord. No. 13-2006]

This section shall be in full force and effect from and after its adoption and any publication as may be required by law.