LITTERING AND/ OR ANIMAL DEFECATION

ORDINANCE NUMBER 411

AN ORDINANCE OF THE BOROUGH OF PATTON, CAMBRIA COUNTY, PENNSYLVANIA ESTABLISHING REGULATIONS FOR ON PUBLIC AND PRIVATE PROPERTY INCLUDING THE FOLLOWING:

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ARTICLE I.

GENERAL REFERENCES

Section I. - Declaration of Intent.

It is hereby declared and found that litter carelessly deposited in the Borough 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 borough; 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 Borough of Patton, Cambria County, Pennsylvania and its visitors.

Section II. - Definitions; Word Usage.

A. **Terms defined**. As used in this chapter, the following terms, phrases, words and their derivations shall have the meaning indicated:

BOROUGH - The Borough of Patton in the County of Cambria, Commonwealth of Pennsylvania.

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 area thereat.

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

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:

1. Advertises for sale any merchandise, product, commodity or thing.
2. 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.
3. 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.

4. While containing reading matter other than advertising matter, is predominately and essentially and 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.

LITTER - Garbage, refuse and rubbish, and 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 of America 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.

NON COMMERCIAL 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 original or copies of any matter of literature not included in the aforesaid definition of "handbill" and "newspaper." This definition shall include advertising or other printed material distributed in connection with any political campaign.

NUISANCE - Any use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience, including but not limited to defecation in any area other than the private property of the owner of a dog or other animal.

PARK - A park, playground, recreation center or any other public area in the Borough, owned or used by the Borough and devoted to active or passive recreation.

PERSON - Any person, firm, partnership, limited partnership, association, corporation, sole proprietorship, company or organization of any kind.

POLITICAL ADVERTISING - Any sign or handbill which bears a message seeking to further the candidacy of a person running for federal, state, county, municipal, Board of Education or other office, or which seeks to influence the public concerning any public referendum.

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 uninhibited 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 all public parks, squares, spaces, grounds and buildings.

REFUSE - All putrescible and nonputrescible solid waste, 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.

VEHICLES - 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.

B. **Word usage**. 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.

ARTICLE II.

ANIMAL DEFECATION

Section III. - Restrictions.

No person or entity, having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation upon any gutter, street, curb, alley, sidewalk, park, grass way, in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, grass way, driveways, alleys, curbs, or stairways or any building abutting on a public area, or upon any private property other than the property of the owner of such animal.

Section IV. - Responsibility for Disposal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation in any area other than the private property of the owner of such dog or other animal, as prohibited in SECTION III of this ordinance shall be required to immediately and completely remove any feces from such area and either:

1. Carry same away for disposal in owner's sanitary unit, i.e. commode, or;
2. Place the same in a non leaking container, i.e. a small zip type plastic bag For deposit in a trash or litter receptacle so as to prevent unsightly disposal, smell or interference with the health and welfare of the community.

Section V. - Dogs Accompanying Blind or Handicapped Persons.

The provision of SECTIONS III and IV of this ordinance shall not apply to a guide dog accompanying blind persons, or to a dog used to assist any other physically handicapped person.

ARTICLE III.

LITTER CONTROL

Section VI. - Littering in Public Places.

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

Section VII. - Placing Litter in Receptacles to Prevent Scattering.

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 places or private property.

Section VIII. - Litter in Gutters.

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

Section IX. - Litter from Vehicles.

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

Section X. - Trucks Causing Litter.

No person shall drive or move any truck or any 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 onto or deposit in any street, alley or other public place any mud, dirt, sticky substance, litter or foreign matter of any kind.

Section XI. - 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 to provided herein.

Section XII. - Litter in Public Waters.

No person shall throw, dump or deposit litter in any fountain, pond, inlet, creek, stream, pool or any other body of water within the Borough.

Section XIII. - Litter on Private and Commercial Premises.

No person shall throw or deposit litter on any occupied private property or commercial place within the Borough, whether owned by such person or not, except that the owner or person in control of such private property or commercial place 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 or other public place or upon any private property.

Section XIV. - Owners to Maintain Commercial Premises Litter-Free.

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

Section XV. - Owners to Maintain Private Premises Litter- Free.

The owner or persons 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.

Section XVI. - 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 XVII. - Notice to Remove.

The Building Code Committee and/or the Borough Council and/ or an agent acting for the same is hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the Borough, or the agent(s) of such owner, to properly dispose of litter located on such owner's property which is a nuisance or is dangerous to the public health, safety or welfare. Such notice shall be by certified mail and addressed to said owner at their last known address.

ARTICLE IV.

DISTRIBUTION OF HANDBILLS

Section XVIII. - Handbills in Public Places.

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

Section XIX. - Handbills on Vehicles.

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 handout or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Section XX. - Handbills On Vacant Premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporary or continuously uninhabited or vacant. Posting of handbills in or upon any commercial or noncommercial private premises which are temporary or continuously uninhabited or vacant is permissible with the consent of the owner of such property.

Section XXI. - Handbills on Private Premises.

A. No person shall throw, deposit or distribute any 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.

B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of the mail by the United States postal service or similar postal service, or to the newspapers (as defined herein,) except that newspapers shall be placed on private property in such a way as to prevent their being carried or deposited by the elements upon any street or other public place or upon private property.

ARTICLE V.

POSTING OF YARD SALE AND OTHER LIKE ADVERTISEMENTS

Section XXII. - Time Limitation on Erection Yard Sale Signs and Other Like Advertisements.

No person may erect a sign sooner than sixty (60) days before the event being advertised and must be removed no later than ten (10) days after the advertised event. If such advertising is not removed within such time, the person or organization that appears on such sign shall be subject to the fines as prescribed in SECTION VIII. of this Ordinance.

ARTICLE VI.

POLITICAL ADVERTISING

Section XXIII. - Permit Required.

No political advertising of any type shall be posted or displayed in any public place in the Borough of Patton unless a permit has been obtained as provided in this Article.

Section XXIV. - Permit Fee; Deposit.

Permits may be obtained from the Borough Secretary upon application in such form as may be required. A permit shall be obtained for each individual candidate upon payment of a fee of five dollars ($5.00) and submission of a fifty dollar ($50.00) deposit, in the form of a certified check, payable to the Borough of Patton. Such deposit shall constitute a guaranty to remove all such political advertising within ten (10) days after the election.

Section XXV. - Time Limitation on Erection of Election Signs.

No candidate or other person may erect a sign sooner than sixty (60) days before the election in which such person is a candidate, except that any sign erected for a primary election or election for which there is to be a runoff may continue to be maintained throughout the general election or runoff election, provided that such candidate is still a candidate at such general election or runoff election.

Section XXVI. - Removal of Advertising; Refund or Forfeit of Deposit.

All political advertising must be removed no later than ten (10) days after the election, by the candidate or political organization whose name appears on such sign. If any political advertising is not removed within such time, the deposit shall be forfeited and such advertising shall be removed at the direction of the Borough. If all political advertising is removed within said ten (10) day period, the deposit shall be refunded less postage and handling.

ARTICLE VII.

POSTING ON TREES PROHIBITED.

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

ARTICLE VIII.

VIOLATIONS AND PENALTIES

Section XXVII. - Validity.

If any section, provision, sentence, clause or part of this ordinance shall for any reason be held unconditional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, provisions or clauses or parts of this ordinance.

Section XXVIII. - Penalty.

Any person who shall be convicted of violating or failing or comply with the provisions of this Ordinance shall be subjected to a warning for the first offense and a fine of no less than twenty-five dollars ($25.00) and costs per offense and no more than three hundred dollars ($300.00) per offense and costs for any additional offenses.

This Ordinance shall become effective 8:00am on the first day of July 1997, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED AND ENACTED at a duly assembled public meeting by the Borough of Patton, Cambria County, Pennsylvania, this twenty seventh of May, 1997.

ATTEST: BOROUGH OF PATTON

Donna M Dunegan
Secretary

BY: Kenneth A Bailey
President of Council

Approved this June 3 day of

_____, 1997

Paul J Short
Mayor