

Title 4 – Health, Sanitation & Environmental Concerns

Chapter 2

LITTER; HANDBILLS

4-2-1: DEFINITIONS:

4-2-2: LITTERING UNLAWFUL:

4-2-3: COMMERCIAL AND NONCOMMERCIAL HANDBILLS:

4-2-4: HANDBILLS AND POSTERS:

4-2-5: PENALTY:

4-2-1: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

AUTHORIZED RECEPTACLES: Public or private litter storage and collection receptacles.

COMMERCIAL HANDBILLS: Any printed or written material, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature which advertises for sale any merchandise, product, commodity or thing, or which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of, directly or indirectly, promoting the interest in sales thereof, or which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any other type for which an admission fee is charged for the purpose of private profit or gain, unless said admission is used to defray expenses resulting from the meeting, theatrical performance, exhibition or event and does not infringe upon the rules of decency, good morals or safety of the public.

LITTER: "Garbage", "refuse" and "rubbish", as defined in this title and chapter, and all other waste material which, if thrown or deposited as prohibited, may create a danger to public health, safety or welfare, or appearance of the town.

NEWSPAPER: Any newspaper of general or local circulation or 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, dodger, 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 definitions of a "commercial handbill" or "newspaper".

REFUSE: All putrescible and non-putrescible solid wastes (but not including bodily wastes)

which include, but may not be limited to, garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RUBBISH: Non-putrescible solid wastes consisting of both combustible and noncombustible wastes which include, but may not be limited to, combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials. (1984 Code § 3-2-1)

4-2-2: LITTERING UNLAWFUL:

- A. No person shall throw or deposit litter in or on any street, sidewalk or other public place within the town except where authorized receptacles have been provided or where there is an official municipal garbage dump or a collection site for the pickup of garbage as authorized by the Town Council.
- B. No private resident, visitor or owner, or manager of a commercial business, shall place litter in an authorized receptacle in such a manner as it may be carried or deposited by the elements on or in any gutter, street, sidewalk, public place or private property. In a similar manner, no one, while a driver or passenger in a vehicle shall throw, deposit or allow to blow from said vehicle any litter which may land on any street or other public place or on private property. (1984 Code § 3-2-2)

4-2-3: COMMERCIAL AND NONCOMMERCIAL HANDBILLS:

- A. Public Places And Vehicles:
 - 1. No person shall throw, place or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place. It is unlawful for any person to hand out, distribute or sell any commercial handbill in any public place unless otherwise authorized by the Town Council. It shall not, however, be unlawful for a person to hand out or distribute, without charge to the receiver of the same, any noncommercial handbill as long as the receiver is willing to accept the same.
 - 2. No person shall throw, place or deposit any commercial or non-commercial handbill in or on any vehicle unless otherwise authorized by the Town Council or willingly accepted by the owner or driver of said vehicle. (1984 Code § 3-2-3)
- B. Uninhabited And Inhabited Private Premises:
 - 1. No person shall throw, place or deposit any commercial or noncommercial handbills in or on any private premises which is temporarily or continuously uninhabited or vacant.
 - 2. No person shall throw, place, deposit or distribute any commercial or noncommercial handbills in or on private premises which are inhabited, except where the same are directly handed to the owner, occupant or other person then present on such private premises. (1984 Code § 3-2-4)

4-2-4: HANDBILLS AND POSTERS:

- A. Prohibited Activity; Exceptions: No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb or any other portion or part of any public way or public place or any lamppost, electric light, telegraph, telephone, or railway structure, hydrant, shade tree or tree box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, the state or the town.
- B. Permit Required: It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the town any cards, circulars, handbills, samples or merchandise without first having secured a permit from the town clerk/recorder. Said application to distribute shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant, and the name of the manufacturer or distributor of such article or service advertised. (1984 Code § 3-2-5)

4-2-5: PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section [1-4-1](#) of this code. Each and every day that a violation continues shall be deemed a separate violation. (1984 Code § 3-2-6; amd. Ord. 87-008, 8-11-1987; 2010 Code)