

TITLE XIII

GENERAL OFFENSES

CHAPTER 131: LITTERING; DISTRIBUTION OF HANDBILLS

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§ 131.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HANDBILL. Any printed or written matter, 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.

LITTER. “Garbage,” “refuse,” and “rubbish” and all other waste materials which, if thrown or deposited as prohibited in this subchapter, tends to create a danger to public health, safety, and welfare.

§ 131.02 DISTRIBUTION OF HANDBILLS

Distributing handbills on public or private property is considered a nuisance.

(A) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, public place in the Village, provided it is not unlawful for any person to hand out or distribute, without charge, any handbill on a street, sidewalk, or public place.

(B) No person shall throw or deposit any handbill in or upon any vehicle.

(C) No person shall throw or deposit any handbill in or upon any private premises which are known to such person to be temporarily or continuously uninhabited or vacant.

(D) (1) No person shall throw, deposit, or distribute any 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, or by affixing the handbill to a doorknob or other part of the building, so it will not be blown around.

(2) The provisions of this section shall not apply to the distribution of mail by the United States postal service, nor to newspapers, 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, sidewalk, or other public place or upon private property.

Penalty, see § 131.99

§ 131.03 BILL POSTING

(A) In streets:

(1) No person shall attach, place, paint, write, stamp, or paste any sign, advertisement, or other matter upon any lamp post, electric light, or telephone pole, shade tree, or fire hydrant.

(2) Public officers posting any notice required or permitted by law shall be excepted from the provisions of this section.

(B) In private places: No person shall attach, place, paint, write, stamp, or paste any sign, advertisement, or other matter upon any house, wall, fence, gate, post, or tree without first having obtained the written permission of the owner, or occupants of the premises and having complied with all provisions of this chapter pertaining thereto.

Penalty, see § 131.99

§ 131.04 DEPOSITING WASTE OR LITTER

(A) Public places: It is unlawful for any person or persons to place or cause to be left any human waste products, or to put or throw or leave any litter which is unsightly or which may cause any unpleasant smell or sight or constitute a hindrance to public use of the premises, or to stool or urinate or expectorate in a public place, except in a receptacle provided expressly for the purpose of retaining such waste matter or litter.

(B) Private property: No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not, except that the owner or person in control of private property 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, sidewalk, or other public place or upon private property.

Penalty, see § 131.99

§ 131.05 OWNER TO MAINTAIN PREMISES FREE OF LITTER

- (A) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The term “person in control” shall include owner, tenant, lessee, agent, servant, or employee, except that any lien imposed by the Village under the provisions of this chapter shall be against the property owner.
- (B) Any person, firm, or corporation who shall violate this section is responsible for a municipal ordinance infraction, subject to payment of a fine as provided in § 131.99 of this chapter, plus costs and other sanctions, for each infraction. The Building Inspector, Building Official, Code Enforcement Officer, sworn police officer, or community service officer are hereby designated as the authorized Village officials to issue ordinance citations for violations of this section.

Penalty, see § 131.99

§ 131.06 LITTER ON VACANT LOTS

No person shall throw or deposit litter upon any open or vacant property within the Village whether owned by such person or not.

Penalty, see § 131.99

§ 131.07 REMOVAL OF LITTER; NOTICE AND PROCEDURES

The Village Manager or his designee is hereby authorized and empowered to notify the owner of any open or vacant property within the Village, or the agent of such owner, to properly dispose of litter located on such owner’s property, which is dangerous to public health, safety, and welfare. If any person, firm, corporation, or association fails to pick up any litter as required by this chapter, the Director of Public Works shall arrange to have the same picked up by Village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20 % for administrative expenses, shall be charged to the person, firm, corporation, or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village attorney’s office, to collect same. This charge shall be in addition to any fine or other penalty for violation of this chapter.

Penalty, see § 131.99

§ 131.99 PENALTY

In addition to the charges provided in § 131.07 of this chapter, any person, firm, or corporation violating any provision of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$25 and not more than \$500 for each offense.