

ORDINANCE NO. 2007-06

AN ORDINANCE PROHIBITING THE FORMATION OF LITTER  
WITHIN THE TOWN LIMITS OF WOLCOTT

ARTICLE 1. DEFINITIONS

The following terms, phrases, words, and their derivations shall have the meaning given therein. 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. The word "shall" is always mandatory and not merely directory:

- a) Aircraft. Any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air and includes but is not limited to helicopters and lighter-than-air dirigibles and balloons.
- b) Authorized Private Receptacle. A litter storage and collection receptacle as required and authorized in this article.
- c) Commercial Handbill. Any newspaper or similar publication containing substantial amounts of matter advertising articles or things for sale or any businesses or services for profit which newspaper or similar publication is in normal course distributed without charge and without subscription therefore by the recipients, and included, but is not limited to, any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, booklet, paper or any other printed or otherwise reproduced original and copies of any matter or literature which:
  - 1) Advertises for sale any merchandise, product, commodity or things; or
  - 2) Directs attention to any business or mercantile or commercial establishment or activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
  - 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 profit; or
  - 4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purpose or for private benefit and gain for any person so engaged as advertiser or distributor.
- d) Litter. Garbage, refuse and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, safety and welfare or significantly reduces the aesthetic appearance of public or private property or the public right of way.
- e) Litter Receptacle. A dumpster, trash can, trash bin, garbage can or similar container in which litter is deposited for removal.
- f) Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with the federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law and includes but is not limited to any newspaper, periodical or current magazine regularly published and sold to the public by subscription.
- g) 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.
- h) Park. A park, reservation, playground, recreation center or any other public area in the Town owned or used by the Town and devoted to recreation.

- i) Person. Any per, firm, partnership, association, corporation, company or organization of any kind.
- j) Private Premises. Any dwelling, house building, multi-family structure 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 but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house building or other structure.
- k) Public Place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- l) Refuse. All putrescible and non-putrescible solid wastes except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.
- m) Rubbish. Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cigarettes butts, cardboard, tin cans, yard clippings, leaves, metal, wood, glass, crockery, bedding and similar materials.
- n) Right of Way. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- o) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

## ARTICLE II. LITTERING IN PUBLIC

- 2.1 LITTERING IN PUBLIC. No person shall throw or deposit litter in or upon any street, sidewalk or other public place including freshwater streams, lakes and ponds within the Town except in public receptacles, or in authorized private receptacles for refuse, recycling or yard waste collection or leaf service or other Town sponsored collection service.
- 2.2 PLACEMENT OF LITTER IN RECEPTACLES. Persons placing litter in public receptacles or in authorized 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.
- 2.3 DEPOSITING LITTER IN GUTTERS. No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter or yard waste from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premises free of litter.
- 2.4 LITTER FROM VEHICLE. No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the Town, or upon private property.
- 2.5 LITTERING IN PARKS. No person shall throw or deposit litter in any park within the Town except in public receptacles and in such 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 litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article or as prescribed by other sections of the Town's codified ordinances.
- 2.6 DEPOSIT OF COMMERCIAL HANDBILLS ON PUBLIC PROPERTY. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public places within the Town, nor shall any person hand out or distribute or sell

any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street, or other public place within the Town, without charge to the receiver thereof, any commercial handbill to any person willing to accept it.

- 2.7 HANDBILLS: PLACING ON VEHICLES. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, but it is not 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.
- 2.8 HANDBILLS: DEPOSITED ON POSTED PROPERTY. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested in writing by any one thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Agents" "No Advertisement" or any similar notice, indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any handbill left upon such premises.
- 2.9 DEPOSITING HANDBILL AT INHABITED PREMISES: MAIL AND NEWSPAPERS. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor of newspapers as defined by this article.
- 2.10 DROPPING LITTER FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit within the Town any litter, handbill or any other object.
- 2.11 DEPOSIT OF LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles or 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 any private property.
- 2.12 MAINTENANCE OF LITTER FREE PREMISES. The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage or litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building code or other regulation, order, ordinance or statute.
- 2.13 VACANT LOTS. No person shall throw or deposit litter on any open or vacant private property within the Town whether owned by such person or not. Vacant lots shall be kept free of litter at all times by the person responsible for the property.
- 2.14 BUSINESS ESTABLISHMENTS: RECEPTACLE. Every person owning, or managing, or having charge, control or occupancy of any real property in the town, who maintains a receptacle designated for their use shall dispose of refuse in such a way that said receptacle shall not overflow and the refuse so deposited shall not circulate freely in the environment.
- 2.15 RECEPTACLES: SANITARY CONDITIONS. Every person owning, or managing, or having charge, control or occupancy of real property in the Town who maintain litter receptacles shall maintain such containers and receptacles in good condition. No receptacle may have ragged or sharp edges or any other defect liable to hamper or injure the person depositing or collecting the contents thereof. The use of any chemical or industrial container as a waste receptacle shall be prohibited.
- 2.16 UNSIGHTLY PREMISES. Every person owning, or managing, or having charge, control or occupancy of any real property in the Town shall not allow any part of such property visible from the street of adjoining premises to become so unsightly or untidy as to

substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood.

### ARTICLE III. ABATEMENT

3.1 ABATEMENT. All persons, firms, or corporations owning, leasing or occupying buildings, grounds, or lots are hereby required to remove rubbish, trash, weeds, or other accumulation of filth or debris which constitutes a hazard to the public health, safety and welfare, from buildings, grounds, lots, contiguous sidewalks, streets and alleys.

3.2 NOTICE OF ABATEMENT: PROCEDURE. Any person, whether as principle, manager, agent or employee, of the owner, leasee or occupant of any building, grounds or lots who receive Notice to Abate from the Bureau of Ordinance Violation or its authorized and designated representative will have five working days from the receipt of the Notice to Abate to abate litter as described in this section.

#### OTHER ORDINANCES OR STATUTES:

A) All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinance are hereby ratified, re-established, and confirmed.

B) This ordinance shall not limit the authority of the Town of Wolcott from towing a vehicle prior to the seventy-two (72) hour period if authorized by another ordinance or statute.

3.3 CONSTRUCTION OF CLAUSE HEADINGS. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

3.4 SEVERABILITY OF PROVISIONS. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

3.5 DURATION AND EFFECTIVE DATE. This ordinance shall be in full force and effect beginning July 1, 2007 from and after its passage by the Council of the Town of Wolcott, and publication according to the laws of the State of Indiana.

Introduced and Filed on the 15th day of May, 2007. A motion to consider same on the First Reading or day of introduction was sustained by a vote of 3 in Favor and 0 Opposed, pursuant to Indiana Code 36-4-6-13).

DULY PASSED AND ADOPTED this 15th day of May, 2007 by the Council of the Town of Wolcott, White County, Indiana, having been passed by a vote 3 in Favor and 0 Opposed.

AYE

NAY

Not in Attendance  
Robin D. Hensler, Council President

Robin D. Hensler, Council President

Marsha L. Mackey, Member

Marsha L. Mackey, Member

Danny L. Sheets, Member

Danny L. Sheets, Member

Jon H. Evans, Member

Jon H. Evans

Richard A. Lynn, Member

Richard A. Lynn, Member

ATTEST:

Linda S. Bajzatt, IAMC, CMC  
Clerk-Treasurer