

ORDINANCE NO. 2920

AN ORDINANCE PROHIBITING THE THROWING OR DEPOSITING OF LITTER IN PUBLIC PLACES IN THE CITY OF ALBANY, OREGON; REGULATING THE DISTRIBUTION OF COMMERCIAL AND NON-COMMERCIAL HANDBILLS; CONTROLLING THE DEPOSITING OF LITTER ON PRIVATE PREMISES; PROVIDING A LIEN FOR CITY CLEARANCE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: SHORT TITLE

This Ordinance shall be known and may be cited as the "Albany Anti-Litter Ordinance".

Section 2: DEFINITIONS

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. 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.

- a. Aircraft: Is any trivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.
- b. Authorized private receptacle: Is a litter storage and collection receptacle as required and authorized in Ordinance No. 2738.
- c. City: Is the City of Albany, Oregon.
- d. Commercial Handbill: Is any printed or written matter, and sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature;
 - 1) Which advertises for sale any merchandise, product, commodity, or thing; or
 - 2) Which 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; or
 - 3) Which 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; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; PROVIDED, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any Ordinance of this City; or
 - 4) Which, while containing reading matter other than advertising matter, is predominantly and essentially 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.
- e. Garbage: Is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- f. Litter: Is "garbage", "refuse", and "rubbish" 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.
- g. Newspaper: Is 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 Federal Statutes or Regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- h. Non-Commercial Handbill: Is 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 aforesaid definitions of a commercial handbill or newspaper.

- i. Park: Is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- j. Persons: Is any person, firm, partnership, association, corporation, company or organization of any kind.
- k. Private Premises: Is 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 uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
- l. Public Place: Is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- m. Refuse: Is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- n. Rubbish: Is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
- o. Vehicle: Is 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.

Section 3: LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles for collection, or in official City Dumps.

Section 4: PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

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.

Section 5: SWEEPING LITTER INTO GUTTERS PROHIBITED

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Section 6: MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

Section 7: LITTER THROWN BY PERSONS IN VEHICLES

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City.

Section 8: TRUCK LOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load or contents of 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 City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.

Section 9: LITTER IN PARKS

No person shall throw or deposit litter in any park within the City 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.

Section 10: LITTER IN LAKES AND FOUNTAINS

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

Section 11: THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public places within the City. Nor shall any person hand out or distribute or

sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 12: FLAGGING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Section 13: DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Section 14: PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if required by anyone thereon not to do so, or if there is placed on said 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 matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

Section 15: DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES

No person shall throw, deposit or distribute any commercial or non-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. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Ordinance, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by Federal postal law or regulations.

- a. Exemption for Mail and Newspapers: The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein).

Section 16: DROPPING LITTER FROM AIRCRAFT

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

Section 17: POSTING NOTICES PROHIBITED

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

Section 18: LITTER ON OCCUPIED PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property within the City, 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 any private property.

Section 19: OWNER TO MAINTAIN PREMISES FREE OF LITTER

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.

Section 20: LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

Section 21: PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Two Hundred-fifty Dollars (\$250.00) or be imprisoned in the City Jail for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 22: SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 23: ORDINANCES REPEALED

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Passed by the Council: September 28, 1960

Approved by the Mayor: September 28, 1960

W. R. [Signature]
Mayor

Effective Date: October 28, 1960

ATTEST:

Ernest L. [Signature]
City Recorder