

ORDINANCE NO. 2090

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN CREATING A NEW PART 9, LITTERING, OF CHAPTER 6, CONDUCT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO PROHIBIT LITTERING ON PRIVATE AND PUBLIC PROPERTY AND PLACE RESPONSIBILITY TO PREVENT LITTERING ON THE OWNERS AND OCCUPANTS OF SAID PROPERTY; TO CREATE DEFINITIONS ASSOCIATED WITH LITTERING; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF SAME.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. A new Part 9, Littering, of Chapter 6, Conduct, of the Code of Ordinances of the Borough of Pottstown, as amended, shall be created and provide as follows:

"Section 901. Definitions. For purposes of this Ordinance, the following words shall have the following meanings:

- LITTER - Refuse and rubbish as defined herein, and all other waste materials, including but not limited to animal waste, grass clippings, leaf waste and yard material, which if thrown or deposited as herein prohibited, tend to create a danger to public health, safety and welfare, or negatively impact the aesthetics of the Borough of Pottstown.
- REFUSE - All putrescible and nonputrescible solid wastes (except body wastes), including, but not limited to, garbage, rubbish, ashes, street cleaning, dead animals, abandoned vehicles, appliances, furniture, or parts thereof, and solid market and industrial wastes.
- RUBBISH - Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, plastics, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials.

**Section 902. Littering Prohibited; Use of Receptacles.**

No person shall throw, sweep, or otherwise deposit litter in or upon any street, sidewalk, or other public place within the Borough of Pottstown except in public receptacles or private receptacles for collection. Persons placing litter in public receptacles or private receptacles for collection shall do so in such 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.

**Section 903. Responsibility of Owners or Occupants of Property.** No person shall sweep into or deposit in any gutter, street or other public place within the Borough of Pottstown the accumulation of litter from any building or lot from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks and gutters in front of their premises free of litter at all times.

**Section 904. Litter on Private Property; Storage in Receptacles for Collection.** The owner, occupant and/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 private receptacles for collection.

**Section 905. Notice to Dispose of Litter; Failure to Remove; Assessment of Costs.**

A. The Borough of Pottstown, through their agents or employees, is authorized and empowered to notify the owner, lessee or other person occupying or in control of property within the Borough to properly dispose of litter on the property. The form of the notice shall be as prescribed in Section 215.1(A) of Chapter 1, Administration and Government, of the Code of Ordinances of the Borough of Pottstown. The content of the notice shall indicate the time, date, place and substance of the violation with a time period to correct the violation, which period of time shall not exceed forty-eight (48) hours.

B. If such person so notified fails to comply within the time frame specified in the notice, the Borough may remove and dispose of such litter. The expense of removal and disposal shall be paid by the owner, lessee or other person occupying or in control of said property and there shall be a lien upon the land for which a lien may be filed in the name of the Borough in the Court of Common Pleas of Montgomery County within six (6) months from the date of completion of the work or removal and disposal, subject to the same proceedings for entry and revival of judgment and execution as provided by law for other municipal liens.

C. The Borough of Pottstown may also maintain an action against such owner or occupant in the name of the Borough to recover the amount of such expense through a civil action.

**Section 906. Violations and Penalties.** Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding Six Hundred Dollars (\$600.00) plus costs. Each day that a violation of this Ordinance continues shall constitute a separate offense."

**SECTION 2.** In all other respects, the remaining provisions of the Code of the Borough of Pottstown, as amended, to the extent not inconsistent herewith are hereby reenacted and reordained.

**SECTION 3.** This Ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this 12TH day of DECEMBER, A.D., 2011.

THE BURGESS AND TOWN COUNCIL  
OF THE BOROUGH OF POTTSTOWN

BY: Steph M. Torony  
President

ATTEST: Virginia L. Taher  
Secretary

Approved this 12TH day  
of DECEMBER A.D., 2011.

Bonnie Heath  
Mayor