

MILLVILLE CITY CODE
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8.32.010: DEFINITIONS

For the purposes of this chapter:

AUTHORIZED RECEPTACLE: A public or private litter storage and collection receptacle.

GARBAGE: Waste from the preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

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:

- A. Which advertises for sale any merchandise, product, commodity, or thing;
- B. 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 in sales thereof;
- C. 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. However, 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 community standards, 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 municipality; or
- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertisement purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

LITTER: "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, welfare or appearance of the municipality.

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.

PARK: A park, reservation, playground, beach, recreation center or any other public area in the municipality, owned or used by the municipality.

REFUSE: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

RUBBISH: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE: Every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks. (Ord. 2000-7 § 2: prior code § 10-431)

8.32.020: LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps; or
- B. For collection as authorized by the governing body. (Prior code § 10-432)

8.32.030: PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property. (Prior code § 10-433)

8.32.040: SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE GOVERNING BODY

No person shall sweep into or deposit in any gutter, street or other public place 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. (Prior code § 10-434)

8.32.050: 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 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 shall keep the sidewalk in front of their business premises free of litter. (Prior code § 10-435)

8.32.060: LITTER THROWN BY PERSONS IN VEHICLES

No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property. (Prior code § 10-436)

8.32.070: TRUCKLOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Prior code § 10-437)

8.32.080: LITTER IN PARKS

No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized 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 as provided herein. (Prior code § 10-438)

8.32.090: 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. (Prior code § 10-439)

8.32.100: THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the governing body, it is an infraction for any person to hand out, 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 for any person to hand out or distribute, without charge, to the receiver thereof, handbill to any person willing to accept it. (Ord. 2000-7 § 2)

8.32.110: DISTRIBUTING HANDBILLS IN TRAFFIC LANES

It is unlawful for any person to enter traffic lanes in order to distribute handbills to vehicle occupants or place handbills on vehicles in traffic lanes. (Ord. 2000-7 § 2)

8.32.120: DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PREMISES

No person shall throw or deposit any handbill in or on any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 2000-7 § 2)

8.32.130: PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED

No person shall throw, deposit or distribute any handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on such 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 the premises do not desire to be molested or have their right or privacy disturbed or to have any such handbills left on such premises. (Ord. 2000-7 § 2)

8.32.140: DISTRIBUTING HANDBILLS AT INHABITED PRIVATE PREMISES

No person shall throw, deposit or distribute any handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on 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. (Ord. 2000-7 § 2)

8.32.150: EXEMPTION FOR MAIL AND NEWSPAPERS

The provisions of this chapter shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property. (Prior code § 10-445)

8.32.160: POSTING NOTICE 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 lamppost, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law. (Prior code § 10-446)

8.32.170: LITTER ON OCCUPIED PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property, 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 on any street, sidewalk or other public place or on any private property. (Prior code § 10-447)

8.32.180: LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person. (Prior code § 10-448)

8.32.190: HANDBILLS AND POSTERS

- A. 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 upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, 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, or state, and the ordinances of this municipality.
- B. It is unlawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.
- C. Applications for such permit shall be made to the recorder and 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. (Ord. 2000-7 § 1: prior code § 10-449)