MIDVALE CITY, UTAH
ORDINANCE NO. 2018-O-07


WHEREAS, Midvale City has an interest in ensuring that the community is free from litter.

WHEREAS, Midvale City currently has an ordinance in place to limit the amount of litter that may be caused from the posting of handbills and posters.

WHEREAS, City staff had been contacted regarding the possible confusion of the intent of the current Midvale City Ordinance with respect to the distribution of handbills.

WHEREAS, the proposed amendment to Chapter 8.04 of the Midvale Municipal Code amends a portion of the language and further clarifies the intention of the ordinance.

NOW THEREFORE BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The City Council desires to amend Midvale Municipal Code Chapter 8.04 Litter, Handbills, and Posters as set forth in Exhibit A.

Section 2. This Ordinance shall be effective upon date of first publication.

PASSED AND APPROVED this 19th day of June, 2018.

Robert Hale, Mayor

ATTEST:

Ron L. Andreason, MMC
City Recorder

Voting by the City Council  "Aye"  "Nay"
Bryant Brown  ✔   
Dustin Gettel  ✔   
Paul Glover  ✔   
Paul Hunt  ✔   
Quinn Sperry  ✔   

MIDVALE CITY STATE OF UTAH
INCORPORATED JULY 1, 1909
CORPORATE SEAL
Chapter 8.04
LITTER, HANDBILLS, AND POSTERS

Sections:
8.04.010  Definitions.
8.04.020  Litter in public places.
8.04.030  Litter to be placed in receptacles to prevent scattering.
8.04.040  Sweeping litter into gutters prohibited.
8.04.050  Litter thrown by persons in vehicles.
8.04.060  Truck loads causing litter.
8.04.070  Litter in parks.
8.04.080  Litter in lakes and fountains.
8.04.090  Throwing or distributing commercial handbills in public places.
8.04.100  Depositing handbills on uninhabited or vacant premises.
8.04.110  Distribution of handbills prohibited where posted.
8.04.120  Distributing handbills at inhabited private premises.
8.04.130  Mail and newspapers exempt from chapter provisions.
8.04.140  Litter on occupied private property.
8.04.150  Litter on vacant lots.
8.04.160  Placing of handbills and posters prohibited.

8.04.010 Definitions.
The following definitions shall be applicable in this chapter.

A.  "Authorized receptacle" means a public or private litter storage and collection receptacle.

B.  "Garbage" means 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.

C.  "Handbill" means 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 or literature.

D.  "Litter" means "garbage," "refuse" and "rubbish," as defined in this chapter, and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare or appearance of the city.

E.  "Newspaper" means any newspaper of general or local circulation or any periodical or current magazine regularly published, and offered to the public.

F.  "Park" means a park, reservation, playground, beach, recreation center, or any other public area in the city, owned, used or managed by the city.

G.  "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street clearings, dead animals, and solid market and industrial wastes.

H.  "Rubbish" means 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.

I.  "Vehicle" means 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. 8/27/2002B (part), 2002)
8.04.020  Litter in public places.
No person shall throw, deposit or abandon 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. (Ord. 8/27/2002B (part), 2002)

8.04.030  Litter to be placed in receptacles to prevent scattering.
Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried, deposited or placed by the elements on any street, sidewalk or other public place or private property. (Ord. 8/27/2002B (part), 2002)

8.04.040  Sweeping litter into gutters prohibited.
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. (Ord. 8/27/2002B (part), 2002)

8.04.050  Litter thrown by persons in vehicles.
No person, while a driver or passenger in a vehicle, shall throw, deposit or cause to be placed litter on any street or other public place, or on private property. (Ord. 8/27/2002B (part), 2002)

8.04.060  Truck loads causing litter.
No person shall drive or move any truck or other vehicle unless such vehicle is in conformance with Section 8.08.120 regarding covered loads. 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. (Ord. 8/27/2002B (part), 2002)

8.04.070  Litter in parks.
No person shall throw, deposit or cause to be placed 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 in this chapter. (Ord. 8/27/2002B (part), 2002)

8.04.080  Litter in lakes and fountains.
No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere. (Ord. 8/27/2002B (part), 2002)

8.04.090  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 sell any 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, any handbill to any person willing to accept it. (Ord. 8/27/2002B (part), 2002)

8.04.100  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. 8/27/2002B (part), 2002)

8.04.110  Distribution of handbills prohibited where posted.
No person shall throw, deposit or distribute any handbill on any private premises, if requested by any person 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 Soliciting,” “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 have their right of privacy disturbed or to have such handbills left on such premises. (Ord. 8/27/2002B (part), 2002)
8.04.120 Distributing handbills at inhabited private premises.
Unless prohibited by this chapter, a person may distribute a handbill on inhabited private premises by either (1) directly handing the handbill to a person present on or within the premises or (2) leaving the handbill on the premises such that the handbill may not be blown about the premises, neighboring premises, sidewalks, streets, or other public places. A person may not leave or secure a handbill in or on a mailbox. (Ord. 8/27/2002B (part), 2002)

8.04.130 Mail and newspapers exempt from chapter provisions.
The provisions of this chapter shall not apply to the distribution of mail by the United States Postal Service, nor to newspapers. 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. (Ord. 8/27/2002B (part), 2002)

8.04.140 Litter on occupied private property.
No person shall throw, deposit or cause to be placed 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. (Ord. 8/27/2002B (part), 2002)

8.04.150 Litter on vacant lots.
No person shall throw, deposit or cause to be placed litter on any open or vacant private property whether or not owned by such person. (Ord. 8/27/2002B (part), 2002)

8.04.160 Placing of handbills and posters prohibited.
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 upon any sidewalk, curb or any other portion of or structure within any public way or public place or any public utility pole or railway structure, hydrant, tree or tree box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, except such as may be authorized or required by the laws of the United States, the State, or the City. (Ord. 8/27/2002B (part), 2002)
Chapter 8.04

LITTER, HANDBILLS, AND POSTERS

Sections:
8.04.010 Definitions
8.04.020 Litter in public places.
8.04.030 Litter to be placed in receptacles to prevent scattering.
8.04.040 Sweeping litter into gutters prohibited.
8.04.050 Litter thrown by persons in vehicles.
8.04.060 Track loads causing litter.
8.04.070 Litter in parks.
8.04.080 Litter in lakes and fountains.
8.04.090 Throwing or distributing commercial handbills in public places.
8.04.100 Depositing handbills on uninhabited or vacant premises.
8.04.110 Distribution of handbills prohibited where posted.
8.04.120 Distributing handbills at inhabited private premises.
8.04.130 Mail and newspapers exempt from chapter provisions.
8.04.140 Posting notices prohibited.
8.04.145 Litter on occupied private property.
8.04.150 Litter on vacant lots.
8.04.160 Placing of handbills and posters prohibited.

8.04.010 Definitions.
The following definitions shall be applicable in this chapter.

A. "Authorized receptacle" means a public or private litter storage and collection receptacle.

B. "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature, which:

1. Advertises for sale any merchandise, product, commodity, or thing;

2. 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;

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 private gain or profit. However, the terms of this subsection 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 taken 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 subsection 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 the state of Utah, or under any ordinance of the city, or;

4. While containing reading matter other than advertising matter, to a reasonable person is viewed predominantly and essentially as an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as an advertiser or distributor.

C.B. "Garbage" means 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.
C. "Handbill" means 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 or literature.

D. "Litter" means "garbage," "refuse" and "rubbish," as defined in this chapter, and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare or appearance of the city.

E. "Newspaper" means any newspaper of general or local circulation or any periodical or current magazine regularly published, and offered to the public.

F. "Noncommercial handbill" means 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 or literature not included in the definitions in this chapter or a commercial handbill or newspaper.

G. "Park" means a park, reservation, playground, beach, recreation center, or any other public area in the city, owned, used or managed by the city.

H. "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

I. "Rubbish" means 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.

J. "Vehicle" means 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. 8/27/2002B (part), 2002)

8.04.020 Litter in public places.
No person shall throw, deposit or abandon 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. (Ord. 8/27/2002B (part), 2002)

8.04.030 Litter to be placed in receptacles to prevent scattering.
Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried, deposited or placed by the elements on any street, sidewalk or other public place or private property. (Ord. 8/27/2002B (part), 2002)

8.04.040 Sweeping litter into gutters prohibited.
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. (Ord. 8/27/2002B (part), 2002)

8.04.050 Litter thrown by persons in vehicles.
No person, while a driver or passenger in a vehicle, shall throw, deposit or cause to be placed litter on any street or other public place, or on private property. (Ord. 8/27/2002B (part), 2002)

8.04.060 Truck loads causing litter.
No person shall drive or move any truck or other vehicle unless such vehicle is in conformance with Section 8.08.120 regarding covered loads. 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. (Ord. 8/27/2002B (part), 2002)
8.04.070 Litter in parks.
No person shall throw, deposit or cause to be placed 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 in this chapter. (Ord. 8/27/2002B (part), 2002)

8.04.080 Litter in lakes and fountains.
No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere. (Ord. 8/27/2002B (part), 2002)

8.04.090 Throwing or distributing commercial handbills in public places.
No person shall throw or deposit any commercial or noncommercial 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 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, any noncommercial handbill to any person willing to accept it. (Ord. 8/27/2002B (part), 2002)

8.04.100 Depositing handbills on uninhabited or vacant premises.
No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 8/27/2002B (part), 2002)

8.04.110 Distribution of handbills prohibited where posted.
No person shall throw, deposit or distribute any commercial or noncommercial handbill on any private premises, if requested by any person 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 Soliciting," "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupant of the premises do not desire to have their right of privacy disturbed or to have such handbills left on such premises. (Ord. 8/27/2002B (part), 2002)

8.04.120 Distributing handbills at inhabited private premises.
Unless prohibited by this chapter, a person may distribute a handbill on inhabited private premises by either (1) directly handing the handbill to a person present on or within the premises or (2) leaving the handbill on the premises such that the handbill may not be blown about the premises, neighboring premises, sidewalks, streets, or other public places. A person may not leave or secure a handbill in or on a mailbox. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on 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 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 the 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. 8/27/2002B (part), 2002)

8.04.130 Mail and newspapers exempt from chapter provisions.
The provisions of this chapter 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 so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property. (Ord. 8/27/2002B (part), 2002)

8.04.140 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 on any public structure or building, except as may be authorized by law. (Ord. 8/27/2002B (part), 2002)

8.04.150 Litter on occupied private property.
No person shall throw, deposit or cause to be placed 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. (Ord. 8/27/2002B (part), 2002)

8.04.160150 Litter on vacant lots.
No person shall throw, deposit or cause to be placed litter on any open or vacant private property whether or not owned by such person. (Ord. 8/27/2002B (part), 2002)

8.04.170150 Placing of handbills and posters prohibited.
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 upon any sidewalk, curb or any other portion of or part of structure within any public way or public place or any public utility pole or railway structure, hydrant, trash tree or tree box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, except such as may be authorized or required by the laws of the United States, or the state, and or the ordinances of Midvale City. (Ord. 8/27/2002B (part), 2002)