Littering

Morgantown City Code § 523.02-523.19

Litter in Public Places § 523.02

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

Placement in Receptacles to Prevent Scattering § 523.03

Persons placing litter in public receptacles or 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.

Sweeping Litter into Gutters Prohibited § 523.04

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.

Merchants’ Duty to Keep Sidewalks Free of Litter § 523.05

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.

Litter Thrown by Persons in Vehicles § 523.06

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, or upon private property.

Truck Loads Causing Litter § 523.07

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, contents or 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, litter or foreign matter of any kind.
Litter in Parks § 523.08

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 shall 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 as provided herein.

Litter in Lakes and Fountains § 523.09

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.

Throwing or Distributing Commercial Handbills in Public Places § 523.10

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

Placing Handbills on Vehicles § 523.11

No person shall throw or deposit any commercial or noncommercial 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 noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Depositing Handbills on Uninhabited or Vacant Premises § 523.12

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

Prohibiting Distribution of Handbills where Properly Posted § 523.13

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon 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 there 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 such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

Distributing Handbills at Inhabited Private Premises § 523.14

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbills 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 article, such person, unless requested by anyone upon such premises not to do so, may 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 so prohibited by Federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Dropping Litter from Aircraft § 523.15

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

Posting Notices Prohibited § 523.16

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.

Litter on Occupied Private Property § 523.17

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.

Occumant to Maintain Premises Free of Litter § 523.18

The occupant 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.

Litter on Vacant Lots § 523.19

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

Clearing of Litter from Open Private Property by City § 523.20

(a) Notice to Remove. The City Manager is hereby authorized to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be served in accordance with the laws of
this State concerning the service of process in civil actions.

(b) **Action Upon Noncompliance.** Upon the failure, neglect or refusal of any owner so notified to properly dispose of such litter within ten days after the date of service of such notice, the City Manager may cause the same to be removed by employees of the City, or otherwise as he may decide or direct, and the City Manager shall report the cost of such removing to the City Clerk who shall forthwith mail by certified mail a statement of the cost of removal to the owner of such property. At the same time the Clerk shall also inform the property owner that a lien will be filed against the owner's property unless such statement of cost is paid in full within ten days from the date of statement. Should the owner fail to make payment within the time specified above, the City Clerk is authorized to file a notice of lien against the owner's property and which such notice of lien shall briefly describe the property affected and shall include a statement of costs, a clerical fee not to exceed fifty dollars ($50.00) and a fee for the search of the records to ascertain the owner of such property not to exceed fifty dollars ($50.00) and recordation of such lien. A copy of such notice of lien shall also be sent to the owner of such property by certified mail. Upon recordation of such notice of lien in the Trust Deed Book in the office of the Clerk of the County Court of Monongalia County, West Virginia, such notice of lien shall constitute a valid lien from the date of its recordation.

**Special Litter Prevention Officers § 523.21**

In addition to those municipal employees already authorized by law to enforce this article, the Municipality shall also utilize Special Litter Prevention Officers who are authorized to enforce the provisions of this article.

The specific municipal employees who are authorized to perform the duties of Special Litter Prevention Officers shall include the Chief Code Official of the City’s Building Inspection Department, Code Enforcement Officers within the Building Inspections Department, Rental Housing Inspectors within the Building Inspections Department, and Morgantown Parking Authority Parking Meter Attendants.

The Special Litter Prevention Officers are authorized to issue Article 523 citations, and issue summons and sign complaints as a result of Article 523 violations, and shall display at all times either a badge or other sign of authority, issued by the Municipality, evidencing their authority to enforce Article 523.

Prior to performing the duties of a Special Litter Prevention Officer, all such municipal employees shall be required to complete a Litter Enforcement Training Program, which shall be conducted by City Administration.
Penalty § 523.99

Whoever violates any provision of this article shall be fined not less than one hundred dollars ($100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

When you appear in court, you should always act and appear respectful. This means dressing in a manner which indicates your respect, addressing the Judge as “Your Honor” and using polite and appropriate language. While this may not actually help you, failing to do so will most likely lessen your credibility and have a negative influence on your case.

West Virginia Student Legal Services does not warrant or guarantee that the information provided here is accurate. From time to time, laws are changed; therefore, prior to taking any action based on this information, you must first consult an attorney.