

AN ORDINANCE AMENDING SECTIONS 523.01, 523.03, and 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

The City of Morgantown hereby ordains that Sections 523.01, 523.03, and 523.99 of its General Offenses Code, Litter Article, are amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 523

Litter

523.01 DEFINITIONS.

For the purpose of this article, the following terms, phrases, words and their derivatives 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.

- (a) "Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air.
- (b) "Authorized private receptacle/container" means a litter, solid waste, or recyclable materials storage and curbside or edge of pavement collection receptacle/container as required and authorized in Article 1139 of the Health and Sanitation Code.
- (c) "City" means the City of Morgantown, West Virginia.
- (d) "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 copies of any matter of literature:
 - (1) Which advertises for sale any merchandise, product 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