

§ 6501. Scattering rubbish.

(a) Offense defined.--A person is guilty of an offense if he:

(1) causes any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this Commonwealth;

(2) interferes with, scatters, or disturbs the contents of any receptacle containing ashes, garbage, household waste, or rubbish; or

(3) is the owner or operator, or an agent of either, of a trash, garbage or debris collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport trash, garbage or debris, who knowingly causes to be deposited or deposits the vehicle's load or any part thereof upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this Commonwealth.

(b) Penalty.—

(1) A person who violates subsection (a)(1) or (2) is guilty of a summary offense for the first offense and upon conviction thereof shall be sentenced to pay a fine of not less than \$50 nor more than \$300 or to imprisonment for not more than 90 days, or both.

(2) A person who violates subsection (a)(1) or (2) is guilty of a misdemeanor of the third degree for the second and subsequent offense and upon conviction thereof shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000. The person also may be sentenced to imprisonment or to performing a community service for a period not to exceed one year.

(3) A person who violates subsection (a)(3) is guilty of a misdemeanor of the second degree for the first offense and upon conviction thereof shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000. The person also may be sentenced to imprisonment or to performing a community service for a period not to exceed two years.

(4) A person who violates subsection (a)(3) is guilty of a misdemeanor of the first degree for the second or subsequent offense and upon conviction thereof shall be sentenced to pay a fine of not less than \$1,000 nor more than \$10,000. The person also may be sentenced to imprisonment or to performing a community service for a period not to exceed five years.

(5) Any vehicle, equipment or conveyance, including any private automobile and small truck, used for the transportation or disposal of trash, garbage or debris in the commission of a second or subsequent offense under subsection (a)(3) may be deemed contraband and forfeited in accordance with the provisions set forth in this section.

(c) Arrest powers.--A police officer shall have the same right of arrest without a warrant as in a felony whenever the officer has probable cause to believe the defendant has violated subsection (a)(3), although the offense did not take place in the officer's presence. A police officer may not make a warrantless arrest pursuant to this section without first observing recent evidence of a subsection (a)(3) offense or other corroborative evidence.