

# TOWN OF ALBURGH

## ORDINANCE FOR THE CONTROL OF LITTER

### LEGAL NOTICE

Ordinances of Alburgh

#### Title 9: Health and Welfare

#### CHAPTER 1: CONTROL OF LITTER

WHEREAS, the Town of Alburgh has, by virtue of authority granted in 24 VSA Chapter 59 et seq. §2291(12) and §2201, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the disposal of solid waste within its boundaries;

NOW THEREFORE, to protect public health, safety and well being, and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Alburgh hereby adopts this ordinance to regulate the disposal of solid waste.

#### §9101. DEFINITIONS

The relevant definitions set forth in 10 VSA Section 6602 are hereby incorporated into this Ordinance.

#### §9102. REGULATION OF DISPOSAL OF WASTE MATERIAL

(a) Every person in the Town of Alburgh shall be responsible for proper disposal of his/her own solid waste. A person shall not throw, dump, deposit, or cause to be thrown, dumped or deposited: bottles, crockery, cans, plastic, solid waste, junk, paper, garbage, tires, furniture, mattresses, box springs, unregistered and/or uninspected automobiles or parts hereof, refuse of whatever nature, or any noxious thing on lands of others or within three hundred (300) feet of the lands of others, public or private, or into the waters of this state, or on the shores or banks thereof or on or within view of a public highway. If the throwing, placing or depositing was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of the motor vehicle.

(b) The disposal of waste material, including solid waste and hazardous waste, is prohibited in the Town of Alburgh except at a facility approved for such disposal under the provisions of 10 VSA Chapter 159 (Waste Management) or 24 VSA Chapter 61, Subchapter 10 (Junkyards). This provision shall not prohibit the temporary storage of waste material in a container designed to prevent release of such material pending collection of such waste for disposal at an approved facility.

(c) Nothing in (a) or (b) above shall apply to normal snow removal operations by the municipality involving the loading of snow into trucks for the transportation and dumping of snow at another location.

§9103. ENFORCEMENT

- (a)** Complaints and violation resolution shall be conducted according to the following procedures and in accordance with the provisions of 24 VSA §1974a and §1977 et seq. :
- (1)** A complaint must be filed either in writing or properly presented at a Selectboard meeting.
  - (2)** The Alburgh Selectboard will investigate the complaint.
  - (3)** The Alburgh Selectboard will first attempt to resolve the issue with the violator.
  - (4)** If a compromise cannot be met, the Selectboard will refer the matter to the enforcement officer.
  - (5)** The enforcement officer will write the appropriate ticket and give the proper amount of time for the violator to come into compliance.
  - (6)** If compliance is not met, the ticket issued and amount of fine will remain pending for 30 days.
  - (7)** Unresolved tickets will be pursued through the judicial process, according to state statute.
- (b)** The Traffic and Municipal Ordinance Bureau - Any person who violates any provision of Section 2 of this ordinance shall be subject to a civil penalty of up to \$500.00 per day for each day that such violation continues. The Town Health Officer, Solid Waste Management District enforcement officer, First Constable, persons designated as enforcement officers by the Selectboard, or any law enforcement officer may act as an issuing Municipal Officer and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for a violation of Section 2 of this ordinance.
- (c)** Right to Civil Enforcement - In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Municipality is authorized to utilize the procedures set forth in 24 VSA Chapter 61, Subchapter 12, (S2297 et seq.) Commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

§9104. PENALTIES

**(a)** Civil Penalty of Ordinance Violation - An issuing Municipal Officer is authorized to recover civil penalties in the following amounts, in addition to the cost of cleanup, for each violation of this ordinance. The amount and the date for acceptance of the civil penalty shall be affixed to the complaint or notice.

First Offense \$ 50.00

Second Offense \$ 100.00

Third Offense \$ 200.00

Fourth Offense \$ 350.00

Fifth and Subsequent Offenses \$ 500.00

(b) Waiver Fees for Municipal Complaint - A waiver fee of one-half the civil penalty to which a violator is subject shall be assessed for those who admit or do not contest the ordinance violation. The amount and the date for acceptance of the waiver fee shall be affixed to the complaint or notice.

First Offense \$ 25.00

Second Offense \$ 50.00

Third Offense \$ 100.00

Fourth Offense \$ 175.00

Fifth and Subsequent Offenses \$ 250.00

Offenses shall be counted on the basis of any twelve month period.

**§ 105. SEVERABILITY**

If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

**§ 106 EFFECTIVE DATE**

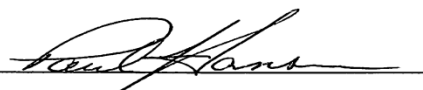
This ordinance shall take effect sixty (60) days following its adoption by the Alburgh Board of Selectmen unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VSA Chapter 1973.

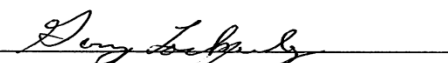
**§ 205. EFFECTIVE DATE**

This ordinance shall take effect sixty (60) days following its adoption by the Alburgh Board of Selectmen unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VSA Chapter 1973.

Adopted this 12 day of AUGUST, 2003

The Alburgh Selectboard

Paul Hansen Chairman 

Gary Lockerby 

Rick Baker 

Signatures

*Barbara W. Baker*  
Town Clerk; Recorder