

**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE**

**CHAPTER 11.
REGULATIONS OF WASTE DISPOSAL**

Section 1101. Authority:

This ordinance is enacted pursuant to 24 V.S.A., Section 2291 (12). It shall constitute a civil ordinance within the meaning of 24 V.S.A., Chapter 59.

Section 1102. Purpose:

It is the purpose of this ordinance to regulate the disposal of solid waste in the Village of Essex Junction in order to protect the public health, safety and welfare and to promote the responsible use of resources and protection of the environment.

Section 1103. Definitions:

The definitions set forth in 10 V.S.A., Section 6602 are hereby incorporated into this Ordinance.

Section 1104. Regulation of Disposal of Waste Material:

(a) A person shall not shoot, throw, dump, deposit, or cause to be thrown, dumped or deposited, paint balls, food products, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, unregistered and/or uninspected automobiles or parts hereof, refuse of whatever nature, or any noxious thing on public lands or the lands of others without the property owners consent. If the throwing, placing, or depositing was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of the motor vehicle.

(b) A person shall not use public trash containers for dumping household garbage, household trash or commercial waste materials.

(c) The disposal of waste material, including solid waste and hazardous waste, is prohibited in the Village of Essex Junction except at a facility approved for such disposal under the provision of 10 V.S.A. Chapter 159 or 24 V.S.A. Chapter 61, Subchapter 10. 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.

Section 1105. Enforcement:

(a) The Traffic and Municipal Ordinance Bureau.

Any person who violates any provision in Section 1104 of this ordinance shall be subject to civil penalty of up to \$500.00 per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

(b) Right to Civil Enforcement

Waste Disposal Regulations

(c) Right to Civil Enforcement.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Village is authorized to utilize the procedures set forth in 24 V.S.A. Chapter 61, Subchapter 12, commence a civil action to obtain injunctive and other appropriate relief, or pursue any other remedy authorized by law.

Section 1106. Penalties:

(a) Waiver fees for Municipal Complaint.

An issuing Municipal Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense \$ 25.00	Third Offense \$100.00
Second Offense \$ 50.00	Fourth & Subsequent Offenses \$200.00

Offenses shall be counted on a calendar year basis

(b) Civil Penalty of Ordinance Violation.

An issuing Municipal Officer is authorized to recover civil penalties in the following amounts for each violation of this ordinance:

First Offense \$ 50.00	Third Offense \$200.00
Second Offense \$ 100.00	Fourth & Subsequent Offenses \$400.00

Offenses shall be counted on a calendar year basis.