

**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE
CHAPTER 18.**

**ORDINANCE REGULATING CONTROL OF LITTER, REFUSE, GARBAGE, JUNK,
JUNK MOTOR VEHICLES, TRASH AND SOLID WASTE**

PURPOSE: This Ordinance mandates that all litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash be disposed of in either private or public receptacles and puts the responsibility on property owners to maintain their premises in a litter/refuse/garbage/junk/trash/waste-free manner.

SECTION 1801: DEFINITIONS.

(a) The following words and terms, when used in this Ordinance, shall for the purpose of this Ordinance, have the following meanings ascribed to them:

1. Abatement cost means the Village's cost for labor, equipment, and supplies for, or the contract price of, and any charges to, the Village, with respect to the removal and disposal of litter, garbage, rubbish, or refuse from a property.
2. Construction site means any residential, commercial, industrial or other area, lot or site at which construction or demolition of any type is conducted, including roads and traveled ways, at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.
3. Construction waste means solid waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.
4. Discard means to abandon, dispose of, accumulate, store or treat before or instead of being abandoned, disposed of.
5. Discarded material means a material that is abandoned, disposed of, accumulated, stored or treated before or instead of being abandoned, disposed of.
6. Dispose means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.
7. Garbage means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.
8. Junk means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.
9. Junk motor vehicle means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered for a period of 90 days from the date of discovery.

10. Litter means any man-made material that, if thrown, discarded, or disposed as prohibited by this ordinance, may create a danger to public health, safety, or welfare or degrades the environment of the Village. Litter shall include, but is not limited to, any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste, or any discarded object likely to injure any person, create a traffic hazard, or degrade the environment.
11. Motor vehicle means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.
12. Person means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.
13. Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.
14. Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.
15. Rubbish means combustible or slowly putrescible discarded materials, which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags, and other combustible or slowly putrescible materials not included under the term garbage.
16. Solid waste or waste means any garbage, refuse, rubbish, trash, or other discarded material, which include but are not limited to tires, furniture, clothes, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.
17. Trash means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.
18. Traveled way means that portion of a public highway designed for the movement of a motor vehicle, immediately adjacent and contiguous to the traveled portion of the roadway. motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas

SECTION 1802. ADMINISTRATION AND ENFORCEMENT.

The Village Manager or Agent shall be responsible for the administration of this Ordinance and shall have the authority to enforce compliance through the use of civil and criminal penalties as authorized by this Ordinance. Further, any law enforcement officer, fire marshal, or any assistant fire inspector is authorized and shall have the authority to enforce all sections of this Ordinance.

SECTION 1803. DUTY OF OWNERS AND OCCUPANTS.

(a) General Requirement. It shall be the responsibility of each owner, agent, occupant, or lessee to keep his or her property free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, and trash. The owner, agent, occupant, or lessee of any property shall be responsible for removing litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash accumulating on said property.

(b) Litter Prohibited. No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter, refuse, garbage, junk, waste, or trash on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent

blowing, spilling, scattering, or leaking of the litter, refuse, garbage, junk, waste, or trash contained therein, except that this requirement shall not apply to an area designated and approved by the Village as a permitted disposal site.

(c) Litter Prevention and Control in Adjacent and Surrounding Areas. It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash. These areas include, but are not limited to public and private sidewalks, roads, and alleys; traveled ways; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash shall be performed in accordance with this Ordinance.

(d) Sidewalks. Each owner, agent, occupant, or lessee whose property faces on the sidewalks in the Village or the strips between the streets and sidewalks shall be responsible for keeping such sidewalks and strips free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash. Removal of any litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash shall be performed in accordance with this Ordinance.

SECTION 1804. CONSTRUCTION SITES.

(a) Litter Prohibited. It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter, refuse, garbage, junk, waste, or trash on such site outside of a proper receptacle or to cause, permit, or allow litter, refuse, garbage, junk, solid waste, or trash to be spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter, refuse, garbage, junk, junk motor vehicles, solid waste, or trash.

(b) Receptacles Required. The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or covered so as to prevent litter, refuse, garbage, junk, trash and waste from being spilled, discharged, or blown by wind or water, except for the wind and water from hurricanes, tornadoes, and floods. The number and capacity of receptacles should be determined by the primary contractor, but no less than one (1) receptacle for worker's litter, refuse, garbage, junk, trash and waste and no less than one (1) receptacle for construction waste shall be placed at each construction site. Receptacles required under this subsection shall be not less than ten (10) gallons capacity. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage.

SECTION 1805. NOTICE OF VIOLATION; SUMMONS OR WARRANT.

(a) Notice of Violation. The Village may commence enforcement of any provision of this chapter by notifying in writing the owner, lessee, occupant, or person in responsible charge or in possession of a property or premises, of the existence of an unlawful condition on such property or premises. Such written notice shall be sent to the owner, lessee, occupant, or responsible person in charge or in possession of a property by first class certified mail, return receipt requested, or may be served by the Police Department, to the last known address of the owner as

indicated in the Town of Essex current real estate tax assessment records. Such notice shall contain a description of the nature of the violation; any corrective action needed to be taken by such person to come into compliance with this Ordinance; and the time frame within which such corrective action shall be completed. The amount of time allowed to abate, correct, or eliminate the unlawful condition shall not exceed ten (10) days.

(b) Abatement Required. Every owner, lessee, occupant, or person in responsible charge or in possession of a property or premises shall, upon written notice of an unlawful condition, abate, correct, and eliminate such condition within the timeframe required by such notice.

c) Any penalty assessed will be according to Section 1808.

SECTION 1806. REMOVAL OF LITTER , REFUSE, GARBAGE, JUNK, JUNK MOTOR VEHICLES, TRASH OR WASTE BY VILLAGE.

(a) Abatement Required. After receipt of a written notice of violation, it shall be unlawful for the owner, lessee, occupant, or person in responsible charge or in possession of a property or premises on which the unlawful condition exists to fail to abate, correct, or eliminate such condition within the timeframe as such written notice requires.

(b) Removal by Village. Ten (10) days after due notice is given to any owner, agent, occupant, operator, contractor in charge, or lessee of any property, business, industry, institution, or construction site to remove litter , refuse, garbage, junk, junk motor vehicles, trash or waste from the premises, the Village is authorized to clean up such property, by use of Village employees or by employing an agent of the Village, and bill such owner or agent for the abatement costs thereof. If the bill has not been paid within thirty (30) days, execution may be issued by the Village against the property for the abatement cost, and such execution shall constitute a lien on the property, on parity with liens for unpaid taxes, until the claim has been satisfied. Execution of the notice to remove litter , refuse, garbage, junk, junk motor vehicle, trash or waste shall be in writing and shall be in the form of a first class, certified letter, return receipt requested. Nothing in this section shall be deemed to bar the prosecution of any person for violation of this Ordinance.

SECTION 1807. EQUITABLE REMEDIES.

In addition to the penalty provided in the Ordinance, the Village Manager may initiate injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate, or remove a violation of any of the provisions of this Ordinance.

SECTION 1808. PENALTY.

Except where otherwise noted, a violation of any provision of this Ordinance shall be punishable by a fine of up to \$500 per day until the unlawful condition is abated, corrected or removed.

SECTION 1809. SEVERABILITY.

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 1810. APPEAL OF NOTICE OF VIOLATION PENALTY

A person aggrieved by a revocation, suspension or penalty pursuant to this Ordinance may appeal as outlined in the Trustees' Policy regarding the Ordinance Appeals Board

New Chapter 18 adopted 1/10/12