

CITY 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, occupants and lessees to maintain their premises in a litter, refuse, garbage, junk, trash, and 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 City's cost for labor, equipment, and supplies for, or the contract price of, and any charges to, the City, with respect to the removal and disposal of litter, garbage, rubbish, or refuse from a property.
 2. Construction site means property 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 refuse, junk or salvage material 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, bricks, shingles, glass, pipes, concrete, paving materials, metal, plastics or packaging for any construction material if the materials are used, leftovers, surplus or remnants of construction or demolition. 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 or disposed of.
 5. Discarded material means a material that is abandoned, disposed of, accumulated, stored or treated before or instead of being abandoned or disposed of.
 6. Dispose means to discharge, deposit, inject, dump, spill, leak or place any solid waste into or on any land or water so that such waste or any constituent thereof 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 items that are discarded, dismantled, wrecked, scrapped, unregistered, ruined, unfixable, inoperable or unusable for their intended purpose, including but not limited to: copper, brass, iron, steel, metals, tires, household appliances, furniture, rope, rags, batteries, glass, rubber, waste, trash, construction waste, fixtures, motor vehicles or parts thereof, trailers, campers, boats, equipment or machinery. This ordinance shall not apply to equipment or machinery on a farm within the Planned Agriculture (PA) Zoning District that has received a farm designation from the State of Vermont Agency of Agriculture Food and

Markets where such machinery is temporarily inoperable and the farm has the intention to repair or make the equipment or machine operable within a reasonable time period.

9. Junk motor vehicle means a discarded, dismantled, inoperable, 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 that is allowed to remain unregistered for a period of more than 90 days.
10. Litter means any garbage, waste or materials that, if thrown, discarded, or disposed of as prohibited by this ordinance, or that may create a danger to public health, safety, or welfare or degrades the environment of the City.
11. Motor vehicle means any vehicle propelled or drawn by power other than muscular power, including trailers. Farm vehicles and equipment 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, 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 material meeting the definition of solid waste per the State of Vermont Solid Waste Management Rules, including garbage, junk, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved human waste in domestic sewage, solid or dissolved organic materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.
17. Trash means discarded refuse, rubbish and waste materials.
18. Traveled way means that portion of a public highway designed for the movement of a motor vehicle and the area immediately adjacent and contiguous to the traveled portion of the roadway, including, shoulders, and roadside parking, rest, observation areas, and other areas.

SECTION 1802. ADMINISTRATION AND ENFORCEMENT.

The City Manager or municipal officer shall be responsible for the administration of this Ordinance and shall have the authority to enforce compliance through the use of civil 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 (subject to Section 703 of the City of Essex Junction Land Development Code (“LDC”), as amended), solid waste, trash and construction waste. The owner, occupant, or lessee of any property shall be responsible for removing litter, refuse, garbage, junk, junk motor vehicles, solid

waste, trash and construction waste from their 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 and construction waste 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 City as a permitted disposal site and also shall not apply to a backyard composter that is properly contained and maintained such that it does not cause a public health risk or support vermin.
- 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 City 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 City may commence enforcement of any provision of this chapter by notifying in writing the owner, lessee, occupant, owner's designated agent or person in charge or possession of a property or premises, of the existence of an unlawful condition on such property or premises. Notice shall be by first class certified mail to the last known address of the owner as indicated in the City of Essex Junction current real estate tax assessment records or to the owner's registered agent, the lessee or occupant of the property. 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. Action may not be brought without at least seven (7) days' Notice.
- 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 CITY.

- a.) Abatement Required. After expiration of the cure period contained in a written notice of violation, the City may enforce this Ordinance against the owner, lessee, or occupant of a property or premises on which the unlawful condition exists. Each day that the unlawful condition exists after the cure period has expired shall constitute a separate violation or offense and the owner, lessee or occupant is not entitled to a separate notice for any continuing violation beyond the cure period.
- b.) Removal by City. Twenty (20) days after due notice is given to any owner, agent, occupant, operator, contractor in charge, or lessee of any property, to remove litter, refuse, garbage, junk, junk motor vehicles, trash or waste from the premises, the City may petition the court for emergency injunctive relief to enforce this ordinance against the owner or agent for the abatement costs thereof and may seek costs of removal, attorney fees and other associated costs. 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 City Manager or municipal officer may initiate an 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 as specified in Chapter 9 of the Municipal Code.

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

An owner, lessee, agent or occupant aggrieved by Notice of violation of this Ordinance may file a notice of appeal within fifteen (15) days of service to the Notice to the City Council.

New Chapter 18 adopted 1/10/12

Amended 7/23/25