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## Ordinance Regulating Refuse

**ARTICLE I - Authority.** This ordinance is adopted by the Selectboard of the Town of Orange under authority of 23 V.S.A. § 2157, 24 V.S.A. §§ 2246 and 2291(14), and 24 V.S.A. Chapter 59.

**ARTICLE II – PURPOSE.** The purpose of this Ordinance is to protect the public health, safety and wellbeing, and to promote the responsible use of resources and protection of the environment by regulating the storage of refuse, junk, or other waste material, including solid waste and hazardous waste. Further, it is the purpose of the ordinance to regulate the throwing, depositing and dumping of refuse which is deemed to be a public nuisance.

### ARTICLE III - DEFINITIONS

- a. "Enforcement Officer" means any police officer or other municipal official or officer appointed by the Selectboard to enforce the provisions of this Ordinance.
- b. "Junk" shall mean old or scrap ferrous or non-ferrous metals, and other old or scrap material, including but not limited to rope, rags, batteries, glass, bottles, crockery, cans, plastic, paper, rubber debris, waste, garbage and trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. Any of the above items used in connection with a bona fide agricultural operation are excluded from this definition.
- c. "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.
- d. "Property Owner" means the owner of record of the property as shown in the records of The Town of Orange.

### ARTICLE IV - REQUIREMENTS

The throwing, placing, depositing or dumping of refuse, junk, or other waste material, including solid waste and hazardous waste, is prohibited in the Town of Orange, except at a facility approved for collection of such waste under the provisions of 10 V.S.A. Chapter 159 or 24 V.S.A. Chapter 61, Subchapter 10. A person owning or occupying land shall not throw, place, deposit or dump refuse, junk, or other waste on said land, nor shall any person allow waste materials to be stored, stockpiled or to otherwise remain on land owned or occupied by them. This provision shall not prohibit the temporary storage of waste material in a container designed to prevent the release of such material.

### ARTICLE V - ENFORCEMENT AND PENALTIES

- a. If probable cause exists to believe that a violation of this Ordinance has occurred, a notice of the violation shall be sent by Town of Orange Health Officer. The written notice of the violation shall be sent via first class mail to the property owner at the address listed in the records of the Town of Orange. The notice shall provide a description of the violation and measures required to correct the violation. The violation is required to be corrected within 30 days after the date of the notice unless the Town of Orange Selectboard determines in their sole discretion, that a longer time should be allowed, or that a shorter time is justified because the violation appears to present an immediate risk to the public health, welfare, or safety. If the property owner believes that notice has been issued in error or without just cause, the property owner may request in writing, no later than seven business days after the date of the notice, a hearing before the Town of Orange Selectboard in order to obtain a written determination from the Board whether the condition of the property violates this Ordinance. The date of any requested hearing shall be as soon as practicable considering the Board's calendar. Written notice of the date of the hearing shall be sent via first class mail to the property owner at least seven business days prior to the date of the hearing. At the hearing, the Board will receive relevant information from the property owner and others bearing on the issue of whether the condition of the property violates this Ordinance. The property owner shall have the burden to show evidence that the property does not violate this Ordinance.
- b. Each day that the violation continues shall constitute a separate violation of this ordinance. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance.


- 1 A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
  - 2 For purposes of enforcement in the Judicial Bureau, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard.
- c. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Officer or Selectboard may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance. A civil action may be initiated if the violation has not been corrected in accordance with this ordinance.
- d. Nothing in this Ordinance shall preclude the Town from pursuing enforcement action under any other ordinance or statute, including but not limited to the issuance of health orders pursuant to Title 18, Chapter 3, V.S.A.

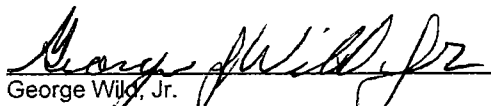
**ARTICLE VI -Other laws.** This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE VII – 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. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

**ARTICLE VIII - EFFECTIVE DATE.** This ordinance shall become effective 30 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

ADOPTED ON THIS 13 DAY OF June, 2016.

  
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Dustin Comstock, Chairman

  
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George Wild, Jr.

  
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Eric Holmgren

TOWN OF ORANGE SELECTBOARD