

## **Open Dumping**

### **Statement of Fact**

Open dumping is detrimental to the natural beauty of Bradford and the safety and health of its citizens. Dumped solid waste, when visible from roadways, is aesthetically unpleasing. It also promotes the dispersion of noxious odors, provides habitat for rodents (rats & mice), encourages disease vectors such as flies, maggots, mosquitoes, and other disease-carrying mediums, and may have the potential to threaten ground water supplies.

### **Definition**

Open dumping is the improper disposal of any waste including household trash, garbage, tires, barrels, demolition/construction waste, appliances, shingles, pipes, metal, or any material which will rust, rot, or burn.

### **Open Dump**

An uncovered site used for disposal of waste without environmental controls.

### **Environmental controls**

Environmental controls consist of covered trash containers, dumpsters or deposit at a properly approved sanitary land fill or transfer/recycling station.

Plastic trash bags, because they are easily torn or degraded, are not considered a suitable environmental control.

A properly administered compost pile is not considered an "open dump" for the purposes of this statute.

The accumulation of brush and limbs from woods harvesting operations is not considered "open Dumping" for the purposes of this statute.

### **Open Dumping prohibited**

To ensure the health, safety, and welfare of the citizens of Bradford, open dumping or maintaining an open dump is not permitted within the town of Bradford.

### **Violations**

The Code Enforcement Officer of the town of Bradford shall give any person, corporation, or other legal entity, written notice of a violation of this statute as outlined in Section 1420 of the Bradford Land Use Ordinance. Persons receiving such notice shall have 30 days to address the problem in a manner that satisfies the Code Enforcement Officer and meets the intent of this statute.

Any condition remaining un-corrected after 30 days shall be liable for legal action as outlined in Section 1430 and/or fines as outlined in Section 1440 of the Bradford Land Use Ordinance.

**1420 Code Enforcement Officer**

The Code Enforcement Officer established in the Town of Bradford shall have the duty to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record. Any such notice is not a prerequisite to bringing legal action noted in Section 1430, and the failure to give notice shall not in any way affect the legal action.

**1430 Legal Actions**

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, and/or consent agreements, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

**1440 Fines**

The CEO, upon finding that any provision of this ordinance is being violated, is authorized to take action to stop the violation and to recover reasonable attorney's fees, fines and costs.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. §4452. Each day a violation exists shall constitute a separate violation for which a minimum fine of \$100.00 shall be assessed per day. Any fines imposed shall inure to the Town.