

OPEN DUMPING ORDINANCE

Section 1. Title

This Ordinance shall be known as the Open Dumping Ordinance.

Section 2. Statement of Fact

Open dumping is detrimental to the natural beauty of Bradford and the safety, health and well-being of its citizens. Open dumps are aesthetically unpleasing, promote the dispersion of noxious odors, provide habitat for rodents (rats & mice), encourage disease vectors such as flies, maggots, mosquitoes, and other disease carrying mediums, and have the potential to threaten ground and surface water supplies.

Section 3. Definition

Open Dumping - 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. The accumulation of brush and limbs from woods harvesting operations is not considered open dumping for the purposes of this Ordinance.

Open Dump - An uncovered site used for disposal of waste without environmental controls. A properly administered compost pile is not an open dump for the purposes of this Ordinance.

Environmental controls - Environmental controls consist of covered trash containers, dumpsters or deposit at a properly approved sanitary landfill or transfer/recycling station. Plastic trash bags do not constitute an environmental control for purposes of this Ordinance.

Section 4. Open Dumping Prohibited

No person shall engage in open dumping or maintain an open dump within the corporate limits of the Town of Bradford.

Section 5. Violations and Penalties

- A. The Code Enforcement Officer 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. A copy of such notice shall be maintained as a permanent record. Any such notice is not a prerequisite to bringing legal action and the failure to give notice shall not in any way affect the legal action.

- B. 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.
- C. 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, as amended. Each day a violation exists shall constitute a separate violation for which a minimum fine of \$100.00 shall be assessed. Any fines imposed shall inure to the Town.

Section 6. Severability

If any provision of this Ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or application of the Ordinances which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.