

Pursuant to Title 24 Chapter 59 of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Select Board of the Town of Milton hereby ordains the following:

Section 1	Purpose
Section 2	Definitions
Section 3	General
Section 4	Violations
Section 5	Penalties
Section 6	Separability

Section 1 Purpose

To protect public health and safety, and to promote a sense of responsibility to the community in the control and proper disposal of litter.

Section 2 Definitions

For the purpose of this ordinance, the following terms, phrases, words and other derivatives shall have the meaning given herein. The word “shall” is to be construed as mandatory and not merely directory.

- a. “Refuse”: waste or rubbish (including animal/human waste)
- b. “Noxious”: harmful to health or morals; injurious or unwholesome.

Section 3 General

a. Within the geographical boundaries of the Town of Milton a person shall not throw, dump, deposit or cause to be thrown, dumped or deposited, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, unregistered and/or automobiles not inspected or parts thereof, refuse of whatever nature, or any noxious thing on lands of others or within three hundred (300) feet of the lands of others, public or private, or into the waters of this state, or on the shores or banks thereof or on or within view of a public body of water or public highway.

b. Animal/Humanwaste- Within the geographical boundaries of the Town of Milton, a person shall not dispose of or deposit, or cause to be disposed of or deposited, animal or human waste on lands of others, whether public or private and whether or not it is in a container intended for that use, including but not limited to waste on streets/sidewalks/recreational lands. This Section shall not apply to a blind person accompanied by a guide dog.

Section 4 Violations

a. If the throwing, placing or depositing or cause of the same, on lands of others (public/private) within the geographical boundaries of the Town of Milton was done from a motor vehicle, except a

motor bus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of such motor vehicle. Nothing in this ordinance shall be construed as affecting the operation of an automobile graveyard or junkyard as defined in Vermont Statutes Annotated Title 24, Section 2241, nor shall anything in this Section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the state or town. Sanitary landfills, recycling centers and incinerators maintained pursuant to Vermont Statutes Annotated Title 24, Section 2202, and solid waste from mining, quarrying, farming operations or logging and sawmill operations are exempt from the restrictions set forth above concerning the distance of three hundred feet (300) feet and visibility from a public highway or public body of water.

Section 5 Penalties

Enforcement procedures for this Civil Ordinance originates from Title 24 V.S.A. Section 1974a.

a. A person who violates any provision of this Ordinance shall be subject to a civil penalty of up to \$ 500.00 per day for each day that such violation continues, with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense, unless the person does not contest the municipal complaint and pays the waiver fee. Police Officers of the Town of Milton shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau, a municipal complaint.

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First Offense	\$ 25.00
Second Offense	\$ 50.00
Third Offense	\$ 100.00
Fourth Offense	\$ 200.00

Offenses shall be counted on a calendar year basis.

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	\$ 50.00
Second Offense	\$ 100.00
Third Offense	\$ 200.00
Fourth Offense	\$ 400.00

Offenses shall be counted on a calendar year basis.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town Manager or his/her designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section 6 Separability

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated invalid or unconstitutional, such phrase is declared to be separable and the remaining portions of this ordinance to be in full force and effect.

All Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed and nothing in this Ordinance shall be interpreted so as to conflict with state legislation.

This Ordinance shall take effect forty (40) days from date of adoption, unless a petition is properly filed under Title 19 V.S.A. Section 1973.

This Ordinance shall be published 9-23-04

Public Hearing was held on: 10-4-04

This Ordinance adopted on: 10-4-04

The Ordinance, as amended, shall become effective 11-13-04

Milton Select Board:

Betty Thompson
Quint
Kenneth A. Nolan
Louis H. Mossey
Randall F. Snow

Filed with the Town Clerk this day of 2004 Attest: _____