

Ordinance 22-01

Amending the Town Code adding Dumpster Regulations

Be it ordained, by the Town of Bunn, that Article XV, Section 1, shall be added to include the following:

Section 1. Each dumpster must be located at a distance from the lot line so as to not interfere with the safety and convenience or health of any abutters or residents.

All dumpsters, except temporary roll-off construction type dumpsters, shall be equipped with lids that shall be closed, except during filling or emptying.

It shall be the responsibility of the property owner and/or business owner to maintain the dumpster and dumpster site free of all nuisances, including but not limited to scattered debris, overflowing debris, undue odor and pests and rodents.

The property owner and/or business owner shall have the dumpster washed, deodorized, sanitized or steamed as deemed necessary by the Police Chief.

Remedies for Violation of this Section

(1) A person or business owner believed violating any portion of this ordinance will be given a written order or citation to cease or abate the violation immediately. Each violation of any provision of this section shall constitute a misdemeanor and is a prosecutable offense under the Town Code. The Town reserves the right to seek appropriate judicial remedies to include, but not limited to judicial relief.

(2) If the person or business owner fails to comply the order to cease or abate, the Town may take the following remedial actions:

1. Any property owner and/or business owner who contracts for the dumpster who fails to comply within 24 hours after any order of the Police Chief to properly maintain the dumpster shall be subject to a civil penalty in the amount of (\$25.00) per day after given the written order or citation until the dumpster is brought into compliance, with a maximum penalty of three hundred dollars \$300.00.

2. Notwithstanding the above provisions, in the event of a second violation by any property owner and/or business owner within any twelve (12) calendar month period after a prior violation under this article, the Police Chief shall levy an additional civil penalty in an amount of (\$50.00) per day after given the written order or citation, with a maximum penalty of five hundred dollars (500.00).

A chronic violator of the regulation regarding dumpsters is a property owner and/or business owner who has received a minimum of three (3) written orders or citations within the calendar year. The town may notify a chronic violator of the town's dumpster regulations that, if the violator's property is found to be in violation of this article, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall be billed to the property owner and/or business owner.

Notwithstanding the above provisions, in the event of a third violation by any property owner and/or business owner, the Police Chief shall levy an immediate civil penalty in an amount of five hundred dollars (\$500.00) after issuing the written order or citation.

3. Penalties are subject to appeal to the Town Board by giving written notice of appeal within 10 days of receipt to the Town Administrator.

These regulations shall apply to all dumpsters in the Town of Bunn, whether for residential, commercial or industrial use. These regulations shall be enforced at the discretion of the Police Chief or his or her approved designee.

The foregoing Ordinance shall be in full force from and after the date of its passage.

The foregoing Ordinance 22-01 , upon motion of Board Member xxxx and seconded by Board Member xxxx, having been submitted to a roll call vote and received the following votes and was xxxx on this the xxth day of January 2022: Yes: No: Abstain: Absent:

Marsha Strawbridge, Mayor

Attest:

Pamela Perry, Town Clerk

Approved to Legal Form:
