

9-6 An Ordinance Concerning Disposal of Solid Waste Associated With Land and Building Lots

Section 1: Purpose

The purpose of this ordinance is to reduce excess solid waste from the clearing of unoccupied real property and occupied property where an expansion or addition of structures on the property occurs. Thus decreasing the costs associated with the disposal of such solid waste. In no manner is this ordinance intended to prohibit the disposal of solid or bulky waste which is customarily associated with lawn maintenance of an occupied residential property.

Section 2: Definitions

For the purpose of this ordinance the following definition shall apply.

"Land and Building Lots" means any parcel of real property vacant and not occupied by a residential home or commercial building with a valid Certificate of Occupancy.

"Occupied Property" means and parcel of property occupied by a permitted, non-permitted, conforming, or non-conforming structure which may or may not have a valid certificate of occupancy.

"Solid Waste / Bulky Waste" means any material such as, but not limited to, wood, brush, tree limbs, tree stumps, and construction materials. (excluded are materials such as sheet rock, wire, copper and plastic piping or other materials associated with the construction of a new home in which the owner or agent would normally be required to pay a fee based on its weight).

"Agent" means any person, persons, cooperation, contractor, subcontractor, or entity acting directly or indirectly for or on behalf of the owner of real property.

Section 3: Prohibited Activity

1. No owner of a building lot or land, or agent thereof shall clear said land in preparation for home and or building construction without first obtaining a zoning permit to construct a home and or building.
2. No owner of land or agent thereof shall discard any solid waste associated with land preparation for the purpose of home and or building construction in the Town of Stafford Transfer Station.
3. No owner of land or agent thereof shall discard any solid waste associated with maintenance of vacant land such as wood, brush, stumps, or other vegetation in the Town of Stafford Transfer Station.
4. No owner of occupied property or agent thereof shall discard any solid waste associated with the expansion of a home or building in the Town of Stafford Transfer Station; unless provided for elsewhere in this Ordinance.

Section 4: Penalty for Violation

Pursuant C.G.S. 7-152(d) the First Selectman or designee may issue a citation in the amount of (\$ 250) to any owner of real property from which the material originated who causes a violation of this ordinance. The Town of Stafford shall retain all amounts collected.

Nothing contained in this ordinance shall constitute a waiver by the Town to exercise all its right under Connecticut General Statute to exercise any portion of this ordinance; or other ordinances, regulations, or laws.

The First Selectman may designate any of the following people as enforcement agents for the aforesaid ordinance, members of the Board of Selectmen, Resident Trooper(s), all town constables, whether certified or not, Issuing Officer, and the superintendent and foremen of the Town of Stafford Public Works Department.

Section 5: Citation Appeal and Hearing Process

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held no less than fifteen (15) days nor more than thirty (30) days from the date of mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. Upon request of the person appealing the citation, the presence of the Issuing Officer shall be required at the hearing. The First Selectman may designate one or more persons in addition to the Issuing Officer to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. Alternatively, the Hearing Officer may accept written information from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon a finding of proper notice and liability under the applicable provisions of this Ordinance.
2. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date.
3. The Hearing Officer shall conduct the hearing in the order and form, and with such methods of proof, as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this Ordinance.
4. If the person who received the citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision to the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.

5. If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court together with the applicable entry or filing fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes. The certified copy of the notice of assessment shall constitute a record of assessment. As provided by state law, the Clerk shall enter judgment, in the amount of such record of assessment and court costs, against such person in favor of the Town, and the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.
6. The First Selectman of the Town of Stafford shall appoint one (1) or more Citation Hearing Officers, who shall be other police officers or employees or persons who issues a citation pursuant to this ordinance.

Section 6: Survivability

Should any section of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 7: Effective Date

This Ordinance shall become effective 15 days after publication in a news paper having a general circulation in the Town of Stafford.

Adopted 11-12-09
Published 11-18-09
Effective 12-3-09