

**TOWN OF WINDSOR LOCKS**  
**Littering and Dumping Ordinance**



**MARCH 2021**

### **Windsor Locks Littering and Dumping Ordinance**

**SECTION 1 - Title.**

This article shall be known and may be cited as the "Windsor Locks Littering and Dumping Ordinance."

**SECTION 2 - Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

***Furniture.*** The word "furniture" includes couches, mattresses, tables, chairs, desks, bureaus, cabinets, appliances, rugs, and any other household good that may not reasonably be discarded in private receptacles.

***Garbage.*** The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

***Litter.*** The word "litter" includes any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, limited duration signs, off-premises signs, and abandoned signs, plastic or paper containers or other packaging or construction material which has not been deposited in a litter receptacle. "Litter" also includes any discarded or abandoned furniture items left on private or public property.

***Selectmen 's designee.*** An employee of the town designated by the First Selectmen .

***Park.*** The word "park" shall include a park, reservation, playground, recreation center or any other public area in the town, owned or used by the town and devoted to active or passive recreation.

***Person.*** Any individual, business or business entity, corporation, partnership or limited liability company.

***Private premises.*** The term "private premises" shall include any yard, grounds, walk, driveway, porch, steps, or mailbox belonging or appurtenant to any dwelling, house, building or other structure.

***Public place.*** The term "public place" includes any and all streets, sidewalks, boulevards, alleys or other publicly owned or controlled lands.

**Refuse.** The word "refuse" means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

**Rubbish.** "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard and similar materials.

**Vehicle.** The word "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

**SECTION 3 - Unlawful use of public litter receptacles.**

No person shall deposit household rubbish or garbage in public litter receptacles.

**SECTION Littering erohibited.**

- (a) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in or upon any street, sidewalk or other public place within the town.
- (b) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in or upon any private property in the town not owned by such person.
- (c) No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any furniture items in or upon any street, sidewalk or other public or private place within the town.

**SECTION 5 - Littering in town parks.**

No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter in any park within the town. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

**SECTION 6 -Throwing litter from vehicle.**

No person, being the driver or a passenger in a vehicle shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter upon any street or public place within the town, or upon any private property. When any such material or substances are thrown, blown, scattered or spilled from a vehicle, the operator thereof shall be deemed prima facie to have committed such offense.

**SECTION 7 - Transportation of ashes, rubbish, boxes, etc.**

No person shall transport in any truck or other vehicle, or in any other manner, through the public streets of the town, streets to which the public has access, or over any land owned or controlled by the town, any ashes, waste material, rubbish, discarded boxes, barrels or other containers of merchandise or discarded material of any kind or description, consigned to a dump or to any other destination, unless the same is conveyed or transported in a truck, vehicle or other manner entirely covered or enclosed so that material cannot escape while being so transported. In the event the same shall be transported or conveyed other than in an entirely closed truck, vehicle or otherwise, such material being so transported and conveyed shall be covered by a canvas, or covering of a similar nature, securely fastened so as to prevent the material escaping from the truck, vehicle or otherwise onto the streets, sidewalks, ways, public land or private property. It shall be unlawful for any person to so convey and transport ashes, rubbish, waste or discarded material of any nature through the public streets of the town, on ways open to the public or over land owned or controlled by the public, and allow such material to escape onto the streets and other places while being so transported and conveyed. It shall be the duty of the owner of the vehicle and every person transporting and conveying such material to stop and recover the same, in the event of any escape or loss thereof, irrespective of the cause of the escape or loss.

**SECTION 8 - Unlawful deposits in ponds, brooks, or natural waterway.**

No person shall throw or deposit or cause to be blown, scattered, spilled or placed or otherwise dispose, in any pond, brook, or natural waterway within the limits of the town, any litter, dead animal, dead fish or fish waste, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil, fish oil or other greasy substance, so that the same shall create a danger to the public health, safety, and welfare.

**SECTION 9 - Throwing or distributing notices.**

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the town.

(b) No person shall throw or deposit or post any commercial or noncommercial handbill in or upon any vehicle; provided, however that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, either a commercial or noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(c) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is a sign bearing the words "No Trespassing", "No Advertisement", "No Solicitation" or any similar notice indicating in any manner that the occupants of said premises do not desire to receive handbills.

(d) A person shall be allowed to post a notice, poster, or handbill in public areas for tag sales, lost animals, and the like, if removed within forty-eight (48) hours of completion of the event or within two (2) weeks of posting. A fine of not more than twenty-five dollars (\$25.00) may be levied for any violation at this subsection (d).

**SECTION 10 - Duty of property owners or occupants to keep sidewalks free of litter.**

The owner and person in possession or control of any private property shall keep the sidewalk abutting their premises free of litter.

**SECTION 11 - Dumping Prohibited.**

(a) Pursuant to Connecticut General Statute §22a-250 et seq., and as defined in Connecticut General Statute §22a-248, no person shall dump any material upon any public or private property within the town not owned by such person except when (1) such property is designated by the State or town for dumping, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The town, upon complaint or on its own initiative, may investigate any violation of this section. As used in this subsection "dump" means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in Connecticut General Statute § 22a-115, or any other similar material.

(b) If the Chief of Police or the First Selectman or his designee, after investigation, finds that there has been a violation of this section, he or she may send a notice to the owner of the property where such violation has occurred by certified mail, return receipt requested, to the address of record for property tax purposes. Such notice shall include

- (1) a reference to the statute alleged to have been violated;
- (2) a short and plain statement of the matter asserted or charged;
- (3) a demand that such property owner remove any material dumped in violation of this section to a solid waste facility approved by the borough; and
- (4) a statement that such property owner has the right to a hearing to contest the violation finding and the date, time and place for the hearing. Such hearing shall be fixed for a date not later than ten (10) days after the notice is mailed. The hearing shall be completed within fifteen (15) days after such hearing commences, and a decision shall be rendered within ten (10) days of the completion of such hearing.

(c) The Hearing Officer shall hold a hearing upon the alleged violation unless such property owner fails to appear at the hearing. If such property owner fails to appear at the hearing or if, after the hearing, the Hearing Officer may find that material has been

dumped on such owner's property in violation of this section, and that such material has not been removed to a solid waste facility approved by the Connecticut DEEP Commissioner, and request that the First Selectman or his or her designee order that the property owner remove such material to a solid approved solid waste facility within thirty (30) days. The Hearing Officer shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to such property owner. The person may appeal from an order of the Hearing Officer under this article in accordance with the provisions of Connecticut General Statutes §8-8.

(d) If the owner fails to remove such material within thirty (30) days from the date of the order issued by the Hearing Officer under this section, and no appeal of such order has been taken in accordance with Connecticut General Statutes §8-8, the town may enter such property and remove such material to an approved solid waste facility and seek recovery of the costs of removal from the property owner.

(f) Any vehicle used by any person in violation of this section may be forfeited in accordance with Connecticut General Statutes §22a-250a.

**SECTION 12 - Violations of article..\_Qenalties.**

(a) Notwithstanding any judicial remedies available to the town pursuant to the Connecticut General Statutes, any person who violates any section of this article shall be deemed to have committed a violation, and be subject to a fine of one hundred (\$100.00) or the amount published by the Judicial Branch of the State of Connecticut as authorized in section 51-164m of the Connecticut General Statutes, whichever is greater. If the town incurs any additional expenses or costs in relation to the enforcement, removal or remediation of the violation, the cost will be in addition to the fine.

(b) Each day such a violation is committed or permitted to continue shall constitute a separate offense under this article.

**SECTION 13 - Litter Civil Penalty Hearing Procedure.**

(a) Any person charged with a violation of this article may request an administrative appeal hearing after receiving a citation. Said person must make his/her request for a hearing within ten (10) days of issuance of the citation. Said request shall be made in writing to the following: Hearing Officer, Town of Windsor Locks, 50 Church Street, Windsor Locks, CT 06096.

(b) Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town of Windsor Locks, 50 Church Street, Windsor Locks, CT 06096. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not

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deliver or mail written demand for a hearing within ten (10) days of the citation shall be deemed to have admitted liability, and the Hearing Officer shall certify such person's failure to respond. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in section 7-152c(f) of the Connecticut General Statutes.

(c) Any person who requests a hearing shall be given written notice of the date, time *and* place for a hearing to be held not less than fifteen (15) nor more than thirty (30) calendar days from the date of the notice. The Hearing Officer may grant a postponement or continuance for good cause. An original or certified copy of the citation and notice shall be filed and retained by the Hearing Officer.

(d) Pending the hearing before the Hearing Officer, no further enforcement activity as contemplated by section 10-33 of this article shall occur until either a hearing is held and the Hearing Officer assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Hearing Officer assesses fines, penalties, costs and/or fees. This section shall not preclude the accrual of fines during the period from the issuance of the notice until a hearing is held.

(e) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator together with the required court entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, 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.

**SECTION 14 - Appointment of Hearing Officer.**

The First Selectmen shall appoint a Hearing Officer. Such Hearing Officer shall serve a term of two (2) years each in concurrence with the town election cycle. No zoning enforcement officer, police officer, building inspector or employee of the town may be appointed to serve as the Hearing Officer under this article.

**SECTION 15-Appeals**

A person against whom an assessment has been entered pursuant to this Chapter is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days or the mailing of notice of such assessment by filing a petition to re-open assessment, together with an entry fee in the amount equal to the entry fee for Small

Claims case pursuant to Chapter 52-259 of the Connecticut General Statutes, at a Superior Court facility designated by the Chief Court Administrator which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

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