

**LITTERING ORDINANCE**  
**FOR THE**  
**TOWN OF WINDSOR, MAINE**

ENACTED: Special Town Meeting, June 17<sup>th</sup>, 2006

CERTIFIED BY: *Sarah W. Cunningham*  
Name

*Clerk*  
Title

Affix Seal

Attest: A true copy of an ordinance entitled "Windsor Littering Ordinance," as certified to me by the Board of Selectmen of Windsor on the 16<sup>th</sup> day of May, 2006.

Signature *Sarah W. Cunningham*  
Town Clerk of Windsor

# WINDSOR LITTERING ORDINANCE

## Section 1 Title

This Ordinance shall be known and may be cited as the Windsor Littering Ordinance.

## Section 2 Purpose

The purpose of this ordinance is to prohibit waste and litter from being discarded improperly within the limits of the Town of Windsor. This behavior endangers the public health and negatively impacts the free utilization and enjoyment of the Community.

## Section 3 Definition

LITTER: For purposes of this Ordinance the term "Litter" means all waste materials including, but not limited to, bottles, glass, tobacco products, crockery, scrap metal, junk, paper, garbage, rubbish, offal, feathers, abandoned ice fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited,

Items not considered litter are; waste parts or remains from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait; feathers from live birds while being transported; and the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing.

## Section 4 Littering Prohibited

No person shall throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

- a) In or on any public highway, road, street, alley, public right of way or other public lands or upon any privately owned property except when placed in designated containers.
- b) In any fresh water river, stream, lake or pond water or on ice over these waters. When litter is thrown or discarded from a watercraft both the operator of the watercraft and the person actually disposing of the litter are in violation of the Ordinance.
- c) From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This provision applies to vehicles or trailers carrying trash, rubbish, or other materials that may be considered as litter. When any litter is thrown or discarded from a vehicle, both the operator of the vehicle and the person actually disposing of the litter are in violation of the Ordinance. If a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

## WINDSOR LITTERING ORDINANCE

### Section 5 Penalties

Persons violating this Ordinance are subject to the following penalties:

- a) A person who disposes of less than 15 pounds or less than 27 cubic feet of litter is subject to a fine of not more than \$500 nor less than \$200 for the first violation and not more than \$1000 nor less than \$500 for any subsequent violations. A person charged with a first violation of less than 15 pounds or less than 27 cubic yards of litter may waive all court action by payment of a fine at the municipal office within 30 days of the alleged violation.
- b) A person who disposes of more than 15 pounds or more that 27 cubic feet of litter is subject to a fine of not more than \$1000 nor less than \$500 for the first violation and not more than \$2000 nor less than \$1000 for any subsequent violations.
- c) A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for commercial purposes is subject to the penalties under 38 MRSA §349.

### Section 6 Penalty Options

In addition to the penalties imposed in Section 5 of this Ordinance the Court may order a person to perform one or more of the following:

- a) Remove all litter dumped in violation of this ordinance;
- b) Pay the owner of the property or in the case of public property the Town, triple the cost of clean up and removal;
- c) Pay the person, or in the case of Public Property the Town, sustaining damages arising out of violation of this ordinance triple the actual damages or \$200 whichever is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
- d) Perform public service relating to the removal of litter or to the restoration of an area polluted by litter.

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The School Committee Recommends \$397,528.92 for the following reasons:

1. The EPS formula only gives Windsor "factors" for positions ranging from teachers, administration and support staff. Due to the size of the school, these factors do not provide enough money in the formula, and local voters must "weigh in" on the issue by having the opportunity to approve additional funds "over and above" the EPS allocation in order to operate.
2. A second major factor in "local additional" is the fact that students from Windsor are attending high schools (Primarily Erskine Academy) on a tuition basis. The EPS formula does not allow for the total "actual" cost per pupil, including the 10% Insured Value Factor (IVF) that Erskine Academy charges. Thus additional local money is needed in order to send secondary students to these high schools.

Moved and seconded for \$387,845.92. Article passed for \$387,845.92

**Article 17:** Shall the Town of Windsor authorize the School Committee to expend \$4,616,389 for the fiscal year, beginning July 1, 2006 and ending June 30, 2007 from the school administrative unit's contribution to the total cost of funding public education from Kindergarten to Grade Twelve, as described in the Essential Programs and Services Public School Funding Act, including debt service for state-funded school renovation, additional local funds for school purposes under the Maine Revised Statutes Annotated, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools?

**School Committee Recommends: \$4,616,389**

**Board of Selectmen Recommends: \$4,602,016**

**Budget Committee Recommends: \$4,602,016**

**NOTE:** If **Articles 9 & 12** were to pass at the lower of the two recommended amounts the appropriation would be \$4,606,706 which would be a difference of **\$9,683**.

Motion moved and seconded for \$4,606,706.00 Article passed for **\$4,606,706**.

**ARTICLE 27:** If **Article 23** passes shall the Town of Windsor repeal the Town Manager form of government as laid down in 30-A MRSA Chapter 123 as previously adopted at the June 26<sup>th</sup>, 2000 special Town Meeting?

**Note:** If the Town Manager form of government is repealed it would the repeal would take effect at the Annual Town Meeting in 2007.

**Board of Selectmen Recommends: No**

Article 23 was defeated, so we did not need to vote on it.

**ARTICLE 28:** Shall an ordinance entitled 'Windsor Littering Ordinance' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Moved and seconded to accept as written. The question was asked, "Who will enforce this ordinance and how will we collect fines?" The Code Enforcement Officer will enforce this ordinance and the fines will be collected through small claims court, then a lien on their property for the

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amount owed. Motion passed as written.

**ARTICLE 29:** Shall an ordinance entitled 'Windsor Conservation Commission' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Moved and seconded to accept as written. Motion carried.

**ARTICLE 30:** Shall an ordinance entitled 'Windsor Planning Board' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Jeff Frankel, Moderator stepped down, as he wanted to be able to speak on this article. He appointed Carol Eckert as Deputy Moderator in his place. Moved and seconded to accept as written. Article passed.

**ARTICLE 31:** Shall an ordinance entitled 'Board of Appeals Ordinance' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Moved and seconded to accept as written. Article passed.

**ARTICLE 32:** Shall Section VII of the Building Code of the Town of Windsor be amended to read:

**SECTION VII. APPEALS AND VARIANCE REQUESTS.**

Appeals and variance requests from the decisions of the Code Enforcement Officer may be taken to the Board of Appeals.

**A. Administrative Appeals**

The Board of Appeals shall hear and decide appeals from decisions of the Code Enforcement Officer refusing to issue a building permit pursuant to this ordinance, or from the failure of the Code Enforcement Officer to timely act on a permit application.

**B Variance Requests From Dimensional Standards**

The Board of Appeals shall hear and decide requests for variances from the dimensional standards contained in this ordinance following the Code Enforcement Officer's refusal to issue a building permit when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;