

Roxanne Maher

From: Elizabeth Burdick
Sent: Wednesday, October 30, 2024 4:12 PM
To: Roxanne Maher
Subject: FW: Quick question...

10/30/24 Good afternoon, Roxanne, Please see email from Chief Rich below with regard to my question to him regarding police enforcement of illegal dumping. Please forward to the LUPPW Committee for its meeting on Monday, 11/4/24.

Also, please advise the Committee that the Building Official and I are working to meet with Prides Corner Farms regarding loud noise emitting from its property and will have an update for it at its next meeting. I will not be in attendance this Monday as I will be on vacation. Thanks.

Regards,

Liz Burdick

Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215 ~ Email: planner@ledyardct.org
TOWN HALL HOURS: MON-THURS, 7:30AM – 4:45PM

From: John Rich <chief.rich@ledyardct.org>
Sent: Monday, October 7, 2024 7:45 PM
To: Elizabeth Burdick <planner@ledyardct.org>
Subject: Re: Quick question...

Liz,

The answer is yes. Here's the language of the state statute and any ordinance should be consistent with the following:

Sec. 22a-250. (Formerly Sec. 22a-87). Littering or dumping prohibited. Orders. Procedures. Penalties. (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 (1) upon any public property in the state, (2) upon any public land in the state, (3) upon any private property in this state not owned by such person, or (4) in the waters of this state, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, mobile manufactured home park, highway, road, street or alley except: (A) When such property is designated by the state or any political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or (B) into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters. For the purposes of this subsection, "public land" means a state park, state forest or municipal park or any other publicly owned land that is open to the public for active or passive recreation.

(b) (1) Any person who violates any provision of subsection (a) of this section shall be fined not more than one hundred ninety-nine dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and one-half of such fine shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of

Energy and Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of Energy and Environmental Protection. Any municipality, after conducting a hearing in accordance with an ordinance adopted pursuant to section 7-152c, may assess a separate administrative penalty of not more than five hundred dollars upon the responsible party or property owner, as applicable, if such litter includes any item of furniture or any discarded item listed in subsection (d) of this section.

(2) Whenever any person is convicted of a violation of subdivision (2) of subsection (a) of this section, the court shall, in addition to imposing the fine authorized by subdivision (1) of this subsection, impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected pursuant to this subdivision shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Energy and Environmental Protection.

(3) 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.

(c) No person shall dump, as defined in subdivision (12) of section 22a-248, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, 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 commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection.

(d) No person shall dump, as defined in this subsection, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. As used in this subsection "dump" means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in section 22a-115, or any other similar material.

(e) If the commissioner, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he may issue an order pursuant to section 22a-225 to remove material dumped in violation of said subsection (c) or (d) to a solid waste facility approved by the commissioner.

(f) (1) If the chief elected official of a municipality, after investigation, finds that there has been a violation of subsection (c) or (d) of this section, he 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 (A) a reference to the statute alleged to have been violated; (B) a short and plain statement of the matter asserted or charged; (C) a demand that such property owner remove any material dumped in violation of subsection (c) or (d) of this section to a solid waste facility approved by the commissioner; and (D) a statement that such property owner has the right to a hearing to contest the chief elected official's finding and the date, time and place for the hearing. Such hearing shall be fixed for a date not later than ten days after the notice is mailed. The hearing shall be completed within fifteen days after such hearing commences and a decision shall be rendered within ten days of the completion of such hearing.

(2) The chief elected official or his designee 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 chief elected official or his designee finds that material has been dumped on such owner's property in violation

of subsection (c) or (d) of this section and such property owner has not removed such material to a solid waste facility approved by the commissioner, the official may order that such property owner within thirty days remove such material to a solid waste facility approved by the commissioner. The official 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 chief elected official of a municipality under this subdivision in accordance with the provisions of section 8-8.

(3) If the owner fails to remove such material within thirty days from the date of the order issued by the chief elected official under subdivision (2) of this subsection, and no appeal of such order has been taken in accordance with section 8-8, the municipality may enter such property and remove such material to a solid waste facility approved by the commissioner.

(4) The provisions of this subsection shall not apply to any corporation subject to taxation under chapter 210.

(g) No property owner shall be ordered to remove dumped material by the commissioner or the chief elected official of a municipality pursuant to subsection (e) or (f) of this section unless (1) the commissioner or the chief elected official, as the case may be, finds that the property owner has dumped such material, or knowingly allowed another person to dump such material, in violation of subsection (c) or (d) of this section or (2) the commissioner or the chief elected official, as the case may be, has determined that there is no reasonable opportunity to compel the responsible party to remove the material or pay the costs of such removal.

(h) Any person who violates subsection (c) or (d) of this section shall be liable for a civil penalty of not less than one thousand dollars, nor more than ten thousand dollars for each day such violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General on the request of the commissioner, shall have jurisdiction to issue an order to such person directing the removal of the material to a solid waste facility approved by the commissioner. If the court finds that the violation was wilful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order that a violator shall pay restitution to a landowner which the court finds has suffered damages as a result of the violation. All such actions shall have precedence in the order of trial as provided in section 52-191. Any such action by the Attorney General shall be brought in the superior court for the judicial district of Hartford. Any vehicle used by any person in violation of subsection (d) may be forfeited in accordance with section 22a-250a.

(P.A. 74-262, S. 4, 7; P.A. 78-319, S. 4, 15; P.A. 83-176, S. 2; P.A. 84-546, S. 73, 173; P.A. 85-446, S. 5; 85-613, S. 65, 154; P.A. 87-531, S. 4; P.A. 88-230, S. 1, 12; 88-320, S. 2; P.A. 90-98, S. 1, 2; P.A. 92-249, S. 3; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 01-204, S. 14; June Sp. Sess. P.A. 01-9, S. 73, 131; P.A. 02-15, S. 1; P.A. 05-234, S. 10; P.A. 11-80, S. 1; P.A. 16-122, S. 1.)

History: P.A. 78-319 made violations of Subsec. (d) of Sec

Sent from my iPhone

On Oct 7, 2024, at 5:55 PM, Elizabeth Burdick <planner@ledyardct.org> wrote:

Good afternoon, Chief, The Town Council is considering the adoption of an illegal dumping ordinance. It has drafted one that I feel needs a lot of clarity – its speaks to criminal offenses & civil citation offenses. Anyway, here’s my question ... If I had video or photographic evidence of my neighbor dumping on my property, can I file a complaint with the PD for dumping, trespassing or similar? Please let me know. Thanks!

Regards,

Liz Burdick

Director of Land Use & Planning

Town of Ledyard

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