



Town of Bridgewater, Massachusetts

Town Council
Community and Economic Development Committee

Town Council
Community and Economic
Development Committee

Peter Colombotos
Chairman
District 5 Representative

Aisha Losche
District 1 Representative

Kevin Perry
District 4 Representative

Meeting Agenda
July 25, 2017, 7:30 p.m.
Academy Building, Room 201B
66 Central Square
Bridgewater, MA 02324

- Committee Approval of Minutes
- Ordinance D-2017-002: Illegal Dumping
- Order O-2017-037: Acceptance of Open Space & Recreational Plan Update
- Community & Economic Development Strategy Session
- Citizen Comment

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Bridgewater Town Council

In Town Council, Tuesday, March 21, 2017

Council Ordinance: D-2017-002

Introduced By:	Councilors Edward Haley, Kevin Perry, Pete Colombotos
Date Introduced:	January 10, 2017
First Reading:	January 10, 2017
Second Reading:	March 21, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2017-002

AMEND GENERAL ORDINANCES RELATIVE TO ILLEGAL DUMPING AND LITTERING

ORDERED that pursuant to Article II, Section 2-2 of the Bridgewater Town Charter; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, Part III, Chapter 1, Article II. Non Criminal Enforcement of Violations by adding the following:

Chapter 1

Article II. Non Criminal Enforcement of Violations

Section 3. Schedule of Fines

Ch. 160. Peace and Good Order, Article VIII First and Following Offenses \$300

And vote to amend the Bridgewater General Ordinances, Part III, Chapter 160, by adding the following Section VIII:

Chapter 160. Peace and Good Order

Article VIII. Illegal Dumping and Littering

Section 1. Purpose and Intent

Illegal dumping poses serious health risks to children and other persons, creates blight in neighborhoods and along commercial corridors within the Town of Bridgewater, and contributes to the presence of flies, insects, vector, vermin, rats, wild animals, and other pests.

The purpose of this ordinance is to protect and promote the health, safety, welfare of the residents of Town of Bridgewater through the prevention and control of illegal dumping of litter throughout the community.

Section 2. Definitions

NOT FOR ACTION: REQUIRES ADVERTISING.

For the purposes of this Ordinance, the following words and phrases shall have the respective meanings ascribed:

“Abatement costs” or “costs of abatement” means all costs, fees, and expenses, incidental or otherwise, incurred by the Town in investigating and abating a public nuisance.

“Enforcement Officer” means Health Agent, Zoning Officer, Building Inspector, Fire Chief, Police Chief, Town Manager or their designees.

“Illegal dumping” means placing, depositing, or discarding, or causing to be placed, deposited, or discarded, waste matter in violation of this article in quantities exceeding those for a product’s single use.

“Litter” means all rubbish, refuse, garbage, trash, demolition debris, furniture, dead animals or other discarded materials of every kind and description.

“Person” means any individual, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

“Private Property” means any land or any structure or portion of any structure designed or used for private, commercial or residential purposes which is not public property.

“Public Property” means any and all streets, sidewalks, waterways, public rights of way, easements, medians, highways, streets, or other public parks, spaces, grounds and buildings or other public property (including any grounds belonging to any Federal, State, County or other governmental or quasi-governmental entity or agency, unless expressly preempted by State or Federal Legislation).

“Waste matter” means any discarded, used, or leftover object or substance, including, but not limited to, a lighted or non-lighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging, construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or to create a traffic hazard.

Section 3. Prohibition.

It shall be unlawful for any person or persons to dump, deposit, discard, throw or leave, or to cause or permit the dumping, depositing, discarding, placing, throwing or leaving of litter or waste matter on any public or private property in the Town of Bridgewater unless done so within the context of licensed franchised solid waste collection or disposed lawfully at the Town of Bridgewater Transfer Station, and therefore through the following means:

- A. Waste matter and litter is placed into an authorized and lawful receptacle or container installed on public or private property for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station;
- B. Waste matter and litter is placed into an authorized and lawful receptacle by property owners on their own property for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station.
- C. Waste matter and litter is placed on private property into an authorized and lawful receptacle with the consent and approval of a property owner for the purpose of pickup by a licensed franchised collection service or disposal at the Town of Bridgewater Transfer Station.

Section 4. Littering and Dumping.

(a) Public Property. It is a public nuisance and unlawful for any person to illegally dump upon any public street or alley in the Town of Bridgewater any litter or waste matter.

(b) Private Property. It is a public nuisance and unlawful for any person to illegally dump, upon the sidewalk or parkway or upon any private premises, whether with or without the consent of the owner or occupant of such premises, any litter or waste matter, except in such container, receptacle or place provided for such purpose and approved or lawfully permitted by the Town.

(c) Trespassing. It is a public nuisance and unlawful for any person to trespass upon the property of another in the Town of Bridgewater for the purpose of dumping or to dump upon any such property litter or waste matter.

(d) Accumulations. It is a public nuisance and unlawful for any person to place or pile, or allow to be placed or piled, any vegetable or other compostable matter that attract rodents, vermin, flies or other insects, unless the same shall be completely removed from the premises within twenty four (24) hours after the placing thereon. This provision shall not be construed as forbidding the use of compost piles or bins, nor shall it apply to regular commercial farming operations.

Section 5. Allowable Trash Receptacles.

The owner, occupant, and person in control of any real property within the Town of Bridgewater shall place or cause to be placed in an enclosed container all garbage or debris, rubbish, or other waste matter that shall exist upon the premises. Such enclosed container shall be of such a nature that the garbage or debris or rubbish placed therein shall not be free to be transferred about the premises or adjacent premises by wind or other natural causes. The enclosed container shall have a lid, or cover that is permanently affixed by hinge or other means to the container.

Section 6. Maintenance Required.

The owner, occupant, and person in control of any real property within the Town of Bridgewater shall keep and maintain the sidewalk and other public right-of-way adjacent to said real property in a neat, clean, and orderly condition free from litter or waste matter and as otherwise required by the Town of Bridgewater Municipal Code. It is unlawful and hereby declared a public nuisance for any person owning, occupying or having charge or control of any real property to fail to keep and maintain the sidewalk and other public right-of-way adjacent to said real property in the manner required by this section.

Section 7. Abatement of Public Nuisances.

Any public nuisance created by violation of this section shall be abated in accordance with the provisions of this article (or as otherwise authorized by law). The procedures for abatement in this article shall not be exclusive and shall not limit or restrict the Town from pursuing any other remedies available in law, whether equitable, civil, or criminal, or from enforcing sanitary standards, health codes, other Town codes and ordinances, or from abating or causing abatement of public nuisances in any other manner provided by law.

Notification. Except as otherwise provided by this Code or other applicable law, whenever an Enforcement Officer determines that litter or waste matter or other condition creating a public nuisance is located within the public street, highway, sidewalk, alley, right-of-way, or other public property and that Town personnel (or agents thereof) may need to abate such public nuisance, he or she shall notify the responsible person(s) by telephone, in person, by electronic correspondence, or in writing of: the address, and location, of the violation; a brief description of the public nuisance; a reference to the law prohibiting the public nuisance condition; a brief description of the responsible person's required corrective action(s); the compliance period of no less than twenty-four (24) hours and no more than seventy-two (72) hours to complete the required corrective action(s); and, a statement that failure to abate the public nuisance as described in the notice shall result in the abatement of the public nuisance by Town personnel (or Town paid contractors) and that the owner of the subject property shall be personally responsible for the costs of abatement and that said costs may be recorded against the subject property as a lien or as otherwise allowed by law.

Abatement Actions. Notwithstanding any other provision of this Code, if any responsible person fails to abate a public nuisance or imminent hazard, the Town may, without any administrative hearing, cause the removal of any organic or inorganic rubbish, refuse, garbage, debris, bulky item, waste matter, hazardous waste, solid waste, or offal from within the public street, highway, sidewalk, alley, right-of-way, or other public property,

at the expense of the responsible persons. Further, the Town may assess the costs of abatement against the owner of the subject property as set forth in this section.

Collection of Abatement Costs. The Town shall be entitled to recover its costs of abatement for any public nuisance abated by the Town in accordance with the provisions of this article. In such instances, the Town shall follow the procedures set forth in this section.:

- (a) Statement of Abatement Costs. The Town of Bridgewater shall serve a statement of abatement costs to the owner of the subject property by certified mail to the address shown on the last assessment tax roll.
- (b) Nonreceipt of Statement. Failure of a responsible person to receive a properly addressed statement shall not invalidate any action or proceeding by the Town pursuant to this article.
- (c) Payment of Abatement Costs. A responsible person shall tender the abatement costs in U.S. currency to the Town within thirty (30) calendar days of the date of service of the statement of abatement costs. The abatement costs as contained in a statement of abatement costs shall constitute a civil debt against the responsible party(ies) and may be collected by the Town as set forth in this section, or in any other manner authorized by law.
- (d) Collection of Abatement Costs by Lien. The Town may cause a lien to be made upon the subject property pursuant to Massachusetts General Laws, and amendments thereto, in the event a statement of abatement costs is not paid in a timely manner.

Section 8. Violations and Penalties.

Any person who violates the provisions of this chapter shall be guilty of a violation and shall be subject to a fine. Every day illegally dumped waste matter remains on public or private property unremoved or uncollected constitutes a separate violation.

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 9. Severability.

If any provisions of this Ordinance or the application of such provisions to any person or circumstances shall be held invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Rules & Procedures - This measure requires advertising, therefore may not be finally considered this evening.	Meet 3/21/17. Will provide disposition to full Council.



Bridgewater Town Council

In Town Council, Tuesday, June 6, 2017

Council Order: O-2017-037

Introduced By: Town Manager

Date Introduced: June 6, 2017

First Reading: June 6, 2017

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2017-037

TOWN COUNCIL ACCEPTANCE OF OPEN SPACE AND RECREATION PLAN UPDATE

ORDERED; that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Open Space and Recreation Plan as updated January 2017.

Explanation:

An affirmative vote will formally accept the attached plan updated January 2017