

**Public Hearing**  
**on an Illegal Dumping bylaw**  
**Proposed by the Recycling and Solid Waste**  
**Committee**  
**Wednesday, April 9th, 7:00 p.m.**  
**Town Hall (downstairs meeting room)**

We've all seen stuff sitting by the side of the road. Sometimes it's good stuff that people put out during the week before Bulky Waste Day and is taken and used by others. Sometimes it's junk that is either put out by people moving out of town or dumped by midnight scofflaws that sits by the side of the road for weeks or longer. The Recycling and Solid Waste Committee proposes a Town Bylaw that we hope will discourage illegal dumping and help keep Shutesbury's roads clean and clear. This bylaw will be presented for a vote at Town Meeting on May 3rd. The text of the proposed bylaw is below. If you have questions, comments, or suggestions regarding the bylaw, please join us next Wednesday.

**Town of Shutesbury Bylaw**  
**Littering and Dumping**

**1. Disposal of refuse, rubbish, etc. on public roads and rights of way, private property or in inland waters.**

No person may place, throw, deposit or discharge, or cause to be placed, thrown, deposited or discharged, trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public road or public right of way, or any other public land, or in or upon inland waters, or within 100 feet of such waters, or on property of another.

**2. Free by the side of the road items.**

Usable items placed by residents on the side of Shutesbury roads for others to take must be properly disposed of by the resident or property owner if said items have not been taken two weeks after they have been placed on the roadside. The property owner is fully responsible for proper disposal of these items.

**3. Residents moving out of town.**

People moving out of Shutesbury may not leave trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, bulky or hazardous waste or other waste materials of any kind on the side of Shutesbury roads with the exception of trash disposed of in official Shutesbury trash bags or trash scheduled for pick up within a week by a private hauler. In the case of rental properties, the property owner is responsible for any necessary disposal or roadside clean-up.

**4. Enforcement**

The provisions of this bylaw shall be enforced by the Police Officers of the Town of Shutesbury by any available means in law or equity, including but not limited to enforcement by noncriminal disposition. Instances of hazardous waste dumping shall be enforced according to applicable state law. Non-hazardous waste, enforced through noncriminal disposition, shall carry the following penalties:

- a. First and subsequent disposal of non-hazardous trash, refuse, rubbish, garbage, debris, scrap, bulky or other non-hazardous waste materials of any kind:

- i. The Shutesbury Police shall investigate ownership or origin of the non-hazardous waste. **Reports of illegal dumping initiated by a resident shall be reported via telephone or email directly to the Shutesbury Recycling Coordinator. The Recycling Coordinator shall follow up with the Police.** For a first offense, the Police shall issue a written warning and direct the violator to remove the items immediately. The warning shall include notification that the property owner will be charged for the cost of removal if the non-hazardous materials are not removed after the next weekly trash cycle, a period no longer than one week from receipt of the written warning.

- ii. Second and subsequent instances of non-hazardous waste dumping: a fine of \$250.00 plus all costs of disposal, including waste removal and disposal costs, Shutesbury departmental, administrative and hired staff time to handle the disposal, and any other relevant costs incurred for incident response.

- iii. If the originator of the non-hazardous waste cannot be identified, the Town Administrator shall determine how vendors will be paid.

J. Gary Bernhard  
Recycling Coordinator  
[bernhard@uww.umass.edu](mailto:bernhard@uww.umass.edu)