

**NORTHWEST VERMONT SOLID WASTE MANAGEMENT DISTRICT
CIVIL ORDINANCE
REGULATING THE BURNING AND DISPOSAL OF SOLID WASTE**

WHEREAS, the Northwest Vermont Solid Waste Management District has, by virtue of authority granted in 24 V.S.A., section 1971, and 24 V.S.A. section 2202(a), the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within the boundaries of its member municipalities;

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Board of Supervisors of the Northwest Vermont Solid Waste Management District hereby adopts this ordinance to regulate the collection and disposal of solid waste in the member municipalities of the District.

**ARTICLE I
DEFINITIONS**

DEFINITIONS

Unless the context clearly requires otherwise, the following terms shall have the respective meanings:

- A. "Board of Supervisors" shall mean the governing board of the District.
- B. "Designated area" shall mean an area designated for placement of solid waste for collection, which must be readily accessible at all times by a conventional solid waste collection truck and not directly on the traveled portion of any public road or sidewalk. An area may be so designated through mutual agreement between a Person and his, her, or its hauler. However, the location of a Designated area shall not violate any applicable local or municipal ordinance.
- C. "Disposal" shall mean landfilling or incineration of municipal solid waste.
- D. "District" shall mean the Northwest Vermont Solid Waste Management District, a union municipal district created and authorized by act of the Vermont legislature.
- E. "Facility" shall mean any landfill, Disposal facility, processing site, and all contiguous land, structures, other appurtenances, and improvements on land, used for treating, storing, processing, or disposing of Solid Waste, including Recyclables. A Facility may consist of a single or several treatment, storage, or Disposal units.
- F. "Generator" shall mean a Person who produces solid waste by any means including, but not limited to, household, commercial, institutional, and industrial activities.
- G. "Hauler" shall mean any Person Licensed, or required to be Licensed, that collects, transports, or delivers solid waste generated within the District.
- H. "Hazardous Waste" shall mean any material or substance which, by reason of its composition or characteristics, is defined as hazardous either by 42 U.S.C. 6901 et seq., or by U.S.C. 2605(e), or by 42 U.S.C. 9601 et seq., or by any laws of similar purpose or effect, or any other materials which the State, the State Agency of Natural Resources, or the Vermont Department of Environmental Conservation or any similar governmental agency or unit having appropriate jurisdiction shall determine from time to time is ineligible for Disposal in landfills, whether by reasons of being harmful, toxic or dangerous or otherwise.
- I. "Household Solid Waste" shall mean any garbage, trash, or rubbish derived from households, including single and multiple residences.

- J. "License" shall mean any license issued or required pursuant to this ordinance.
- K. "Non-Regulated Hazardous Waste" shall mean non-regulated Hazardous Waste that prior to its delivery to a Facility or any Person bring it to any Facility would have been classified as either household hazardous waste or hazardous waste from exempt small quantity generators, pursuant to and determined in accordance with the rules and regulations of the State Agency of Natural Resources.
- L. "Person" shall mean an individual, partnership, company, corporation, and any other legal entity. In any provisions of this Ordinance prescribing a fine, penalty, or denial or revocation of a License, the term "person" may include the officers and directors of the corporation.
- M. "Plan" shall mean the Solid Waste Management Plan developed and adopted by the District on January 9, 1991 as such plan is amended from time to time.
- N. "Recyclables" shall mean such items as may be defined by resolution of the Board of Supervisors from time to time, which list may be amended by resolution of the Board of Supervisors, upon such publication notice as the Board may prescribe, due to factors such as, but not limited to changes in market conditions or technology.
- O. "Resident" shall mean an individual person residing in and having his or her domicile in a particular city, town or village within the District.
- P. "Solid Waste" shall mean any discarded garbage, refuse, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act (10 V.S.A. Chapter 47).
- Q. "Violation" shall mean any act, or failure to act, in violation of any provision of this Ordinance, any rule or regulation enacted by the District, any term, condition or restriction imposed upon, or required by, any License issued or required under the terms of this Ordinance, or any applicable law or regulation relating to the collection, transfer, transportation, processing, or Disposal of Solid Wastes and/or Recyclables.
- R. "Waste" shall mean a material that is discarded or is being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or has served its original intended use and is normally discarded, or is a manufacturing or mining by-product and is normally discarded, including, without limitation, Solid Waste and Household Solid Waste. It shall not include any material that has a bona fide economic value to the generator.
- S. "Yard Wastes" shall mean tree stumps, brush, lawn clippings, leaves, weeds, and other organic materials accumulated during the normal maintenance or restoration of a yard, garden, recreational field, or other area covered with vegetation.
- T. "Emission": a release into the outdoor atmosphere of air contaminants;
- U. "Incineration": the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device;
- V. "Open Fire": means burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney, or other enclosure;

W. "Natural Wood": any of the following, provided such material has not been chemically treated with preservatives, paint or oil:

- 1) trees, including logs, boles, trunks, branches, limbs, and stumps;
- 2) lumber, including timber, logs, or slabs dressed for use;
- 3) pallets and skids;

This definition does not include processed wood products including but not limited to plywood, particle board, fiber board, and press board.

ARTICLE II ILLEGAL DUMPING

(a) It shall be unlawful to dispose of any hazardous waste except in a facility certified or approved by the State of Vermont to accept such hazardous wastes.

(b) It shall be unlawful to deposit, dump, dispose of, or allow the disposal of, any solid waste on any land or into any water, public or private, including, but not limited to, municipally or state owned lands and waters except as follows:

1. The composting of organic material if authorized by the Vermont State Solid Waste Management Rules, provided no nuisance is caused;
2. Open burning or incineration as allowed by Article III;
3. The disposal of solid waste in a privately owned or maintained disposal container with the express consent of the owner or lessee of the container;
4. Disposal of other materials as approved by the Vermont Department of Environmental Conservation, the District Board of Supervisors, or the Legislative Body of the municipality where the disposal will occur.

(c) Further, it shall be unlawful to deposit, dump or leave solid waste in any publicly owned or maintained waste container other than solid waste created or originating in public buildings or on their grounds or highways or generated during the use of said public buildings, grounds, or highways.

(d) Nothing in this Article shall be interpreted as affecting the operation or use of a licensed junkyard as defined in 24 VAS Section 2241-2291 or a solid waste facility certified under 10 VSA Chapter 159.

ARTICLE III OPEN FIRES AND INCINERATION

(a) Except as provided by this Article, the burning of any solid waste or hazardous waste either by open fire or incineration is prohibited in the Northwest Vermont Solid Waste Management District unless the practice has been approved by the rules of the Vermont Department of Environmental Conservation.

(b) To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the Fire Warden of the municipality where the burning is to occur for the following types of open burning:

1. The open burning of leaves, brush, garden wastes, slash, slabwood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations;

2. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations;
 3. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training;
 4. With the prior approval of the Department of Environmental Conservation, burning authorized by the Legislative Body of the municipality where the burning shall occur, as necessary for the protection of public health or to thwart a hazard;
 5. Burning of natural wood demolition or natural wood construction materials and natural wood commercial wastes such as pallets or skids, provided such burning is approved by the Department of Environmental Conservation;
 6. the open burning of natural wood by the District or a member municipality in accordance with 10 VSA Section 565.
- (c) The provisions of this ordinance shall not apply to the burning of natural wood in a furnace to produce heat or for the purpose of preparing food.

**ARTICLE IV
PENALTIES AND CIVIL ENFORCEMENT**

This ordinance is a civil ordinance and enforcement shall follow the procedures as described in 24 VSA Section 1974(a), including but not limited to:

- (a) A civil penalty of not more than FIVE HUNDRED DOLLARS (\$500.00) may be imposed for a violation of this ordinance. Each day the violation continues shall constitute a separate violation.
- (b) Violations of this ordinance where the penalty is \$500.00 or less may be brought before the traffic and municipal ordinance bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief, other than as provided in subsection (c) is sought, action shall be brought in superior court or other court of competent jurisdiction.
- (c) The municipal ordinance bureau hearing officer, on application of the District or member municipality may order that the violation cease.

Schedule of Fines

For violation of this ordinance the following fine schedule shall apply:

For violation of Article II(a):	1st offense: \$75.00
	2d offense: \$300.00
	3rd and subsequent offenses: \$500.00
For violation of Article II(b):	1st offense: \$75.00
	2d offense: \$300.00
	3rd and subsequent offenses: \$500.00
For violation of Article III(a):	1st offense: \$75.00
	2d offense: \$300.00
	3rd and subsequent offenses: \$500.00

Each day an offense occurs or exists shall constitute a separate offense.

**ARTICLE V
DESIGNATION OF ENFORCEMENT PERSONNEL**

For purposes of this ordinance, the District Board of Supervisors may designate persons as enforcement officers, or may request that a member municipality designate an enforcement officer.

**ARTICLE VI
REPEAL OF INCONSISTENT PROVISIONS**

All District ordinances or parts of District ordinances, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE VII
SEVERABILITY**

This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE VIII
EFFECTIVE DATE**

This ordinance shall become effective 30 days after the adoption date shown below.

Adopted this 14th day of January , 1998.

Attest: _____

Michael Ewell, Clerk
Board of Supervisors,
Northwest Vermont Solid Waste Management District