

TOWN OF WEATHERSFIELD, VERMONT
ORDINANCE REGULATING THE DISPOSAL OF SOLID WASTES

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I: AUTHORITY

The Town of Weathersfield has, by virtue of authority granted in Title 24, Section 1971, and Title 24, Section 2202a (a), of the Vermont Statutes Annotated, the authority to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within its boundaries.

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Select Board of the Town of Weathersfield hereby adopts this Ordinance to regulate the collection and disposal of solid waste in the Town of Weathersfield, Vermont.

II: DEFINITIONS

- A. **“Air contaminants”** shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof;
- B. **“Disposal”** shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters;
- C. **“Emission”** shall mean a release of air contaminants into the outdoor atmosphere;
- D. **“Incineration”** shall mean the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device;

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- E. **“Hazardous waste”** shall mean waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive, or flammable ingredients;
- F. **“Open fire”** shall mean 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;
- G. **“Person”** shall mean any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the State, Federal agency, or any other legal or commercial entity;
- H. **“Recyclable”** shall mean any type of refuse designated by the Town of Weathersfield Selectboard to be separated for recycling;
- I. **“Solid Waste”** shall mean any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply, or pollution control facility 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, Title 10, Chapter 47, of the Vermont Statutes Annotated. For the purposes of this Ordinance, solid waste shall also include marketable recyclables;
- J. **“Solid Waste Facility”** shall mean any site or structure used for treating, storing, processing, recycling or disposing of solid waste which has been certified to receive solid waste by the Vermont Agency of Natural Resources under Title 10, Chapter 159, of the Vermont Statutes Annotated. A facility may consist of a single or several treatment, storage, recycling, or disposal units;
- K. **“Natural wood”** shall mean 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 such as plywood, particle board, fiber board, and press board.

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III: 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 Solid Waste Management Rules, provided no nuisance is caused;
 - 2. The disposal of solid waste in a privately owned or maintained disposal container with the express consent of the owner of the container.
 - 3. Disposal of other materials as approved by the Vermont Department of Environmental Conservation, the Weathersfield Select Board, and the Southern Windsor/Windham Counties Solid Waste Management District.
- 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 Title 24, Sections 2241 through 2291, inclusive, of the Vermont Statutes Annotated, or a solid waste disposal facility certified under Title 10, Chapter 159, of the Statutes.
- E. Any person who violates the prohibitions contained in this article shall immediately remove the solid waste so deposited or left. Each day, including the day of the prohibited act, during which the solid waste is not removed, shall constitute a separate violation of this Ordinance.

IV: OPEN FIRES AND INCINERATION

- A. The burning of any solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Weathersfield.
- B. The burning of any other materials shall be governed by the provisions of Title 10, Chapter 83, of the Vermont Statutes Annotated, as outlined in the "Vermont Town Fire Warden Handbook."

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V: PENALTIES AND CIVIL ENFORCEMENT

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of Title 24, Sections 1974a and 1977, et seq., of the Vermont Statutes Annotated.

- (A) A civil penalty of \$50.00 may be imposed for the first violation of this civil Ordinance. The waiver fee shall be set at \$25.00 for the first offense.
- (B) The penalty for the second offense within a six month period shall be \$100.00. The waiver fee \$50.00 for the second offense within a six month period.
- (C) The penalty for subsequent offenses within a six month period shall be \$150.00. The waiver fee \$75.00 for all subsequent offenses within a six month period.
- (D) Each day that the violation continues will constitute a separate violation of this Ordinance.

VI: DESIGNATION OF ENFORCEMENT PERSONNEL

For purposes of this Ordinance, the Selectboard may designate any of the following persons as enforcement officers: the Town Health Officer and Deputy Health Officer(s), Constable, and any law enforcement officer.

VII: REPEAL OF INCONSISTENT PROVISIONS

Any provisions of any Ordinance of the Town of Weathersfield in effect at the time of enactment of this Ordinance governing any activity included in this Ordinance is hereby revoked.

VIII: SEVERABILITY

The Select Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

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IX: EFFECTIVE DATE

No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

This Ordinance shall be entered in the minutes of the Select Board's meeting, and posted in at least five (5) conspicuous places with the Town of Weathersfield and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

This Ordinance will become effective on the sixteenth day of July, 2007, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk by the first day of July, 2007, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five per cent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Municipal Offices, Weathersfield, Vermont, or by calling telephone number (802) 674-2626.

The foregoing Ordinance is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this seventeenth day of May, 2007.

Henry C. Cobb, Jr., Chairperson
Norman John Arrison, Vice-Chairperson
Patricia W. Daniels, Board Clerk
Daniel E. Boyer, Selector