

Town of Cavendish

ORDINANCE

REGULATING

THE DISPOSAL OF

SOLID WASTE

ADOPTED AS REVISED: October 10th, 2007

EFFECTIVE DATE: December 10th, 2007

ARTICLE I
PURPOSE

To protect the health and welfare of the citizens of the Town of Cavendish and to promote the conservation of natural resources and wise use of the environment, the Board of Selectmen of the Town of Cavendish hereby adopt this ordinance to regulate the disposal and storage of solid waste, including recyclables in the Town of Cavendish, Vermont. The further purpose of this ordinance is to have the problem of solid waste disposal in this town managed in such a way as to maximize economy in the disposal process while minimizing ecological damage.

ARTICLE II
DEFINITIONS

- A. "Authorization" by the Town of Cavendish means authorized by legal contract or other written authorization by the Board of Selectmen or Town Manager.
- B. "Board" referred to in this ordinance shall refer to the Town of Cavendish Board of Selectmen
- C. "Building materials" shall mean refuse from a demolished or remodeled building or waste from new construction but specifically does not include any hazardous waste materials as defined by Vermont statutes or environmental regulations.
- D. "Bulky goods" shall mean upholstered furniture including couches, recliners and chairs; mattresses and box springs, and other such large nonmetallic items.
- E. "Small Commercial Hauler" referred to in this ordinance shall mean any person or company which hauls waste generated in the Town of Cavendish to the Cavendish Transfer Station, recycling area or burn pile for others for a fee.
- F. "Commercial Enterprise" referred to in this ordinance shall mean any for profit organization within the Town of Cavendish.
- G. "Emission" shall mean a release to the outdoor atmosphere of air contaminants including dust, fumes, mist, smoke, particulate matter, vapor, gas, odorous substances or any combination of these.
- H. "Fire Warden" shall mean the person appointed to the office as defined under V.S.A. 10, §2461.
- I. "Industrial or commercial waste" shall mean any waste generated by any process or industry, manufacturing firm, trade or business. This does not include chemicals, oil, sludges, flammable materials or hazardous wastes as defined by Vermont statutes or regulations.
- J. "Outdoor Fire Burning" shall mean the burning of solid waste in the open where combustion products are emitted directly into the atmosphere without passing through a stack, chimney or enclosure.
- K. "Person" shall mean any person, firm, partnership, association corporation, company or organization of any kind.

- L. "Recyclable" shall mean any material as specifically identified by the Cavendish Board of Selectmen or the Town Manager as a material desired to be collected by the Town of Cavendish for processing or reuse.
- M. "Solid Waste" shall mean any solid waste as defined in Title 10 V.S.A. §6602.
- N. "Special Wastes" referred to in this ordinance shall mean any waste material specifically identified in the most recently approved fee schedule for Special Waste Disposal as approved by the Cavendish Board of Selectmen. Items so identified are generally: those not suitable for placement in the compactor; not a recyclable collected by the Town; nor a hazardous waste.
- O. "Transfer station" shall mean a facility operated by the Town of Cavendish for the central collection of solid waste with subsequent transport of the waste to an approved disposal site.

ARTICLE III
SOLID WASTE REGULATION

The disposal of all solid waste within the limits of the Town of Cavendish shall be regulated by the Board of Selectmen of the Town of Cavendish. The Board of Selectmen shall have the authority to establish times and days of operation and to promulgate any other rules or regulations which are necessary for provision of orderly, economical waste collection and disposal as well as for the general health welfare and safety of the inhabitants of the Town per VSA T24 §2202a.

ARTICLE IV
ORIGIN OF MATERIALS

All solid waste disposed of within the Town of Cavendish shall have been generated within the Town and shall be disposed of at a site designated by the Board of Selectmen in a manner consistent with the rules and regulations promulgated by that Board. Solid waste from outside of the Town limits is specifically not approved for disposal within the Town of Cavendish unless such disposal is specially authorized by the Board of Selectmen or the Town Manager.

ARTICLE V
TRANSFER OF SOLID WASTE TO EXTERNAL DISPOSAL FACILITIES

The Town of Cavendish shall pay tipping fees or other disposal costs at external disposal sites only for solid waste processed through the Town of Cavendish Transfer Station and only by specific arrangement and approval of the Town. No person or enterprise, regardless of the fact that they may reside in or be located within the boundaries of the Town of Cavendish, has authorization to have any disposal or tipping fees charged to the Town of Cavendish unless there is specific, written pre-approval for each and every instance of such disposal from the Board of Selectmen or Town Manager. Any charges made without such approvals shall be the liability of the offending person or enterprise and such person or enterprise shall be subject to prosecution if appropriate.

ARTICLE VI
ILLEGAL DUMPING AND TRESPASS

It shall be illegal for any person to enter any Town of Cavendish solid waste facility when said facility is not open unless specifically authorized by the Town to do so in accordance with Article II, Section A. Likewise, it shall be illegal for any persons to deposit, dump or leave any solid waste of any kind in any such facility or adjacent thereto if said facility is not open.

It shall be illegal for any person to deposit, dump or leave solid waste in any privately or publicly owned or maintained disposal container other than their own, nor on any other private property, without the consent of the owner.

Persons may be subject to penalties as provided in VSA T24 §2201 and/or VSA T24 §2202a for disposal of solid waste in the Town of Cavendish in a manner contrary to the regulations adopted by the State and/or Town. Deposit of trash on any Town property or facility without authorization may be a violation of Vermont littering laws. Further, unauthorized deposit of waste materials without authorization and/or without payment of

required fee shall constitute a theft of service and is a violation of this ordinance.

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.

ARTICLE VII FEES

The Board of Selectmen shall set fees at the time of adoption of this ordinance with such fees becoming effective at the same time as the ordinance itself. Each year, at a regular warned meeting of the Board, fees related to this ordinance shall be set for the next budget year. Fee changes made in this manner shall thus become effective July 1st of that calendar year. If circumstances warrant it, the Selectmen may change the fee charged for disposal of certain wastes before the beginning of a new budget year. Such a change may be approved at any warned public meeting of the Select Board with said fee change becoming effective thirty days after Board of Selectmen approval with posting in at least three conspicuous places in the Town, one of which shall be at the transfer station.

Solid wastes generated within the Town of Cavendish and suitable for disposal in the Transfer Station compactor will be taken at the Transfer Station. Tipping fees for such disposal will be established as per the preceding paragraph.

Special wastes, as defined in Section II, shall be taken for disposal at the Transfer Station only after the attendant on duty is presented with a valid token or receipt of payment for said disposal. Any person attempting to leave such material without specific approval of the attendant on duty shall be deemed to have illegally dumped waste on Town of Cavendish property and shall be subject to revocation of Town of Cavendish Transfer Station Permit and/or prosecution.

Fees for proper deposit of Special wastes at the Town of Cavendish Transfer Station shall be established by the Board as described above.

Cavendish Transfer Station permit holders may deliver recyclables to the transfer station recycling area with no fee. The Town, however, reserves the right to limit quantities according to storage capacity, market conditions and handling equipment limitations.

Permitted small commercial haulers may deliver to the Cavendish Transfer Station. Only solid wastes that are generated by residences or commercial enterprises within the Town of Cavendish will be accepted at the Cavendish Transfer Station. Persons who haul trash for others must obtain a Cavendish Transfer Station Permit Sticker.

All monies collected by the Town for solid waste disposal fees or transfer station permit stickers shall be separately accounted for and used to help defray the costs to the Town of solid waste disposal including maintenance of and improvements to the transfer station facility.

ARTICLE VIII PERMIT REQUIRED

Any resident of or nonresident taxpayer of the Town of Cavendish may use the transfer station facility provided that they are depositing solid waste generated from within the Town and provided that the vehicle in which the trash is delivered is properly displaying a current town of Cavendish Transfer Station Permit sticker in plain view on

the lower right corner of the vehicle windshield. Permits are obtainable by qualified persons at the Town Office. The transfer station attendants are authorized to deny admittance to and/or use of the transfer station facility by reason of failure to properly display or present a current permit.

In order to obtain a transfer station permit sticker, a person must complete a permit application form and be able to prove eligibility. These permit stickers are NOT TRANSFERRABLE and must be removed from the vehicle upon transfer of vehicle ownership. A permit which is so removed may be sent in or brought in to the Cavendish Town Office. Permit stickers removed from a vehicle which is traded-in, sold or destroyed will be replaced at no charge to the original permittee upon completion of a permit application form along with return of the removed sticker (or sticker pieces).

Transfer station permit stickers remain the property of the Town of Cavendish and the Town of Cavendish reserves the right to revoke the privilege of using the transfer station from any person who fails to properly display a current permit or who otherwise violates the rules and regulations pertaining to the facility.

Detailed Transfer Station permit policies and procedures shall be established and published by the Board.

ARTICLE IX RECYCLABLES

The Town of Cavendish promotes the separation of recyclable materials from other solid waste and the deposit of same at the designated areas. The standards for such separation of recyclables shall be set according to policies and procedures promulgated by the Board pursuant to this ordinance. The Town of Cavendish reserves the exclusive right to limit quantities and to reject recyclable materials which are contaminated and are no longer marketable by the Town as a recyclable. Such non-marketable waste materials will be assessed the appropriate disposal fee.

ARTICLE X ANIMAL, HUMAN AND HAZARDOUS WASTES

The disposal of human, animal or infectious wastes or carcasses at the Transfer Station is specifically prohibited. Properly emptied disposable diapers are permitted to be disposed of in compactor waste. Hazardous wastes as defined in this ordinance, unless specifically included in a special hazardous waste disposal collection, are not accepted at the Cavendish Transfer Station.

ARTICLE XI OPEN BURNING

As per VSA T10 §565, specific written permit may be granted by the Fire Warden of the Town of Cavendish or their designee for the open burning of yard and garden debris including: trees, stumps, brush, untreated wood, lawn clippings and leaves. Such permit shall be granted provided that the Fire Warden is satisfied that no hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to the health and property of the citizens of the Town of Cavendish. Permits which are issued under the provisions of this ordinance shall be for a specified date and time and location and only for burning of the specified materials.

When snow is covering the ground, trees, stumps, brush, leaves and untreated wood may be burned without a permit provided such burning is done in such a way as to not endanger persons or property.

Burning as permitted by this ordinance shall be attended at all times and such fires shall be allowed to die out or be extinguished before sunset unless otherwise specifically authorized by the Fire Warden or their deputies by prior arrangement.

ARTICLE XII ENFORCEMENT AND PENALTIES

A violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau or in the Windsor County Superior Court, at the election of the selectboard.

1. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§1974a and 1977 et seq. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. For purposes of enforcement in Superior Court, the selectboard may pursue all appropriate equitable relief. For purposes of enforcement in either the Judicial Bureau or the Superior Court, a civil penalty of \$100 shall be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six-month period shall be \$250, and the penalty for each subsequent offense within a six-month period shall be \$500.
2. For purposes of enforcement in the Judicial Bureau, the Town zoning administrator, if one exists, the Town Manager, constable, any sheriff, police officer, or other law enforcement official shall be the designated enforcement officer (s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.
3. Improper disposal of wastes or hazardous materials which constitute a State of Vermont or Federal offense remain subject to these laws and prosecution by the appropriate State or Federal authorities.

ARTICLE XIII INCONSISTENT REPEAL

All pre-existing Town ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed only to the extent of such inconsistency.

ARTICLE XIV SEVERABILITY


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

ARTICLE XV EFFECTIVE DATE

This ordinance shall take effect on December 10th, 2007, sixty-one (61) days following the date of adoption by the Board of Selectmen. If a petition for a vote on this ordinance is filed pursuant to V.S.A. §1973, that statute shall govern the taking effect of this ordinance.

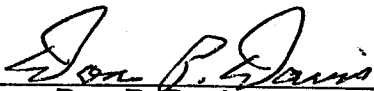
ARTICLE XVI
ADOPTION

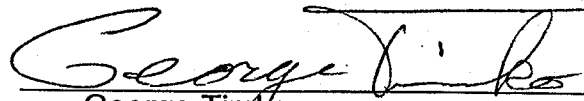
This ordinance is adopted by the legislative body (Board of Selectmen) of the
Town of Cavendish this 10th day of October, 2007.


James I. Ballantine


Floyd Blanchard


Daniel W. Churchill


Don P. Davis


George Timko