

TOWN OF PAWLET
ORDINANCE REGULATING SOLID WASTE

The Board of Selectmen (hereinafter called "Board") of the Town of Pawlet, Vermont hereby adopts the following Ordinance regulating solid waste pursuant to the authority granted in Vermont Statutes Annotated Title 24, Section 1971, et seq. and Title 24, Section 2202, et seq.

ARTICLE I
DEFINITIONS

"Air Contaminants" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

"Asbestos-Containing Wastes" shall mean any solid waste material that contains the asbestiform varieties of chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonitegrunerite); anthophyllite; tremolite and actinolite.

"Authorization" by the Town of Pawlet shall mean authorized pursuant to a legal contract, license, or other written authorization entered into by the Town of Pawlet and another person as defined herein.

"Construction/Demolition Debris" shall mean materials resulting from the construction, renovation, and demolition of buildings, roads and bridges, and other edifices in the Town of Pawlet.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

"Exempt Small Quantity Generator" shall mean a generator, as defined by 40 CFR Section 261.5, who generates less than 100 kg (220 lbs) of hazardous waste or who generates less than 1 kg (2.2 lbs) of acute hazardous waste in one calendar month.

"Hauler" shall mean any person, corporation, partnership, association, or organization authorized to collect solid waste (other than one's own) within the limits of the Town of Pawlet.

"Hazardous Waste" shall include but is not limited to products that contain toxic, corrosive, reactive, explosive or flammable ingredients.

"Incineration" shall mean the burning of solid waste in an enclosed outdoor container.

"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.

"Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

"Recyclables" shall mean the following items, prepared as stated:

- Newspaper - clean, dry;
- Aluminum Cans - rinsed, labels removed, crushed;
- Steel Cans - rinsed, labels removed, crushed;
- Clear Glass - rinsed, caps removed (labels acceptable);
- Green Glass - rinsed, caps removed (labels acceptable);
- Brown Glass - rinsed, caps removed (labels acceptable);
- HDPE #2 Milk-Type Jugs - rinsed, caps removed;
- HDPE #1 Colored Plastic - completely drained or rinsed, caps removed;
- Corrugated Cardboard (including kraft paper) - free of packing material, flattened;
- Clean Wood and Brush - any wood or tree parts which have not been painted, stained, or treated, and which are smaller than 6" in diameter;
- Leaves - free of limbs or grass;
- Tires - rims removed;
- Scrap Metal (including appliances) - doors of appliances must be removed;
- Used Motor Oil (including brake fluid, transmission fluid, hydraulic oil and motor oil) - free of any contaminants, neatly stored in a tightly sealed recyclable plastic jug;
- Used Automobile Batteries;

"Remaining Waste" shall mean all solid waste exclusive of all recyclables, hazardous waste, and yard/garden debris.

"Resident" shall mean any person whose principal place of residence is within the corporate limits of the Town of Pawlet, including but not limited to homeowners, tenants, businesses, corporations, and institutions.

"Solid Waste" shall mean garbage, refuse, or other solid materials generated by normal residential, commercial, institutional, and community activities, which are destined for disposal. This definition includes, recyclables, hazardous wastes, yard/garden debris, asbestos-containing wastes, and construction/demolition debris, as defined in this Ordinance. Septage, sludge, other non-solid wastes, and animal manure are excluded from this definition.

"Town" shall mean the Town of Pawlet and includes all incorporated villages and service districts with the Town of Pawlet.

"Town Landfill" shall mean the facility certified by the State of Vermont to accept solid waste for landfilling. Said facility is owned and operated by the Town of Pawlet and is located off of Town Highway #1 easterly of the Village of West Pawlet.

"Town Recycling Center" shall mean the facility certified by the State of Vermont to collect recyclables. Said facility is owned and operated by the Town of Pawlet and is located off of Town Highway #1 easterly of the Village of West Pawlet.

"Yard/Garden Debris" shall mean tree stumps, brush, lawn clippings, leaves, weeds, and other organic material accumulated during the normal maintenance of a yard or garden.

ARTICLE II APPLICABILITY

All residents within the Town of Pawlet are affected by the requirements outlined in this Ordinance.

ARTICLE III SEPARATION, COLLECTION, AND DISPOSAL OF SOLID WASTE

The Board may set and assess fees for all aspects of the separation, collection, and disposal of any solid waste.

Separation of Waste

All recyclables generated within the Town of Pawlet shall be kept separate from other solid waste. Recyclables must be either:

- (1) Deposited at the Town Recycling Center, as long as that facility remains open;
- (2) Collected by or delivered to haulers duly registered with the Town of Pawlet;
- (3) Transported to another State certified recycling facility. Any person who transports recyclables generated within the Town of Pawlet to a facility other than as designated in (1) and (2) above shall provide the Board with verification that said recyclables are not being disposed of as solid waste.
- (4) Any person who disposes of recyclables in any other fashion shall be in violation of this Ordinance.

All hazardous wastes (including that from Exempt Small Quantity Generators) generated within the Town of Pawlet shall be kept separate from other solid waste, and must not be disposed of in the Town Landfill. Hazardous materials must be saved by the user until a collection event for such materials is held by the Town of Pawlet, or some agent thereof. Or, hazardous wastes can be disposed of through contract with a hazardous waste hauler permitted by the State of Vermont. Any person who disposes of hazardous waste in any other fashion shall be in violation of this Ordinance.

All materials entering the Town Landfill for disposal shall be remaining waste, meaning that such waste shall be free of recyclables, hazardous wastes, and yard/garden debris. Improper separation or disposal of wastes constitutes a violation of this Ordinance.

Collection

The Board may employ or make contracts with persons for the separation, collection or disposal of solid waste. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid. Contracts may be rejected or awarded at the sole discretion of the Board for any reasons which it deems appropriate.

In the event that the Board does not enter into a contract for the separation, collection, or disposal of any solid waste, such materials must be separated, collected, and disposed of as otherwise outlined in this Ordinance.

Disposal of Waste

After separation of recyclables, hazardous wastes, and yard/garden debris, all remaining waste generated within the Town of Pawlet, shall be transported to and disposed at the Town Landfill, as long as the Town Landfill remains open for use. In the event of an emergency as determined by the Board, a waiver may be issued allowing disposal of solid waste generated in the Town of Pawlet in a State permitted and approved solid waste disposal facility other than the Town Landfill. Transportation and disposal of solid waste generated in the Town of Pawlet to a facility other than the Town Landfill at any other time or not pursuant to a waiver shall constitute a violation of this Ordinance. Each such transportation and disposal shall be a separate violation and shall be subject to a separate penalty as described below.

ARTICLE IV HAULERS

All haulers of solid waste in the Town of Pawlet shall be registered with the Board of Selectmen on forms supplied by the Town Clerk. The Board may set a fee for such registration. Registration shall indicate specifically which wastes the hauler may collect, and shall constitute authorization to collect only those wastes which are stated in the registration. Registration implies understanding and agreement on the part of the hauler to abide by this Ordinance and the Requirements of Registered Haulers as described herein. Authorization may be revoked for any infraction of this Ordinance.

Requirements of Registered Haulers

- (1) All haulers operating with the Town of Pawlet must be registered with the Board of Selectmen on forms obtained from the Town Clerk's office. Failure to abide by this Ordinance may cause suspension or revocation of said registration, and is punishable as established in this Ordinance.
- (2) Waste routes, waste set out for collection, and waste collected are all subject to inspection by Agents of the Town at any time to ensure residents' and haulers' compliance with the Ordinance.

(3) No hauler shall knowingly collect for disposal solid waste which contains recyclables, hazardous waste, or yard/garden debris. Any such mixed waste must be rejected by the hauler and the resident must be notified of the reasons for rejection. Any rejected waste shall be the responsibility of the resident, who must, within 24 hours, retrieve the mixed waste and properly separate it. The hauler must notify the Town within 24 hours of any resident whose waste is rejected.

(4) No hauler shall collect for disposal at the Town Landfill or deposit in the Town Landfill materials which have not been generated within the Town.

(5) If requested, upon entrance to the Town Landfill, all haulers will furnish an itinerary itemizing the origin of waste in their vehicle, and an estimate of the quantity of material collected at each site.

(6) Haulers shall understand and respect the separate recycling and disposal sites designated at the Town Landfill and the Recycling Center for recyclables, yard/garden debris, and remaining waste. Improper disposal of any loads will constitute violation of this Ordinance.

(7) All bills incurred by haulers at the Town Landfill will be paid in full 30 days (or earlier) from the date of billing. Late bills will be charged 1.5% interest per month.

ARTICLE V INSPECTION

All haulers' vehicles and facilities used for the handling of any solid waste in the Town of Pawlet shall be subject to inspection without notice by the Town or its Agents, for purposes of ensuring compliance with this Ordinance. Failure to allow inspection by the Town or its Agents shall be treated as a violation of this Ordinance.

All solid waste generated in the Town of Pawlet and set at the curb for collection by a private or municipal hauler, and all solid waste deposited at the Town Landfill or Recycling Center shall be subject to inspection without notice by the Town or its Agents, for purposes of ensuring compliance with this Ordinance. Failure to allow inspection by the Town or its Agents shall be treated as a violation of this Ordinance.

ARTICLE VI
ILLEGAL DUMPING

All solid waste must be separated, collected, and disposed of as outlined in Article III.

Without the consent of the owner, it shall be unlawful for any person to deposit, dump, or leave solid waste of any kind on private property or in any privately owned or maintained disposal container (other than one's own).

It shall be unlawful to dispose of any solid waste (except yard/garden debris), on one's own property, except in a waste container designated for collection and disposal as outlined in Article III.

It shall be unlawful to deposit, dump, or leave solid waste of any kind on lands or easements of the public, including but not limited to parks, highways, or other municipally or state owned lands, except in designated disposal containers.

It shall be unlawful for any person to deposit in a municipally owned or maintained disposal container any recyclables or hazardous waste, or any solid waste other than that generated on the premises. Recyclables must be deposited in appropriately marked containers. It shall be unlawful for any person to deposit improper materials in a container marked for recyclables.

It shall be unlawful for any person to enter the Town Landfill or Recycling Center when said facility is not open; nor shall any person deposit, dump, or leave solid waste of any kind in any such facility or adjacent thereto, when said facility is not open.

Actions as above shall constitute a violation of this Ordinance and are punishable as hereinafter provided.

ARTICLE VII
ILLEGAL COLLECTION

It shall be a violation of this Ordinance for any person not authorized by the Town of Pawlet to collect or cause to be collected any solid waste (other than one's own). Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE VIII
OPEN FIRES AND INCINERATION

Except as provided by this Article, the burning of any solid waste, either by open fire or incineration is prohibited in the Town of Pawlet.

A specific written permit may be granted by a Town of Pawlet Fire Warden for the open burning of some yard/garden debris including trees, stumps, brush, untreated wood, dry lawn clippings, and leaves; provided 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 Pawlet. Permits which are issued under the provisions of this Ordinance shall be for a specified date, time, and location, and only for specified materials. The Board may establish a fee for the issuance of such permits.

As authorized by the State of Vermont, the Town reserves the right to burn yard and garden debris including trees, stumps, brush, untreated wood, dry lawn clippings, and leaves under the conditions set out in State of Vermont Air Pollution Control Regulations, Section 5-202 (9) and 5-203.

ARTICLE IX
PENALTIES AND ENFORCEMENT

Any person in violation of any provision of this Ordinance may be fined not more than \$100.00 for each offense, or may be assigned to not more than 40 hours of community service (either assisting the staff at the Town Landfill and Recycling Center, or collecting trash or litter within a designated area of the Town of Pawlet), in accordance with the enforcement procedures hereinafter provided.

The Town of Pawlet, or its Agents, reserves the right to refuse acceptance of any solid waste at the Town Landfill or Recycling Center until the procedures for separation, collection, and disposal have been met, both as outlined in Article III and according to the Definitions of this Ordinance.

Enforcement Procedures

The Town will undertake an education/awareness plan to minimize misunderstanding and to promote full compliance with this Ordinance. However, any violation of any part of this Ordinance, as witnessed by Agents of the Town, is punishable by fine or community service as authorized herein. The procedure will be as follows:

First Offense: Following documentation by the Town or its Agents, a written warning will be sent to the person in violation of this Ordinance.

Second Offense: Following documentation by the Town or its Agents, a written warning will be sent to the person in violation of this Ordinance, followed by a phone call or personal visit by a Town Agent when possible.

Third Offense: Following documentation by the Town or its Agents, a written citation (itemizing the amount of the fine or the necessary hours of community service) will be sent to the person in violation of this Ordinance via certified mail (or delivered in person). Failure to pay the fine or complete the community service will result in court action against the person in violation of this Ordinance. In addition to any penalty assessed in the citation, the person in violation of this Ordinance whose legal duty it was to comply with this Ordinance, will be responsible for any Court fees incurred.

ARTICLE X INCONSISTENT REPEAL

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

ARTICLE XI
SEVERABILITY

This Ordinance and its various parts, sentences, sections and clauses thereof, 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 XII
EFFECTIVE DATE

Adopted: December 22, 1992
Effective (60 days): February 23, 1993

Board of Selectmen, Town of Pawlet