

ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT

ILLEGAL BURNING AND DISPOSAL ORDINANCE

WHEREAS, the Addison County Solid Waste Management District (the "District") exists as a union municipal district under the laws of the State of Vermont; and

WHEREAS, the State Legislature has approved and confirmed the creation of the District through the enactment of the District's governing agreement in No. M-6 of the Acts of 1989, as amended by No. M-5 of the Acts of 1991 (the "Charter"); and

WHEREAS, the District has the authority under the Charter and the General Laws of the State of Vermont to manage and regulate the collection, transportation, resource recovery, recycling, storage, processing, and disposal of Solid Waste within the District, among other things, and to enact, amend, or repeal any rules, regulations, and ordinances otherwise necessary or desirable for the orderly conduct of the affairs of the District and for carrying out the purposes of the District; and

WHEREAS, the District has determined that the burning and disposal practices prohibited by this Ordinance constitute public nuisances, and the District has the authority to regulate and prohibit such practices under 24 V.S.A. 2291 (14); and

WHEREAS the Board of Supervisors has determined that this Ordinance is in the public interest; promotes public health, safety and welfare; promotes the efficient, economical and environmentally sound management of Solid Waste within the District; and is in furtherance of the District's Plan and the State's Solid Waste Management Plan;

NOW THEREFORE, it is hereby enacted and ordained by the District as follows:

ARTICLE I

PURPOSE; TITLE

1.1 Purpose. This Ordinance is enacted to promote the health, safety and general welfare of the District and the inhabitants of its member municipalities and to prohibit Solid Waste disposal practices that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

1.2 Title. This Ordinance shall be known and may be cited as the "Illegal Burning and Disposal Ordinance".

ARTICLE II

DEFINITIONS

2.1 As used in this Ordinance, the following terms shall have the following meanings:

A. "Board of Supervisors" shall mean the governing body of the District.

B. "District" shall mean the Addison County Solid Waste Management District, and as appropriate in the context, the total area within the boundaries of all member municipalities within the District.

C. "Facility" shall mean any site or structure used for treating, storing, processing, recycling or disposing of Solid Waste. A Facility may consist of a single or

several treatment, storage, Recycling, or Disposal units.

D. "Person" shall mean an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, and any other legal entity.

E. "Solid Waste" shall mean any discarded garbage, refuse, rubbish, recyclables, Yard Wastes, construction or demolition wastes, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials, but does not include: (i) animal manure and absorbent bedding used for soil enrichment, or (ii) 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).

F. "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.

ARTICLE III

BURNING OF SOLID WASTE PROHIBITED

3.1. Except as provided by this Article, the burning of Solid Waste is prohibited in the District.

3.2 To the extent allowed by Vermont Air Pollution Control regulations, and with the appropriate local and State authorizations, the following are exempt from the prohibition in Section 3.1.:

A. Burning of materials customarily burned in fireplaces, wood stoves, campfires, and outdoor grills provided such materials are not burned for disposal purposes. Chemically treated wood shall not be deemed to be a material customarily burned in such devices.

B. Burning of Yard Waste and natural wood;

C. Burning by a municipality of natural wood at a place in a member municipality authorized by its legislative branch;

D. Incineration of Solid Waste at any Facility regulated by the Agency of Natural Resources, and having all other necessary permits in accordance with all applicable laws, rules, and regulations (including all air quality permits);

E. Burning of solid or liquid fuels or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighters;

F. Burning in forest land areas of brush, tree cuttings and slash where the cuttings accrue from logging or site clearing operations; and

G. Burning for the purpose of weed abatement; disease, forest fire and pest preventions or control; and for the purpose of agricultural, forestry, or wildlife habitat management.

H. Burning as necessary for the protection of public health or to thwart a hazard.

ARTICLE IV

ILLEGAL DISPOSAL

4.1. It shall be unlawful for any Person who is not acting on behalf of the District or a member municipality to enter any Facility operated by or on behalf of the District, or any Facility of any member municipality, when the Facility is not open.

4.2. It shall be unlawful for any person to deposit, dump, or dispose of Solid Waste of any kind in any Facility specified in Section 4.1 or on lands of the owner of such a Facility, without the express permission of the authorized operator of the Facility.

4.3. Without the explicit consent of the owner, it shall be unlawful for any Person to deposit, dump, or dispose of Solid Waste in any disposal container other than

A. Their own, or

B. Containers available for public use, (consistent with the normal use for which the public container is available).

4.4. It shall be unlawful for any Person to deposit, dump, or dispose of Solid Waste in any stream or other waters or on any property except by written approval or certification from the Agency of Natural Resources. This Section shall not be construed to prohibit or restrict the composting by an individual of his or her own compostable Solid Waste, or the recycling or reuse of any materials by any Person, or the disposal of Solid Waste by burning as allowed in Section 3.2.

4.5. If a Person violates Section 4.2, 4.3, or 4.4, any such Person shall immediately remove the Solid Waste so deposited or left. Each day following the day of the prohibited act, during which the Solid Waste is not so removed, shall constitute a separate violation of this Ordinance.

ARTICLE V

ENFORCEMENT AND REMEDIES

5.1 This Ordinance is designated as a civil ordinance pursuant to 24 V.S.A. §1971(b).

5.2. The following civil penalties are hereby imposed for violation of this Ordinance:

First violation of the Ordinance	\$100
Second violation of the Ordinance	\$150
Third violation of the Ordinance	\$250
Fourth and subsequent violations of the Ordinance	\$500

Each day a violation continues shall constitute a separate violation.

5.3. In cases where violations of the Ordinance are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

First violation of the Ordinance	\$ 35
Second violation of the Ordinance	\$ 75

Third violation of the Ordinance \$150

Fourth and subsequent violations
of the Ordinance \$400

5.4 Injunction. In addition to any other remedy provided in this Ordinance or available at law or in equity, the District may institute a suit for an injunction to prevent, restrain or abate violations of this Ordinance.

ARTICLE VI

MISCELLANEOUS

6.1 Local Regulation. Nothing in this Ordinance shall be construed to prohibit any member municipality of the District from enacting and enforcing ordinances and regulations regarding the burning or illegal disposal of Solid Waste within its jurisdiction, provided that any such regulation or ordinance is at least as strict as the provisions of this Ordinance.

6.2 Construction. The terms and provisions of this Ordinance are to be liberally constructed so as to best achieve and promote the goals and purposes hereof. The captions and headings in this Ordinance are inserted for purposes of convenience and reference only, and shall not be used in any way for the construction and interpretation of this Ordinance.

6.3 Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any Person or circumstances or within any part of the District is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Ordinance which can be given effect without the invalid provision or application thereof.

6.4 Implementation Date. This Ordinance shall be effective upon adoption by the Board of Supervisors under Section 6 of the District Charter.

Adopted: March 16, 1995