

(DRAFT) Town of Thetford Civil Ordinance Regulating The Disposal of Solid Wastes

WHEREAS, the Town of Thetford has, by virtue of authority granted in 24 V.S.A. 1971 and 24 V.S.A. 2202a(a), the powers 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 Selectboard of the Town of Thetford hereby adopts this ordinance to regulate the collection and disposal of solid waste in the Town of Thetford Vermont.

REGULATION

The Selectboard of the Town of Thetford hereby finds and determines that the control and regulation of the use of the Town Solid Waste Transfer Station is necessary for the protection of the public health and that it is necessary to conserve available solid waste disposal capacity as a public resource.

After the effective date hereof, no person, firm, or corporation deposit any material into the Solid Waste Transfer Station by anyone in the collections business or otherwise without a displayed permit to do so.

Recycling permits shall be valid for all members of a given household and renters of that home.

PROPER DUMPING HOURS

After the effective date hereof, no person, firm, or corporation other than an agent of the Town of Thetford shall enter the area designated as the Thetford Solid Waste Transfer Station before the hour of its opening or after the hour of its closing or at any time on any day when said area is not open to the public; and no person shall deposit, dump, or release garbage, refuse or waste materials of any kind in any area within the Transfer Station or adjacent to the Transfer Station at any time that the Transfer Station is not open to the public.

ILLEGAL DUMPING

After the effective date hereof no permit holder shall:

- (a) Deliver refuse, garbage, or other waste materials in the Town of Thetford other than into the Transfer Station. This shall not be construed to limit private trash pick-up services that deliver refuse to properly licensed waste disposal sites outside of Thetford.
- (b) Fail to abide by the lawful instructions of any attendant as to the dumping of metallic, wooden, or hazardous materials, toxic and radioactive wastes, motor vehicles, and

appliances.

- (c) Fail to pay such fees as may be assigned from time to time in accordance with the regulations enacted by the Board of Selectmen for the disposal of demolition materials, trees, tree trunks, stumps, and such other nonresidential refuse.
- (d) Deposit refuse, garbage, and waste materials generated outside of Thetford.
- (e) Deposit unacceptable solid waste into the Transfer Station or dump or dispose of such waste anywhere within the Town of Thetford without permission from the Town of Thetford. The term “unacceptable solid waste” as used in this section means:
 - (1) Any material which by reason of its composition, characteristics, and quantity is hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq., and the regulations thereunder or, except for trace amounts normally found in household or commercial waste, any material which by reason of its composition or characteristics is hazardous waste, a hazardous substance, or hazardous material as defined in or under any other Federal, State or local law, and the applicable regulations thereunder (including, without limitation, the following laws and the regulations, if any, promulgated under each: the Vermont Waste Management Act, 10 V.S.A. § 6601 et seq.; the Vermont Water Pollution Control Act, 10 V.S.A. § 1251 et seq.; the Storage of Radioactive Material Act, 10 V.S.A. § 6501, et seq.; the Toxic Substance Control Act, 15 U.S.C. § 2601.; the Federal Insecticide, Fungicide and Rodenticide Control Act, 7 U.S.C. § 136 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et sec.; and any similar or substituted legislation or regulations or amendments to the foregoing), and any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time to be harmful, toxic, or dangerous, or otherwise ineligible for disposal through the Transfer Station,
 - (2) Any material which would result in process residue being materials described in (1) above; and
 - (3) Agricultural waste, explosive materials, corrosive materials, pathological waste, offal (entrails, etc., of butchered animals), radioactive materials, ashes, foundry sand, mining waste, sewage sludge, cesspool and other human waste, human and animal remains, motor vehicle, major motor vehicle parts (including transmissions, rear ends, springs, and fenders), agricultural and farm machinery and equipment and major parts thereof, marine vessels or equipment, including thick-walled or solid metallic objects such as castings, forging, gas cylinders or large motors, solid blocks of rubber or plastic greater than two (2) inches in diameter, steel or nylon rope, chains, cables or slings more than four (4) feet long and/or two (2) feet in diameter, tree stumps, liquid waste, including liquid chemical wastes, sewage and other highly diluted water materials or substances and those in gaseous form, non-burnable construction materials and/or demolition debris, or special

nuclear or by product materials within the meaning of the Atomic Energy Act of 1954, as amended, or any other material which: (a) may present a substantial endangerment to the public health and safety, (b) would cause applicable air quality or water effluent standards to be violated by the normal operation of the Station, or (c) because of its size, durability or composition may materially impair the structure or equipment or has a reasonable possibility of otherwise adversely affecting the Thetford Transfer Station.

FEES/STICKERS

Use of the Transfer Station for refuse brought from outside the Town of Thetford is hereby forbidden except as otherwise provided.

The Town of Thetford, through its Selectboard, may contract with other municipalities and, upon payment of a negotiated fee, may permit residents of those municipalities who apply, to use the Town Transfer Station for disposal of refuse and/or recyclables in compliance with permit requirements and other terms of this ordinance.

Thetford residents wishing to use the Town’s transfer station must purchase a permit, the price of which will be set from time to time by the Selectboard. At the institution of this ordinance, the annual permit fee shall be \$18. The permittee will receive at least one sticker that can be placed in a car windshield. The permittee may also receive, upon request, a second sticker at no additional charge, provided that the second sticker is placed on a vehicle from the same household.

Permittees may request a free replacement sticker upon attesting that a vehicle has been destroyed or replaced.

Recycling permits shall expire at the due date shown on the sticker.

PENALTIES AND ENFORCEMENT

This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq. The penalties for violating this ordinance are as follows:

1st offense:	Notice of Violation (written warning – demand to cease)	
	<u>Civil Penalty</u>	<u>Waiver Fee</u>
2nd offense:	\$100.00	\$50.00
3rd offense:	\$250.00	\$125.00
Additional offenses:	\$500.00	\$300.00

The waiver fee is paid by a violator who admits or does not contest the violation.

A permittee with more than three violations may, at the sole discretion of the selectboard, have the relevant permit revoked. In the case where the permittee is employing a

household permit, non-violating household member will be required to purchase another permit. Such a new permit will not be considered valid for the violator.

For the purposes of this ordinance, the Selectboard may designate any combination of the following persons as enforcement personnel: members of the Selectboard, the Town Health Officer, the Town Attorney, the Town Constable(s), members of the Town Police Department, Transfer Station Attendants or others as the Selectboard may deem appropriate.

SEVERABILITY

Each of the provisions of this ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

EFFECTIVE DATE

This ordinance shall become effective sixty days after its adoption by the Thetford Selectboard. If a petition is filed under 24 VSA 1973, that statute shall govern the taking effect of this ordinance.

ADOPTED THIS 24th DAY OF August 2009
The Thetford Selectboard