

TOWN OF WHEELOCK

SOLID WASTE MANAGEMENT ORDINANCE

An Ordinance regulating the disposal of solid wastes.

WHEREAS, the Town of Wheelock has, by virtue of authority granted in 10 V.S.A. sec.564 and 24 V.S.A. sec. 1971 and 2202a(a), the powers to adopt, amend repeal and enforce ordinances, and to manage and regulate solid waste disposal within its boundaries;

WHEREAS, the manner of managing solid waste is a matter of public interest and concern;

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 Wheelock hereby adopts this ordinance to regulate the management of solid waste in the Town of Wheelock.

ARTICLE 1. Definitions

- A. "Air contaminants" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof
- B. "Disposal" means 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 water.
- C. "Emission" means a release into the outdoor atmosphere of air contaminants.
- D. "Enforcement Officer" means a person authorized to issue a complaint citation as provided herein, acting in accordance with 24 V.S.A. sec. 1977.
- E. "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- F. "Hazardous waste" means 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.
- G. "Open fire" means 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.
- H. "Person" means 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, a federal agency, or any other legal or commercial entity.
- I. "Recyclable" means any type of refuse designated by the Town of Wheelock selectboard or by the Northeast Kingdom Waste Management District to be separated for recycling.
- J. "Solid waste" means any discarded garbage, refuse, septage, water supply plant, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from residential, municipal government, industrial, commercial, mining or agricultural operations and from community activities such as 1) parades 2) activities on public property and any similar 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, 10 V.S.A. Chapter 47 or motor vehicles. For the purposes of this ordinance, solid waste shall include marketable recyclables.

- K. "Solid waste facility" means any site or structure used for receiving treating, storing, processing, recycling or disposing, of solid waste which has been certified by the Vermont Agency of Natural Resources under 10 V.S.A. Chapter 159 sec. 6605. A facility may consist of a single or several treatment, storage, recycling or disposal units.
- L. "Natural wood" means any of the following, provided such material has not been treated with chemicals, preservatives, paint or oil:
- a. trees, including logs, boles, trunks, branches, limbs and stumps;
 - b. lumber, including timber, logs, or slabs dressed for use; and
 - c. pallets and skids.
- Processed wood products such as plywood, particleboard, fiberboard and pressboard and other processed wood products are not "natural wood".

ARTICLE 2. Illegal Disposal

- A. It shall be unlawful to dispose of any hazardous waste except in a solid waste facility certified to accept such hazardous waste.
- 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:
- a. The composting of organic material if authorized by the Vermont Solid Waste Management Rules, provided no nuisance is caused.
 - b. Open burning or incineration as allowed by Article 3.
 - c. The disposal of solid waste in a privately owned or maintained container with the express consent of the owner of the container or the person bearing the cost of its being maintained.
 - d. Disposal of other materials as approved by the Vermont Department of Environment Conservation, the Town of Wheelock Selectboard, and/or the Northeast Kingdom Waste Management District, as applicable.
- 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 24 V.S.A. sec. 2241-2291 or a solid waste facility.
- E. Any person who violates the prohibitions contained in this article shall immediately remove the solid waste so deposited dumped or left and shall be subject to penalties in Article 6.

ARTICLE 3. Open Fires and Incineration

- A. Except as provided by this Article, the burning of any solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Wheelock, unless the practice has been approved by the Department of Environmental Conservation.
- B. To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the fire warden for the following types of open burning:
- a. The open burning of leaves, brush, garden wastes, slash, slabwood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations.
 - b. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.

- c. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.
 - d. With the prior approval of the Department of Environmental Conservation burning authorized by the Selectboard as necessary for the protection of the public health liability or welfare, or to thwart a hazard.
 - e. With the prior approval of the Department of Environmental Conservation burning of natural-wood demolition or construction materials and natural-wood commercial wastes, such as pallets or skids. The open burning of natural wood by the Town of Wheelock in accordance with 10 V.S.A. sec. 565.
- C. The fire warden shall not issue a permit unless he or she 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 Wheelock. Permits, which are issued under the provisions of this ordinance, shall be for a specified date, time and location, and only for materials specified in the permit.
- D. The provisions of this ordinance shall not apply to the burning of natural wood or any virgin fuel such as oil, coal, propane, natural gas or similar fuels in a stove or furnace used to produce heat or in a stove for the purpose of preparing food.
- E. Any person who violates the prohibitions contained in the Article shall immediately cease burning and immediately dispose of the solid waste.

ARTICLE 4. Integrated Solid Waste Management Program

- A. Purpose and applicability:
Acting on prior action of the electorate, a program to improve solid waste management in the Town of Wheelock is hereby established.
- B. Residential Wastes:
This program is designed for collection at the Transfer Station of ordinary household-generated solid waste. The following wastes are excluded from this section:
- wastes generated by commercial activities;
 - hazardous wastes;
 - refrigerators, freezers, and air conditioners with freon;
 - whole automobiles;
 - all tires;
 - used automotive fluids such as oil, transmission fluid, brake fluid and anti-freeze;
 - used fluorescent light bulbs;
 - anything containing mercury;
 - dehumidifiers; and
 - 20 lb. or smaller propane tanks;
 - Computer monitors
- Items excluded in this section may be managed by the Northeast Kingdom Waste Management District or through special hazardous waste events.
- C. Residential Recycling:
The Town of Wheelock offers its residents two options for the management of residentially generated recyclables. Residents are encouraged to recycle to help the environment and to help reduce property taxes. A Dump Permit Ordinance was adopted May 10, 1990 to ensure that the facility is used by residents and to monitor the material being disposed of. A resident is defined as

any person who legally resides in the Town whether full-time or seasonally. The enforcement provision provides for a fine of not more than \$500 for each offense. Residents may obtain a dump permit at the Town Clerk's Office located at 1192 Route 122 in Wheelock.

- a. Residents may self-haul recyclables to the Northeast Kingdom Waste Management District (NEKWMD) facility located at 224 Church Street in Lyndonville. This facility accepts residential recycling on Wednesdays and Saturdays, and/or by special arrangement. Materials accepted at the NEKWMD facility include newspapers, magazines, corrugated cardboard, sorted office paper/junk mail, brown kraft bags, boxboard, tin cans, aluminum cans, glass, #1 & #2 plastics, used motor oil, used oil filters, fluorescent light bulbs, aerosol cans automotive batteries, scrap metal, tires, computers/televisions, and household hazardous wastes. Fees apply for some materials, and some materials are collected seasonally.
 - b. Residents may self-haul recyclables to the Transfer Station located on 1090 Route 122 in Wheelock on Wednesday's and Saturday's. The following items are accepted: newspapers, magazines, corrugated cardboard, sorted office paper/junk mail, brown kraft bags, boxboard, tin cans, aluminum cans, glass, #1 & #2 plastics and scrap metal.
- D. Establishing the fee:
The Transfer Station fees are included into the Town's annual budget established by the Selectboard, approved by the qualified voters, and paid through the annual property taxes.

ARTICLE 5. Accumulation of Discarded Household Waste

It shall be a violation of this ordinance for a person to accumulate or allow the accumulation of discarded household waste that can be seen from a highway or from adjoining property. For the purposes of this section discarded household waste includes but is not limited to bagged and unbagged refuse, debris, scrap metal, tires, appliances, furniture, building materials other similar waste matter and unregistered and inoperable vehicles including campers and snowmobiles and ATVs, that are left open to such view. Either or both of an owner or an occupant of property on which discarded household waste is allowed to accumulate in violation of this section may be independently liable for such violation and subject to penalty. The temporary storage of an unregistered and inoperable vehicle for a period not exceeding one month shall not constitute a violation of this ordinance.

ARTICLE 6. Penalties and Civil Enforcement

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. sec. 1974a, including but not limited to:

- A. A civil penalty of not more than \$500.00 may be imposed for a violation of this ordinance unless stated to be otherwise for a specific violation. Each day the violation continues shall constitute a separate violation. A waiver fee of \$100.00 may be paid into the town treasury in lieu of an appearance before the judicial bureau unless stated to be otherwise.
- B. Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the judicial bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief other than as provided in subsection (c.) is sought, the action shall be brought in superior court.
- C. The judicial bureau hearing officer, on application of the Town of Wheelock, may order that the ordinance violation cease.

ARTICLE 7. Designation of Enforcement Personnel

- A. For purposes of this ordinance, the Selectboard does hereby designate the following persons as enforcement officers:
- a. Members of the Selectboard
 - b. The Town Clerk
 - c. The Town Lister(s)
 - d. The appointed representatives to the board of supervisors of the Northeast Kingdom Waste Management District
 - e. The Town Health Officer
 - f. The Town Constable(s)
 - g. The Fire Chief
 - h. Law enforcement officers
- B. Enforcement officers are directed to report to the Selectboard with any complaints or findings. The Selectboard will investigate and seek correction of violations and otherwise enforce this ordinance.
- C. The Selectboard shall issue a municipal ticket and will be the appearing officer at any hearing.

ARTICLE 8. Repeal of Inconsistent Provisions

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

ARTICLE 9. Severability

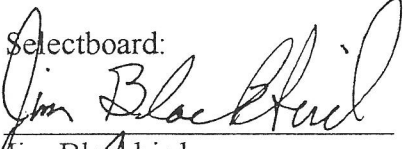
This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjusted invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

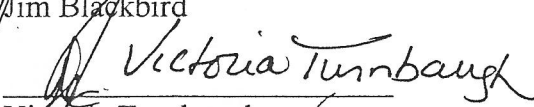
ARTICLE 10. Effective Date

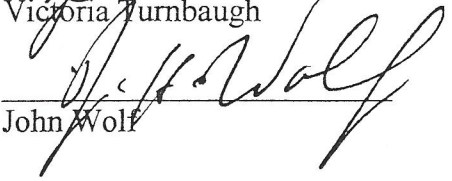
This ordinance shall become effective 60 days after the adoption date shown below.

Adopted this 8th day of April, 2004.

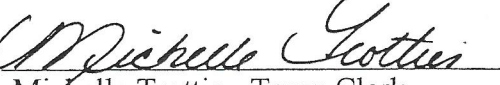
Selectboard:


Jim Blackbird


Victoria Turnbaugh


John Wolf

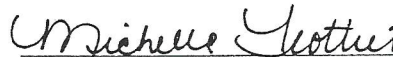
Attest


Michelle Trottier, Town Clerk

This Ordinance is to be posted at the following five public places within the Town of Wheelock on April 19, 2004.

1. The Wheelock Town Clerk's Office
2. The Wheelock Town Hall
3. The Wheelock Transfer Station
4. The Wheelock Village Store
5. The Wheelock Town Garage

This Ordinance was posted in the above places by :


Michelle Trotter, Town Clerk

A summary of this Ordinance shall be published in the Caledonian-Record on April 21, 2004.
The full text of the Ordinance may be examined at the office of the Town Clerk during regular office hours.

The complete ordinance shall be duly filed in the public records of the Town of Wheelock.

This Ordinance is adopted in accordance with relevant statutes including Title 23 V.S.A. Sec. 1007 and Title 24 V.S.A. Sec. 1972, and becomes effective 60 days after its adoption by the Selectboard.

An ordinance adopted by the municipality may be disapproved by a vote of a majority of qualified voters. A petition for a vote on the question shall be signed by not less than 5% of the qualified voters and presented to the Selectboard within forty-four (44) days following the date of adoption.

Additional information pertaining to this Ordinance may be obtained by contacting the Selectboard .

Jim Blackbird: 748-4030
Victoria Turnbaugh: 626-3024
John Wolf: 626-9391