

June 22, 2015

TOWN OF WESTMINSTER

**ORDINANCE REGULATING THE COLLECTION
AND DISPOSAL OF SOLID WASTE**

ARTICLE I. PURPOSE

This Ordinance is intended to promote the public health, safety and welfare of the citizens of Westminster, Vermont, and the responsible use of resources and protection of the environment by regulating the separation, storage, collection, removal, recycling and disposal of solid waste.

WHEREAS, the Town of Westminster has, by virtue of authority granted in 24 VSA § 1971, 24 VSA § 2202a(a), and 24 VSA § 2291(12) the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within its boundaries, and

Whereas, the Town of Westminster is a member of the Windham Solid Waste Management District (WSWMD), which was organized in 1988 under state charter, and provides solid waste services for its member towns.

NOW THEREFORE, to protect public health, safety and welfare and to promote the responsible use of resources and the protection of the environment, the Selectboard of the Town of Westminster hereby adopts this Ordinance to regulate the separation, storage, collection, removal, recycling and disposal of solid waste in the Town of Westminster, Vermont.

ARTICLE II. DEFINITIONS

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

Collection: The act of collection, transport and removal of solid waste or recyclables to a transfer station, processing, or disposal facility.

Compostables: Food scraps, including vegetables and fruits, breads, meat, fish, poultry, bones, dairy/cheese, fats and oils, low grade and soiled paper, pet waste, food and organic waste generated, but shall not include sewage, septage or material derived from sewage or septage.

Construction and Demolition Debris or Waste: Solid waste resulting from construction, remodeling, repair, or demolition operations on buildings or other structures.

Hauler shall mean any person who transports recyclables, compostables, and/or solid waste to an appropriate destination for compensation and any person, business, corporation, partnership, association, or organization authorized to collect solid waste within the limits of the Town of Westminster. This includes property caretakers. Specifically exempted from this definition are individuals transporting their own solid waste

Hazardous Waste shall mean any material of substance which, by reason of its composition or characteristics, is from time to time defined as hazardous either by 43 USC s6901 et seq or by 15 USC s 2605(e) or by 42 USC s 9601 et seq or by 10 VSA Ch 159, or by any laws of similar purpose or effect, or by any regulations under any of the foregoing and any other material by which the Federal Environmental Protection Agency the Vermont Agency of Natural Resources or its Secretary, or the Vermont Department of Environmental Conservation or any similar governmental agency or unit having jurisdiction, shall determine from time to time is ineligible for Disposal, whether by reasons of being toxic, reactive, ignitable, corrosive, or otherwise.

Household Hazardous Waste: (HHW) means any waste from households (including single and multiple residences, hotels and motels, picnic grounds, and day-use recreation areas) that would be subject to regulation as hazardous waste if it were not from households.

Mandated Recyclables shall mean the following source separated materials; aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboards; and paper bags.

Municipal Curbside Program: Service provided by the Town to pick up residential solid waste, recyclables and compostables from the curbside in accordance with this Ordinance.

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

Recyclables: Any solid waste that has been separated or should be separated as required by rules and regulations of the State of Vermont or by this Ordinance from other solid waste for the purpose of recycling.

Recycling Facility shall mean dedicated roll-offs, a Materials Recovery Facility, or any other facility or location, public or private, which accepts materials for the purpose of recycling.

Solid Waste means any discarded garbage, refuse, septage, sludge from a waste treatment plan, water supply plant, or pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, Chapter 47 of Title 10 V.S.A.

Solid Waste Generator shall mean any Person who creates or produces Solid Waste by any means including, but not limited to residential, commercial, institutional, and industrial activities.

Storage means the actual or intended containment of Solid Wastes

Transfer Station shall mean a solid waste management facility where solid waste is collected, aggregated, sorted, stored, and/or processed for the purpose of subsequent transfer to another solid waste management facility for further processing, treatment, transfer, or disposal.

Yard Waste shall mean tree stumps, limbs, brush, lawn clippings, weeds, and other organic material accumulated during the normal maintenance of a yard or garden.

ARTICLE III. ADMINISTRATION

Enforcement of the provisions of this ordinance shall be under the direction and jurisdiction of Town. Any violation of any part of this ordinance, as witnessed by the Town or its agent(s) is punishable by fine or cessation of curbside trash, recycling, and compost collection services as authorized herein. The Town Manager or his/her designated representative shall be empowered to make inspections, determine violations, and take action to enforce this ordinance.

The Town or its designated agent(s) reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility where this Ordinance or the Regulations promulgated hereunder are ignored or violated. Pursuant to 24 VSA section 1971(b), this ordinance is designated as a Civil Ordinance.

ARTICLE IV. PUBLIC SAFETY

All persons in the Town of Westminster have a responsibility to the collective health and public safety to handle solid waste, recyclables, and compostables safely and in accord with all local, state, and federal laws and requirements.

No person having the custody or control of residential, industrial or business premises from which solid waste, including mandated recyclables, or compostables, is collected for disposal in the Town of Westminster, shall permit or cause any solid waste, including mandated recyclables or compostables, within their control to become a hazard to public health or safety or to become a nuisance of any sort.

ARTICLE V. REQUIREMENTS FOR STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES

All solid waste and recyclables must be separated, stored, collected and disposed of as required in accordance with the rules and regulations of the State of Vermont and the regulations adopted by the Selectboard as set forth in this Ordinance.

All persons, residences, commercial businesses, and solid waste generators of any nature or type located within the Town of Westminster shall separate mandated recyclables, compostables, and any materials banned from disposal under Vermont law and regulations, and from all other solid waste in accordance with this Ordinance.

All solid waste and mandated recyclables shall be enclosed within containers for collection at appropriate designated areas. Containers must be durable, rust resistant, non-absorbent, water tight, rodent proof, and easily cleanable, having close fitting appropriate covers with adequate handles. Each container will have the generator street number printed in clear lettering large enough to be read from the haul truck.

All container enclosed items shall be set out for curbside pickup the day of the scheduled street pickup before 7:00 a.m. unless otherwise approved, in writing, by the Town Manager.

All solid waste and recyclables must be bagged within approved bags with a "Westminster" sticker attached to the neck of each bag. Stickers shall be available at the Town Hall. Each bag will have a capacity of 30 pounds or 33 gallons, whichever is greater.

Containers of solid waste, recyclables and compostables and/or the empty containers of these materials shall not remain at the curbside beyond midnight on the day scheduled for collection.

The owner of any multi-family dwelling shall provide at least one suitably sized trash container and approved recyclable container per residential unit which shall be labeled and identified for each unit.

No solid waste, recyclables or compostables shall be stored, deposited or dumped on any public or private property, including highways except in designated containers in full compliance with the requirements of this Ordinance.

The municipal curbside program shall not include pickup of construction waste, hazardous waste, paint or its cans, appliances, white goods, electronic devices, furniture, or any items deemed by the Town Manager or waste hauler as inappropriate or unlawful for disposal as part of the pickup program.

Compostable materials may be deposited or left out of doors if stored and maintained as a working compost pile. Such compost must not become a nuisance of any sort, including emission of undue odors or disturbance by either domestic or wild animals.

Household hazardous wastes may only be disposed of at an approved hazardous waste collection facility or in accordance with Vermont regulations.

It shall be a violation of this Ordinance for any person not authorized by the Town of Westminster to collect or pick up or cause to be collected or picked up any solid waste, including recyclables. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE VI. VIOLATIONS OF ORDINANCE

The Selectboard may issue and enforce a Solid Waste Order for any violation of this Ordinance in accordance with the statutory procedures of 24. V.S.A §2297(a), et seq. The Solid Waste Order may direct that the violator take actions necessary to achieve compliance with the Ordinance, to abate hazards created as a result of non-compliance, or to restore the environment to the condition existing before the violation. The Selectboard may also levy a civil penalty of not more than \$500.00 for each violation, and in case of a continuing violation, not more than \$100.00 for each succeeding day.

The Selectboard may also, in its discretion, elect to enforce any violation of this Ordinance in accordance with the statutory procedures outlined by 24. V.S.A §1974(a) through the Judicial Bureau which allows for a civil penalty of not more than \$800.00 for each violation. Each day the violation continues shall constitute a separate violation.

The Selectboard, in its discretion, may also seek to enforce any violation of this Ordinance in the Superior Court or before the Environmental Law Division in accordance with the requirements of Chapter 117 of Title 24, Vermont Statutes Annotated. The Selectboard may petition the Superior Court or Environmental Law Division to issue an immediate injunction abating and enjoining any violation. Any person or entity who violates this

Ordinance shall be legally responsible for payment of all costs and legal fees incurred by the Town of Westminster in connection with the enforcement of this Ordinance.

VII. COLLECTION OF SOLID WASTE AND RECYCLABLES BY WASTE HAULERS

The Westminster Selectboard is authorized to employ or make contracts for the separation, recovery, collection, removal, storage, or disposal of solid waste, including mandated recyclables and compostables. All collectors and haulers of solid waste, mandated recyclables and compostables in the Town of Westminster shall comply with all terms and provisions of this Ordinance and shall be required to register with the Town Manager's office. No person may provide solid waste, recycling or composting services without having completed a registration.

In order to enforce this Ordinance, the Town and/or its agents shall have the right to inspect all waste routes and all solid waste, mandated recyclables or compostables set out or collected.

All haulers of solid waste, mandated recyclables and compostables shall maintain their vehicles in a safe operable condition in conformance with all applicable highway and vehicle safety regulations. All solid waste and related materials shall be transported only by vehicles in which the haulage container is securely closed or covered, vermin and leak resistant, durable, and easily cleanable. No haulers shall knowingly collect for disposal any solid waste which contains a significant quantity of mandated recyclables or any hazardous waste. Any such mixed waste must be rejected by the hauler and the solid waste generator must be notified of the reasons for rejection.

Any violation of this Ordinance by a hauler shall be enforceable in the same manner as violations for solid waste generators and all persons set forth in Section VI above.

ARTICLE VII. EFFECTIVE DATE

This Ordinance shall become effective 60 days from the date Hereof.

WESTMINSTER SELECTBOARD

6/24/2015
Date

By: K. Sheldon Beebe Chairman
K. Sheldon Beebe, Chairman