

Plainfield, Vermont

Ordinance Regulating Control of Solid Waste

Draft – January 26, 2015

Purpose: The purpose of this ordinance is to enable the town to require the removal of solid waste from a property to protect the public health and safety.

This Ordinance mandates that all solid waste shall be disposed of in appropriate receptacles and places the responsibility on property owners to maintain their premises in a manner free of solid waste.

Section A: Administration and Enforcement

The town Health Officer or another authorized agent of the Select Board shall be responsible for the administration of this Ordinance and shall have the authority to enforce compliance through the use of civil penalties as authorized by this Ordinance.

Section B: Duty of Owners and Occupants

- (1) **General Requirement.** It shall be the responsibility of each owner to keep his or her property free of solid waste. The owner of any property shall be responsible for the removal of solid waste on the property on a regular basis and brought to a permitted disposal site.
- (2) **Solid Waste Prohibited.** No owner of any property shall allow the storage or accumulation of solid waste on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent odor, blowing, spilling, scattering or leaking of solid waste contained therein.
- (3) **Solid Waste Prevention and Control in Adjacent and Surrounding Areas.** It shall be the responsibility of each owner, proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of solid waste. Removal of any solid waste shall be performed in accordance with this Ordinance.

Section C: Notice of Violation

- (1) **Notice of Violation (Warning).** The Town may commence enforcement of any provision of this Ordinance first by a verbal notification. If remedial actions have not been taken in a timely manner, notification in writing will be then given to the owner of the property or premises, of the existence of a violation on such property or premises. Such written notice shall be sent to the owner of a property by first class certified mail, return receipt requested, or may be served by the enforcement officer, to the last known address of the owner as indicated in the Town of Plainfield current real estate tax assessment records. Such notice shall contain a description of the nature of the violation, any corrective action needed to be taken by such person to come into compliance with this Ordinance, and the time frame within which such corrective action shall be completed. The amount of time allowed to abate, correct, or eliminate the unlawful condition shall not exceed ten (10) days.
- (2) Every owner of a property or premises shall, upon written notice of violation, abate, correct, and eliminate such condition within the timeframe required by such notice.

Section D: Penalty for Failure to Abate

Penalties –If an owner does not comply with the removal of the solid waste and remove the solid waste in the specified time frame, the Town or an agent of the Town may remove the solid waste. The owner will then be billed the cost of removal, plus an 8% penalty, plus interest of 1% per month on the unpaid balance. This amount will constitute a lien on the property, on parity with liens for unpaid taxes until the claim has been satisfied.

Section E: Appeals

Appeal Process – Owners have the right to appeal the decision of the enforcement officer to the Select Board.

Section F: Exceptions

Some solid waste items, as defined in Section H, used in a bona fide and active agricultural or business operation are exempt from these requirements.

Section G: Severability

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

Section H: Definitions

The following words and terms, when used in this Ordinance, shall for the purpose of this Ordinance, have the following meanings ascribed to them:

- 1. Solid waste or waste** – means any garbage, refuse, rubbish, litter, trash, junk or other discarded material, which include but are not limited to tires, furniture, clothes, and appliances.
- 2. Discarded material** – means a material that is abandoned, disposed of, accumulated, stored or treated before or instead of being abandoned, disposed of.
- 3. Dispose** – means to discharge, deposit, inject, dump, spill, leak or place any solid waste on any land or into any water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.
- 4. Garbage** – means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.
- 5. Junk** – means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures or scrapes thereof.
- 6. Litter** – means any man-made material that, if thrown, discarded, or disposed as prohibited by this Ordinance, may create a danger to public health, safety, or welfare or degrades the environment of the Town. Litter shall include, but it not limited to any garbage, trash, refuse, rubbish, newspaper, magazine, glass, metal, plastic or paper container, construction waste, or any discarded object likely to injure any person, create a traffic hazard, or degrade the environment.
- 7. Receptacle** – means a container that is specifically designed, constructed, and placed for use as a depository for litter and solid waste.

- 8. **Refuse** – means all solid waste products having the character of solid rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.
- 9. **Rubbish** – means combustible or slowly putrescible discarded materials, which include but are not limited to printed matter, plastic and paper products, rags, and other
- 10. **Discard** – means to abandon, dispose of accumulate, store or treat before or instead of being abandoned, disposed of.
- 11. **Trash** – means combustible and noncombustible discarded materials and is used interchangeably with the term **rubbish**.

This document has been adopted by the Select Board of Plainfield, VT on

_____ 2015.

Alice Merrill

David Strong

Bram Towbin

This ordinance shall be effective sixty (60) days after the date of its adoption unless a petition pursuant to 24 V.S.A. Section 1973 is presented to the Town Officials within forty-four (44) days of adoption. Such petition, if signed by five (5) percent of the voters, shall call for a special public meeting at which voters may disapprove the ordinance.