

Central Vermont Solid Waste Management District

**WASTE MANAGEMENT AND MANDATORY
RECYCLING ORDINANCE**

The following is a true and exact copy of the Ordinance, as adopted by the Board of Supervisors of the Central Vermont Solid Waste Management District on September 7, 1994, and amended by the Board of Supervisors on October 1, 1997.

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WHEREAS, the Central Vermont Solid Waste Management District (the “District”) has been created and exists as a union municipal district under the laws of the State of Vermont; and

WHEREAS, the Legislature of the State of Vermont (the “State”) has approved and confirmed the creation of the District and has enacted and amended the District’s governing agreement in Municipal Act No. 17, Acts of 1991, as amended by Municipal Act No. M-27, Acts of 1992 (the “Charter”); and

WHEREAS, pursuant to its Charter and the State Solid Waste Management Act, the District has developed and adopted a Solid Waste Management Plan (the “Plan”) providing for, among other things, waste reduction and education programs, separation, collection, transportation, Recycling and Disposal of Solid Waste; and

WHEREAS, the Board of Supervisors has determined that recyclable materials should be collected and Recycled to minimize the consumption of resources, prolong the life of landfills, and protect the environment and the public health and welfare; and

WHEREAS, the District has the authority under the Charter and the General Laws of the State of Vermont to provide solid waste disposal services for its member municipalities; to manage and regulate by ordinance, rule or regulation, the collection, storage, transportation, resource recovery, recycling and disposal of solid waste as defined in 10 V.S.A. Chapter 159 and in the District’s Charter; to make proper charges for its facilities, programs, and services, and to exercise any other powers which are necessary or desirable for dealing with solid waste problems of mutual concern and which are exercised or capable of exercise by any of its member municipalities; and to exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of the District’s purpose; and

WHEREAS, in order to implement a solid waste management implementation plan which contemplates and provides for an integrated means of managing all aspects of solid waste within its jurisdiction, it is deemed necessary to control and regulate the collection, transportation, storage and disposal of all solid waste; and

WHEREAS, the Board of Supervisors has determined that this Ordinance is in the public interest and necessity, promotes the public health, safety and welfare and promotes the efficient, economical and environmentally sound management of solid waste and solid waste disposal, 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, its member municipalities and citizens of the Central Vermont Solid Waste Management District; to promote the conservation of natural resources and the wise use of the environment; to fulfill the District’s responsibilities under 24 V.S.A. 2202(a); to regulate the separation, collection, transportation, Recycling and Disposal of Solid Waste within the District; to facilitate the adequate provision of Solid Waste Recycling and Disposal services such that the generators of Solid Waste pay costs reflecting the real costs to society of waste management; to regulate waste disposal practices that pose a danger to the public health and welfare and the environment; to implement and further the District Plan and the State’s Waste Management Plan; and to provide for the efficient, economical, and environmentally sound management of solid waste.

1.2 Title. This Ordinance shall be known and may be cited as the “District Waste Management and Mandatory Recycling Ordinance”.

ARTICLE II – DEFINITIONS

- 2.1 For the purposes of the Ordinance and regulations promulgated hereunder:
- A. “Board” means the Board of Supervisors of the Central Vermont Solid Waste Management District.
 - B. “Commercial Customers” are any individuals who use or maintain places of business or institutional activity within the corporate limits of the District, including but not limited to, landlords and their tenants, businesses, and non-profit institutions.
 - C. “Commercial Hauler” means any Person who, for a fee or other compensation, engages in the business of collection and hauling of Solid Waste, in quantities of more than one hundred (100) pounds, generated by customers in the District.
 - D. “Dispose” or “Disposal” shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste, Hazardous Waste, Special Waste or Recyclable Material(s) into or on any land or water.
 - E. “District” means the Central Vermont Solid Waste Management District and as appropriate in the context, the total area within the boundaries of all member municipalities within the District.
 - F. “District Manager” means the Manager or Executive Director of the District, or such person’s designee.
 - G. “Facility” shall mean any site or structure used for treating, storing, processing, recycling or disposing of solid waste. A facility may consist of single or several treatment, storage, recycling or disposal units.
 - H. “Generator” shall mean a person who produces solid waste by any means, including, but not limited to, household commercial, institutional and industrial activities.
 - I. “Hauler” shall mean any person or business that collects, transports, or delivers solid waste generated within the District for compensation.
 - J. “Hauler’s License” means a commercial hauling license issued or required by the Central Vermont Solid Waste Management District.
 - K. “Hazardous Waste” means any material or substance which, by reason of its composition or characteristics, is defined as hazardous either by 42 USC Section 6901 et.seq., or by 15 USC Section 2605(e), or by 42 USC Section 9601 et. Seq., or by any laws of similar purpose or effect, or any other materials which the State, the State Agency of Natural Resources or the Vermont Department of Environmental Conservation or any similar government agency or unit having appropriate jurisdiction shall determine from time to time is ineligible for Disposal in landfills, whether by reasons of being harmful, toxic or dangerous or otherwise.
 - L. “License” means a license issued to a person and/or business by the Board, according to the provisions of all ordinances adopted by the District, authorizing said person to engage in the business of commercial hauling of solid waste. “Licensee” shall mean the holder of a license.

- M. "License" shall mean any Person holding a license issued pursuant to Article hereof.
- N. "Ordinance" hereinafter refers specifically to the ordinance adopted by the Board titled "Waste Management and Mandatory Recycling Ordinance" and any amendments thereto validly enacted hereafter.
- O. "Person" shall mean an individual, partnership, company, corporation, association, institution, unincorporated association, joint venture, trust, municipality, agency, department, and any other legal entity. In any provision of this Ordinance prescribing a fine, penalty, or denial or revocation of a License, the term "Person" shall include the officers and directors of the corporation.
- P. "Plan" shall mean the Solid Waste Management Plan developed and adopted by the District in accordance with the provisions of 24 V.S.A. 2202(a), as such Plan is amended from time to time.
- Q. "Processor" shall mean any person which accepts recyclables from off-site, prepares the recyclables for the sale and/or brokers those materials.
- R. "Recyclables" means materials as may be specified by rule by the Board of Supervisors from time to time.
- S. "Recycle" or "Recycling" shall mean the separation, collection, recovery, and sale or reuse of materials designated as recyclable by the Board of Supervisors.
- T. "Resident" shall mean an individual owning or occupying a dwelling unit in a particular city, town or village within the District.
- U. "Residences" are any dwelling unit used in whole or in part for full or part time habitation by individuals.
- V. "Residential Customers" are any individuals who use or maintain places of primary or part-time residence within the corporate limits of the District, including but not limited to, homeowners, landlords and their tenants.
- W. "Self-Haulers" are any customers who collect and/or haul less than 100 pounds (lbs.) of solid waste at one time from locations in the District, who are not commercial haulers.
- X. "Solid Waste" as defined in Title 10 V.S.A. Section 6602 as amended from time to time, and shall also include recyclables and wastes destined for reuse (unless the context indicates that "Solid Waste" does not include such materials for the particular purpose of any part of this Ordinance), and shall exclude septage and sludge from wastewater treatment plants.
- Y. "Source Separation" shall mean the segregation and the collection, prior to collection for disposal, of materials for the sole purpose of recycling.
- Z. "Transport" shall mean the movement of wastes, and/or recyclables, by air, rail, highway or water.
- A1. "Unlawful Conduct" shall mean any act or failure to act which is in violation of any provision set forth in this Ordinance, any rule or regulation enacted by the District in furtherance of this ordinance, or any term, condition or restriction

imposed upon, or required by, any License issued or required under the term of this Ordinance, or in violation of any term or condition of any license granted by the Board of Supervisors or the Regulatory Board of the District.

B1. "Special Wastes" are all wastes that may not be disposed of with general mixed solid waste.

C1. "Tiered Schedule" is a system of providing for collection of solid waste based on different levels of service, thus creating a financial incentive for customers to generate less solid waste. Differential fees based on the quantity of solid waste of a generator (such as per bag, per cubic yard, or per pound), or the offering of a choice of bi-weekly, monthly, bi-monthly, or quarterly collection frequency, shall be deemed to satisfy the requirements of this ordinance as to Tiered Schedule.

D1. "Waste" shall mean a material that is discarded, or is being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, or has served its original intended use and is normally discarded, or is a manufacturing or mining by-product and is normally discarded.

E1. "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.

F1. "VSA" means Vermont Statutes Annotated.

ARTICLE III – AUTHORITY & RESPONSIBILITY

3.1 Authority of the District. Under 24 VSA, Section 2202a, and 2203a, and its Charter (Act M-8 of 1987), the District is responsible for management and regulation of the storage, collection and disposal of solid waste, including recyclables, within its jurisdiction, in conformance with the State Solid Waste Management Plan authorized under Title 10 VSA, Chapter 159. The District is authorized to issue local franchises and to make, amend, or repeal rules as necessary to manage the storage, collection, transportation and disposal of solid waste materials collected within the District and to impose penalties for violations thereof, provided that the rules are consistent with the State plan and rules promulgated by the Secretary of the Agency of Natural Resources, under Title 10 VSA, Chapter 159.

3.2 Responsibility of Generators. All generators of solid waste within the District shall separate their Solid Waste according to the provisions of this ordinance and any rules, procedures or practices adopted by the Board of Supervisors to implement this ordinance.

ARTICLE IV – HAULER RESPONSIBILITIES AND LICENSE REQUIREMENT

4.1 License Requirement. All commercial haulers of solid waste within the District shall be licensed by the District to collect solid waste and recyclables. Further, haulers shall comply with all local ordinances, including local zoning and/or vendor licensing. No person shall at any time engage in the business of or act as a commercial hauler in the District without having obtained a valid license from the District therefore as required in this ordinance.

CVSWMD Mandatory Recycling Ordinance # 94-01

Adopted September 7, 1994

Amended October 1, 1997

4.2 Validity of License. Each License shall be valid for a period not to exceed one (1) year. Each License shall expire on July 1 of each year, and shall not be assignable, fungible nor transferable.

4.3 Exemptions. The following Persons are exempt from the licensing requirements of Section 4.1:

- A. The District, and any member municipality of the District, in the transporting and delivery of Solid Waste generated in its municipal operations, utilizing its own vehicles.
- B. A Person in the transporting and delivering of his, her, or its own Solid Waste or in the collection, transporting, and delivery of Solid Waste of other Persons so long as any such collecting, transporting, and delivering is of 100 lbs. or less and is performed for no compensation.

4.4 License Application. Any Hauler, other than a Hauler exempt under Section 4.3, who desires to collect, transport, or deliver Solid Waste generated within the District shall apply to the District for a License on such form, containing such information, as the District Manager shall designate. Such application shall be accompanied by the fee established pursuant to Section 4.7 hereof. Application forms are available from the District office.

4.5 Incentive Based Rates. Haulers seeking a license from the District must demonstrate to the District that financial incentives for waste reduction and recycling for residents and businesses have been incorporated into their rate structure. Each commercial hauler shall offer a Tiered Schedule to all Customers within the District, mail notice of such Tiered Schedule to all customers at least once per year. Customer billings fees shall itemize service charge per customer visit per month, separately from charges per unit of solid waste. Fees per unit for recycling shall be itemized separately from fees per unit for solid waste, and shall not exceed 50% of fees for equivalent volume of solid waste. This percentage may be amended from time to time by rule of the Board of Supervisors. Each commercial hauler's Tiered Schedule shall be filed with the District with annual haulers license application, shall be reviewed as a condition for licensing, and shall otherwise be available to the District upon request.

4.6 Expiration of License, Renewal. Each License shall be valid for a period not to exceed one year. Each license shall expire annually at midnight June 30. Any renewal application shall comply with the application requirements in this Article and be accompanied by the fee as prescribed in Section 4.7. A License shall not be assignable or transferable, and upon any assignment or transfer, the License shall automatically expire and become null and void.

4.7 Licensing Fee. For the purpose of administering the provisions of this Ordinance and the licensing program established herein, the Board of Supervisors may impose an annual Licensing Fee as a condition to issuance and renewal of a License. The amount of the licensing fee shall be established by the Board of Supervisors and may be modified from time to time.

4.8 Administration of Licensing Program.

4.9 Standards for Issuance of License. In order to obtain, reinstate, or renew a License, a Hauler shall:

Properly complete and file all necessary application forms and provide such materials as may be required in this ordinance or through the rules, procedures and practices of the District;

Pay the License fee as may be established by the Board under this Ordinance

Provide verification of a current and valid Hauler's License by the State of Vermont, where applicable,
and

Pay any past due amounts owed to the District;

Demonstrate the ability to comply with the provisions of this Ordinance and, in situations where a Hauler's License has been suspended or revoked, demonstrate that corrective actions has been taken, as necessary, to ensure that the Hauler will comply with this Ordinance. In situations where past payments to the District have been late or

where the District Executive Director has reason to believe that the District may be at risk for late or non-payment of District Fees, the Executive Director may require that the demonstration required by this subsection include the provision of a letter of credit or other security in amounts and on terms necessary to assure proper payment.

4.10 Terms, Restrictions, and Conditions of Licenses. The District Director may attach to any License such reasonable terms, restrictions, and conditions as are necessary to assure that Solid Waste is separated, collected, transported, recycled, and disposed of in an environmentally sound manner, and to assure compliance with this Ordinance.

4.11 Responsibilities of Licensees and Other Haulers Who are not Licensees. Each Hauler shall keep and maintain such records within the State of Vermont as will enable the District to determine compliance with this Ordinance, including but not limited to records on a daily basis of the amount of Solid Waste that is collected and/or transported for purposes of disposal; total amounts of recyclables; total amount of other materials as may be collected and destined for other uses such as reuse, composting or other methods of disposal. All such records shall be made available to the District, and its agents, for inspection and copying during normal business hours of the District. The records of each day of operation shall be retained for at least 3 years.

4.12 Suspension and Revocation. The District Manager may suspend or revoke a License for any violation of this Ordinance or repeated failure to pay one or more District billings rendered pursuant to Section 4.9 by their due dates. Notification of suspension or revocation will be made in writing and delivered in person or by registered mail return receipt requested. Any such suspension or revocation may be appealed to the District Board of Supervisors. Upon notice and hearing, the District Board of Supervisors, may affirm, reverse, or modify the District Manager's decision.

4.13 Right of Appeal. A Licensee may appeal any suspension, revocation or modification of a License to the District Board of Supervisors within seven (7) days of receipt of the notice. In requesting such a hearing, the Licensee must state the grounds for the appeal in writing to the District Manager. Upon receipt of a request for appeal, District staff shall schedule a day, time and place for the hearing and notify the hauler in writing. If an appeal is not received within seven (7) business days of notification, the decision of the District Manager to suspend, revoke or modify shall be final and binding upon the Licensee. In the event of an appeal, such suspension or revocation shall not be effective until final decision by the District Board of Supervisors.

ARTICLE V – INSPECTION

5.1 Enforcement Personnel. Any person designated, in writing, by the District Executive Director as an enforcement officer may inspect Haulers' loads and records to check compliance with License requirements and requirements of this and other District ordinances, and to determine the quantity, type and origin of Solid Waste. Any person(s) designated by the Executive Director may issue written warnings and summonses to Haulers for failure to comply with these or any other District regulations.

5.2 Vehicle Checks. Vehicles used in the collection or transportation of Solid Waste within the District shall be subject to reasonable inspection by the District or its agents for the purposes of determining compliance with the terms of Licenses and this Ordinance and for data collection. Failure to allow inspection shall be a violation of this Ordinance.

ARTICLE VI – REGULATIONS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES IN THE CENTRAL VERMONT SOLID WASTE MANAGEMENT DISTRICT

6.1 Property Owners. Property owners providing contracted collection of or self-hauling solid waste for tenants, either residential or commercial, must also provide for the collection of recyclables. Property owners who do not provide such services will be subject to the same enforcement proceedings outlined in this ordinance for residents except for the application and amount of the monetary fine. Property owner's may be fined not more than \$25.00 for each tenant unit at the site of the offense per occurrence of each offense.

6.2 Generator's Responsibility. Recyclables generated in the District shall be separated from other solid waste prior to any disposal.

- a. Residential: No person who owns, rents, leases or otherwise uses property in the District for residential purposes shall place for collection nor deposit for disposal at curbside, on site or at any public or private collection facility or landfill any residential recyclables which are not separated from other solid waste, nor any solid waste which is not free of residential recyclables.
- b. Commercial: No person who owns, rents, leases or otherwise uses or occupies any property in the District for commercial or institutional purposes shall place for collection nor deposit for disposal at curbside, on site or at any public or private collection facility or landfill any commercial recyclables which are not separated from other solid waste, nor any solid waste which is not free of commercial recyclables.

6.3 Hauler's Responsibilities. Commercial haulers are required on a regular and convenient basis, to collect recyclables from their customers, shall keep recyclables separate from other solid waste, and shall not dispose of recyclables in a landfill. Haulers will be responsible for establishing and communicating sorting specifications to their customers.

6.4 Refusal to Collect. Any solid waste placed by a customer for collection by a commercial hauler may be rejected for collection if it does not meet the requirements of the ordinance's or the hauler's specifications.

6.5 Special and Hazardous Wastes. Special wastes and household hazardous wastes, tires, car and truck batteries, metal appliances and other large metal items shall not be disposed of with, or as ordinary, solid waste. These items shall be collected and/or disposed of in accordance with State law.

6.6 Per Bag Collection. At any location where a hauler accepts solid waste from households on a per-bag basis (i.e., where customers are charged for dropping off their household solid waste), regardless of whether such a location is permanent or temporary, source separated recyclable material shall be accepted during all operating hours. Haulers may charge for recyclables accepted at drop-off locations, but at a rate no more than 50% of the rate per bag equivalent volume of solid waste. Recyclable materials collected at drop-off locations shall be delivered by the hauler to a processor or broker of recyclable materials. Haulers must maintain records of delivery of such materials provided by the processor or broker. The list of recyclable materials which must be accepted at such locations shall be set by rule of the District Board of Supervisors from time to time. Nothing in this Ordinance shall be construed to limit the acceptance of recyclables only to these materials. Haulers may choose to accept for recycling materials in addition to those required by the District to be accepted.

6.7 Rules and Regulations. The District Board of Supervisors shall establish all Rules and Regulations necessary for the implementation and enforcement of this and other District ordinances.

ARTICLE VII – PENALTIES AND ENFORCEMENT

7.1 A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq.

CVSWMD Mandatory Recycling Ordinance # 94-01
Adopted September 7, 1994
Amended October 1, 1997

Violation of sections 3.2, 6.1, 6.2(a) of this ordinance will be subject to fines as follows:

	Penalty	Waiver
First Violation	\$25	\$10
Second Violation	\$100	\$50
Third Violation	\$200	\$100

Violation of sections 4.1, 4.5, 5.2, 6.2(b), 6.3, 6.6 of this ordinance will be subject to fines as follows:

	Penalty	Waiver
First Violation	\$200	\$100
Second Violation	\$300	\$200
Third Violation	\$500	\$350

ARTICLE VIII – EFFECTIVE DATES

7.1 This ordinance shall become effective July 1, 1995 with enforcement beginning July 1, 1996.

ARTICLE IX – SEVERABILITY

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

I CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF CVSWMD ORDINANCE 94-01, AS ADOPTED BY THE BOARD OF SUPERVISORS ON SEPTEMBER 7, 1994, AND AMENDED OCTOBER 1, 1997.

Clerk of the District

Date