

TOWN OF BENNINGTON, VERMONT

ARTICLE 8. ORDINANCE REGULATING THE COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE

ARTICLE 8-1. PURPOSE

To protect the health and welfare of the citizens of Bennington and to promote the conservation of natural resources and the wise use of the environment, the Select Board of the Town of Bennington, hereby adopts this Ordinance to regulate the separation, recovery, collection, removal, transportation, storage and disposition of solid waste, and the collection, transportation, storage and removal of recyclables, in the Town of Bennington, Vermont.

ARTICLE 8-2. AUTHORIZATION

By authority of 24 VSA, Chapter 61, Section 2291(12) and 24 VSA, Chapter 61, section 2202a(a), municipalities are enabled to regulate the storage or dumping of solid waste as defined in VSA 10, Section 6602.

ARTICLE 8-3. DEFINITIONS

- A. Air Contaminants: Shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
- B. Authorization: By the Town of Bennington means authorized pursuant to a legal contract or other written authorization entered into by the Town of Bennington and a private third party as defined herein.
- C. Container: Shall mean a dumpster of any size or any trash receptacle, can, unbreakable bag, or barrel, which is installed and properly maintained for the collection and short-term storage of, and transportation of, solid waste.
- D. Emission: Shall mean a release into the outdoor atmosphere of air contaminants.
- E. Fire Warden: Shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.
- F. Hauler: Shall mean any person, corporation, partnership, association or organization authorized to collect solid waste within the limits of the Town of Bennington.

- G. Incineration: Shall mean the burning of solid waste in an enclosed outdoor container.
- H. Open Fire Burning: Shall mean 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.
- I. Party: Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- J. Recyclable: Shall mean recyclable material as specifically identified by the Select Board.
- K. Solid Waste: Shall mean any solid waste as defined in Title 10 V.S.A. Section 6602.

ARTICLE 8-4. SOLID WASTE REGULATION

The collection, removal and disposal of all solid waste within the limits of the Town of Bennington shall be regulated by the Select Board of the Town of Bennington. The Board shall have the power to establish the time, method and routes of service, the providers of service and such other regulations as said Board shall promulgate for the orderly provision of such service and the general health, and welfare of the Town inhabitants.

ARTICLE 8-5. COLLECTION

The Town is authorized to employ or make contracts with individual parties for the separation, recovery, collection, removal, transportation, storage, or disposition of solid waste, including recyclables. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid consistent with the Town Purchasing Policy. Contracts may be rejected or awarded at the sole discretion of the Town. The Select Board may adopt regulations regulating the preparation of solid waste for collection.

8-5.01 Contracts All collectors and haulers of solid waste in the Town of Bennington shall be licensed by the Town and such license shall constitute authorization to collect solid waste. The Select Board may set a registration fee. Failure to abide by these regulations may cause suspension or revocation of any authorization or license, or enforcement of any other penalties provided by law.

8-5.02 Licences All prospective licensees shall demonstrate an ability to

perform the operations governed by the license. Consideration shall be given to type, size and condition of vehicles, applicable drivers licenses in good standing, and applicable vehicle registrations. No improperly registered vehicle shall be used or authorized for collection as provided.

ARTICLE 8-6. PUBLIC SAFETY

Any party who generates, causes to be generated or hauls solid waste, including recyclables, in the Town of Bennington shall not permit or cause any solid waste, including recyclables, within its control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, other than yard waste, may not be left out of doors unless it has been placed in the proper container as defined pursuant to this ordinance. Household hazardous wastes may only be disposed of in accordance with state and federal regulations.

ARTICLE 8-7. ILLEGAL DUMPING

8-7.1 It shall be unlawful to dispose of solid waste as follows:

- A. It shall be unlawful for any party, to enter any Town of Bennington solid waste facility when said facility is not open; nor shall it deposit, dump, or leave solid waste of any kind in any such facility or adjacent thereto, whenever said facility is not open.
- B. It shall be unlawful for any party to deposit, dump, or leave solid waste in any privately owned or maintained disposal container other than its own, nor on any other private or public property, without the consent of the owner.
- C. It shall be unlawful to deposit, dump, leave or otherwise dispose of solid waste, except at the Bennington Transfer Station or at such other state or federally certified facilities licensed to accept such wastes. Special permits which are issued under the provisions of this ordinance shall be for a specified date, time and location and only for specified materials. The Town reserves the right to establish a fee for the issuance of such permits.

ARTICLE 8-8. OPEN FIRES AND INCINERATORS

8-8.01 Prohibitions

Except as provided by this Section, the burning of any solid waste, either by open fire or incineration, in the Town of Bennington is prohibited.

8-8.02 Permits

A specific written permit may be granted by the Fire Warden or his designee for the open burning of yard and garden debris including trees, stumps, brush, untreated wood, lawn clippings, and leaves; provided the Fire Warden 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 Bennington.

ARTICLE 8-9. TRANSPORTATION

Any party transporting solid waste, including recyclables, in a vehicle, shall have said load tied, covered, contained or secured in such a manner as to prevent any loss of the transported material from the vehicles. This section applies to all solid waste, including construction debris, transported within the Town of Bennington.

ARTICLE 8-10. ENFORCEMENT

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 et seq. A civil penalty of not more than \$250 may be imposed for the violation of this civil ordinance and a waiver fee of \$200 shall be set. Each day that a violation shall continue or exist shall constitute a separate violation of this ordinance.

ARTICLE 8-11. REVOCATION OF LICENSE

The Town of Bennington, or its designated agent reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility operated by the Town or for the benefit of the Town where this ordinance or the regulations promulgated hereunder are ignored or violated. The Town further reserves the right to revoke the license of any hauler who violates this Ordinance or the regulations promulgated hereunder.

ARTICLE 8-12. ENJOINING

The Town of Bennington may, upon the violation of any provision of this Ordinance, maintain an action to enjoin the violation of these ordinances, or any regulations adopted to implement the same.

ARTICLE 8-13. APPEAL

Any party whose authorization or license is so revoked or suspended may appeal such action to the Select Board within ten (10) days. The Board shall consider said appeal at a hearing warned for such purpose. Decisions of the Board shall be final

and binding and shall be issued within 90 days of said appeal.

ARTICLE 8-14. INCONSISTENT REPEAL

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

ARTICLE 8-15. SEVERABILITY

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

ARTICLE 8-16. EFFECTIVE DATE

This ordinance shall take effect sixty (60) days from date of adoption by the Select Board.