

**VILLAGE OF BARTON
CIVIL ORDINANCE
REGULATING THE BURNING AND DISPOSAL OF SOLID WASTES**

WHEREAS, the Village of Barton has, by virtue of authority granted in 24 V.S.A. 1971 and 24 V.S.A. 2202a, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within its boundaries;

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Trustees of the Village of Barton hereby adopts this ordinance to regulate the collection and disposal of solid waste in the Village of Barton, Vermont.

**ARTICLE I
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 waters.
- (c) "Emission" means a release into the outdoor atmosphere of air contaminants.
- (d) "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- (e) "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.
- (f) "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.
- (g) "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, federal agency, or any other legal or commercial entity.
- (h) "Recyclable" means any type of refuse designated by the Village of Barton Trustees.
- (i) "Solid Waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, 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 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. For the purposes of this ordinance, solid waste shall also include marketable recyclables.

(j) "Solid Waste Facility" means any site or structure used for treating, storing, processing, recycling or disposing of solid waste which has been certified to receive solid waste by the Vermont Agency of Natural Resources under 10 V.S.A. Chapter 159. A facility may consist of a single or several treatment, storage, recycling, or disposal units.

(k) "Natural wood" means any of the following, provided such material has not been chemically treated with preservatives, paint or oil;

- 1) trees, including logs, boles, trunks, branches, limbs, and stumps;
- 2) lumber, including timber, logs, or slabs dressed for use;
- 3) pallets and skids

This definition does not include processed wood products such as plywood, particle board, fiber board, and press board.

ARTICLE II ILLEGAL DUMPING

(a) It shall be unlawful to dispose of any hazardous waste except for in a facility certified or approved by the State of Vermont to accept such hazardous wastes.

(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 water except as follows:

1. The composting of organic material if authorized by the Vermont Solid Waste Management Rules, provided no nuisance is caused;
2. Open burning or incineration as allowed by Article III.
3. The disposal of solid waste in a privately owned or maintained disposal container with the express consent of the owner of the container.
4. Disposal of other materials as approved by the Vermont Department of Environmental Conservation, and the Village of Barton Trustees.

(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 public 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 VSA Section 2241-2291 or a solid waste disposal facility certified under 10 VSA Chapter 159.

(e) Any person who violates the prohibitions contained in this article shall immediately remove the solid waste so deposited or left. Each day including the day of the prohibited act, during which the solid waste is not removed, shall constitute a separate violation of this ordinance.

ARTICLE III 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 Village of Barton 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:

1. The open burning of leaves, brush, garden wastes, slash, slab wood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations.
2. The open burning of natural wood, grass, leaves and similar materials for agricultural improvements, forest or wildlife habitat management or festive celebrations.
3. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.
4. With the prior approval of the Department of Environmental Conservation burning authorized by the Trustees as necessary for the protection of public health or to thwart a hazard.
5. Burning of natural-wood demolition or construction materials and natural-wood commercial wastes such as pallets or skids, provided such burning is approved by the Department of Environmental Conservation.
6. The open burning of natural wood by the Village of Barton in accordance with 10 V.S.A. Section 565.

(c) The Fire Warden shall not issue a permit unless he/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 Village of Barton. Permits which are issued under the provisions of this ordinance shall be for a specified date, time and location, and only for specified materials.

ARTICLE IV 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 civil ordinance. The penalty for the first offense shall be \$100.00 and the waiver fee shall be \$50.00, the penalty for a second offense shall be \$250.00, and the waiver fee shall be \$125.00, the penalty for the third offense and any subsequent offense shall be \$500.00 and the waiver fee shall be \$300.00. Each day that the violation continues shall constitute a separate violation of this ordinance.

(b) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the traffic and municipal ordinance 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 municipal ordinance bureau hearing officer, on application of the Village of Barton may order that the ordinance violation cease.

ARTICLE V DESIGNATION OF ENFORCEMENT PERSONNEL

For purposes of this ordinance, the Trustees may designate any combination of the following persons as enforcement officers: members of the Trustees, their appointed representative to the board of Supervisors of the local Solid Waste Management District, the Town Health Officer, Village Attorney, Constable and law enforcement officials.

ARTICLE VI 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 VII 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 adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE VIII
EFFECTIVE DATE**

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

Adopted this 13th day of February, 2006.

David M. Svedcher

John D. Evers

Ellen C. Merchant

Trustees-Village of Barton

ADOPTION HISTORY:

1. Agenda item at regular trustee board meeting held on February 6, 2006.
2. Read and approved at regular trustee board meeting on February 13, 2006.
Entered into the minutes of that meeting which were approved on _____.
3. Posted in public places on February 14, 2006.
4. Notice of adoption published in the Chronicle newspaper on February 22, 2006.
with a notice of the right to petition.
5. Other actions (petitions, etc.)

In accordance with the provisions of Title 24, Section 1973, Vermont Statutes Annotated, an ordinance adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to the petition signed by not less than five per cent (5%) of the qualified voters of the municipality and presented to the legislative body or the clerk of the municipality within forty-four (44) days following the date of the adoption of the ordinance by the legislative body.

Questions regarding the ordinance or the process of petitioning for a vote to disapprove the same may be directed to the Barton Village Board of Trustees, 17 Village Square, Barton, Vermont 05822.