

Solid Waste Implementation Plan For the Bennington County Solid Waste Alliance

Member Towns:

Arlington, Bennington, Dorset, Glastenbury, Manchester,
Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford,
Sunderland and Woodford

November 17, 2015

Acknowledgements

This plan was developed by representatives of the Towns of Arlington, Bennington, Dorset, Glastenbury, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford with assistance from the Bennington County Regional Commission and staff of the Vermont Agency of Natural Resources, Waste Management Division. Funding was provided by the thirteen towns as well as a municipal planning grant awarded by the Vermont Department of Housing and Community Development. Lynn Rubenstein of the Northeast Recycling Council (NERC) provided assistance on the development of the Bennington County Solid Waste Alliance. Rob Woolmington provided legal advice on formation of the interlocal contract (Alliance). Pam Clapp of the Solid Waste Alliance Communities, John Malter of the Mad River Alliance and members of the Vermont Solid Waste Managers Association provided valuable information on solid waste management. Jen Holiday and Gary Winne of the Chittenden Solid Waste Management District provided advice on a permanent household hazardous waste facility. Mia Roethlein reviewed and provided comments on this plan.

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I. Introduction and Purpose

A. Universal Recycling Law

The Universal Recycling Law or Act 148 was passed by the Vermont Legislature in 2012. The primary purpose of this law is to significantly reduce the amount of material going into landfills. Over the past decade 30 to 36% of materials have been diverted from landfills. At the same time, the average amount of material each Vermonter generates has increased. This means that many useful and recyclable materials still end up in those landfills, which are gradually becoming full. The Universal Recycling Law seeks to provide more choices and convenience for Vermont residents, businesses and institutions to make it easier for them to recycle. The law will be being phased in over time to allow for the creation of the systems for managing materials.

B. Bennington County Solid Waste Alliance

The towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford have worked together to develop this plan (Map 1). Previously, the towns of Bennington and Woodford implemented a joint SWIP; Stamford had their own SWIP; and Arlington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Shaftsbury and Sunderland jointly implemented a SWIP. Searsburg had submitted a SWIP, but that was not reviewed or approved by VT ANR. As part of the planning process, the towns formed the Bennington County Solid Waste Alliance (BCSWA) through an interlocal contract, pursuant to 24 V.S.A. Chapter 24, to implement the plan (Appendix I).

Universal Recycling Timeline

July 1, 2014

- Transfer stations must accept residential recyclables at no separate charge.
- Generators of more than 104 tons/year of food wastes must send those materials to a composting facility if one exists within 20 miles.

July 1, 2015

- Residential trash must be charged based on volume or weight.
- Recyclables are banned from landfills.
- Transfer stations must accept leaf and yard waste.
- Haulers and transfer stations must offer residential recycling at no separate charge.
- Recycling containers must be provided in all publicly owned spaces where trash cans are located.
- Generators of more than 52 tons/year of food wastes must send those materials to a composting facility if one exists within 20 miles.

July 1, 2016

- Leaf and yard waste and clean wood are banned from landfills Haulers must offer leaf and yard debris collection.
- Generators of more than 26 tons/year of food wastes must send those materials to a composting facility if one exists within 20 miles.

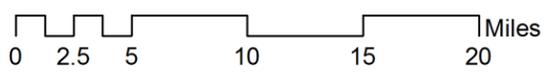
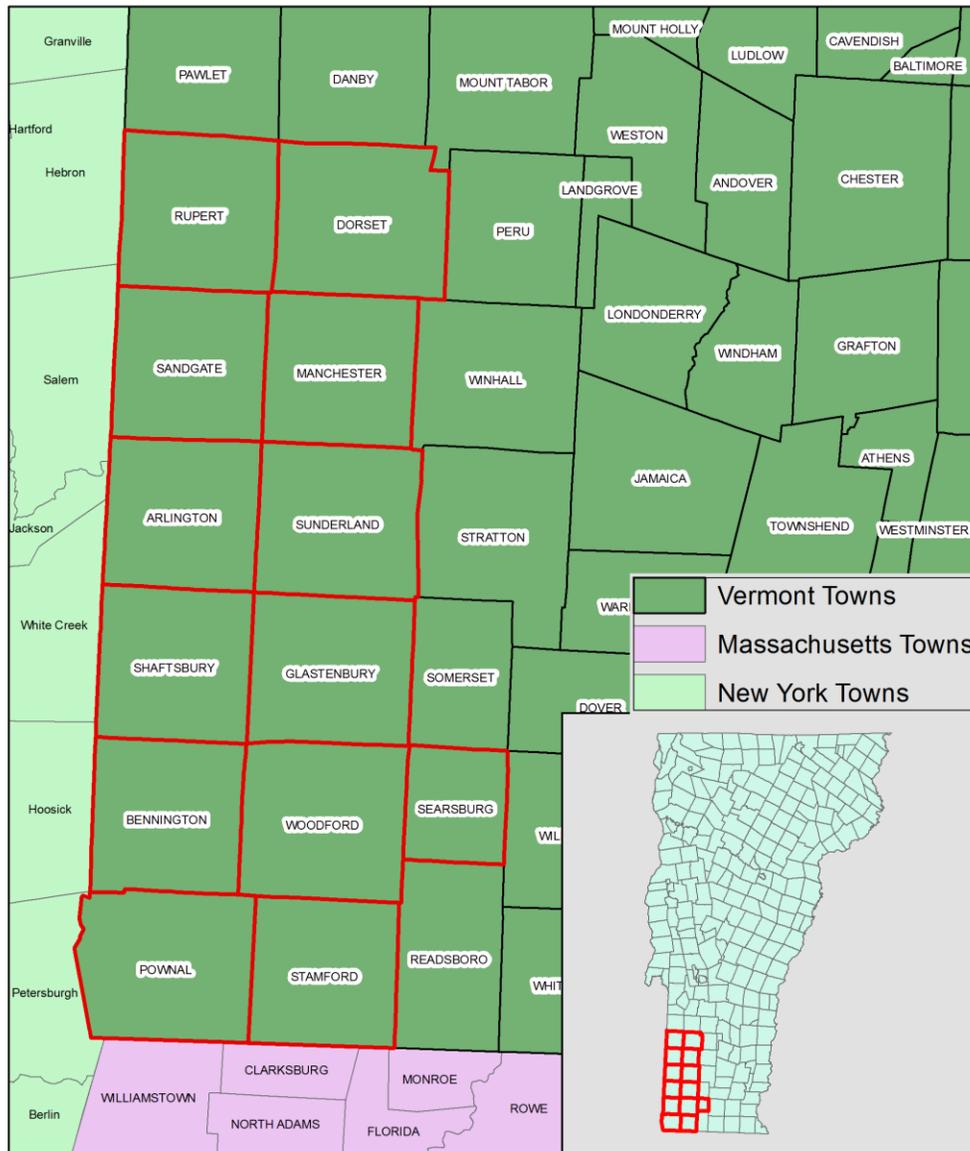
July 1, 2017

- Transfer stations must accept food scraps. Haulers must offer food scrap collection.
- Generators of more than 18 tons/year of food wastes must send those materials to a composting facility if one exists within 20 miles.

July 1, 2020

- Food scraps are banned from landfills. The 20 mile limit no longer applies.

Map 1. Bennington County Solid Waste Alliance Towns



C. Mission and Goals

The mission of the Bennington County Solid Waste Alliance is to reduce the amount of waste disposed in landfills, by incineration or similar means by reducing the amount of waste generated, conserving resources and promoting recycling and reuse. To accomplish this, the Alliance has adopted the following goals:



1. Reduce the disposal rate, or the amount of municipal solid waste disposed, by 25% by 2020 from the 2015 amount.
2. Increase the diversion rate, or the amount of material diverted from landfills, to 50%.

Achieving these goals may be difficult and expensive unless new and stable markets for recyclable materials can be found to help pay for the costs of recycling.

D. Planning Process

In June of 2014, the Vermont Agency of Natural Resources adopted a Materials Management Plan, as required under the Universal Recycling Law (VT ANR 2014). As described above, the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford are responsible for implementing state materials management policies and the requirements of the Universal Recycling Law. These towns cooperated to develop this Solid Waste Implementation Plan (SWIP) in conformance with the Vermont Agency of Natural Resources Materials Management Plan. The actions in Section III follow the format of the template created by the Agency of Natural Resources (VT ANR 2014).

1. Solid Waste Implementation Plan Team

In the summer of 2014, the Bennington County Regional Commission (BCRC) organized a series of meetings with representatives of the 13 towns (Table 1).

| Town | Representative | Position |
|-------------|------------------|--------------------|
| Arlington | Keith Squires | Select Board Chair |
| Bennington | Stu Hurd | Town Manager |
| Dorset | Rob Gaiotti | Town Manager |
| Glastenbury | Ricky Harrington | Town Supervisor |
| Manchester | John O'Keefe | Town Manager |

| Town | Representative | Position |
|---------------------|----------------------------|----------------------------|
| Pownal ¹ | Megan Randall ² | Volunteer |
| | Tom Shuey | Transfer Station Operator |
| Rupert | Mark Lourie | Select Board Chair |
| Sandgate | Suzie dePeyster | Select Board Chair |
| Searsburg | Sandy Gaszek | Select Board Chair |
| Shaftsbury | Mitch Race | Select Board Member |
| Stamford | Nancy Bushika | Select Board Member |
| Sunderland | Steve Bendix | Select Board Member |
| Woodford | Mike Charette | Select Board Member |
| | Betty Charette | Planning Commission Member |

2. Public Involvement Process

The planning team met on the dates shown in Table 2 below. Except for the first meeting, all were warned and open to the public. Minutes were posted on the BCRC website.

| Meeting Date | Location |
|--------------------|--|
| June 11, 2014 | Community College of Vermont, Bennington, VT |
| August 6, 2014 | Arlington Town Hall, Arlington, VT |
| September 24, 2014 | Community College of Vermont, Bennington, VT |
| October 27, 2014 | Bennington Free Library, Bennington, VT |
| December 2, 2014 | Manchester Town Hall, Manchester, VT |
| January 13, 2015 | Arlington Town Hall, Arlington, VT |
| February 4, 2015 | Arlington Town Hall, Arlington, VT |
| April 14, 2015 | Arlington Town Hall, Arlington, VT |
| March 31, 2015 | Arlington Town Hall, Arlington, VT |
| May 20, 2015 | Arlington Town Hall, Arlington, VT |
| June 25, 2015 | Arlington Town Hall, Arlington, VT – first public hearing on the draft SWIP |
| July 21, 2015 | Sunderland Town Hall, Sunderland, VT – second public hearing on the draft SWIP |
| August 5, 2015 | Arlington Town Hall, Arlington, VT |
| September 2, 2015 | Arlington Town Hall, Arlington, VT |
| November 17, 2015 | Arlington Town Hall, Arlington, VT – SWIP adopted |

¹ Hap Percey served as representative from June through November of 2014.

² Megan resigned in August of 2015 and Tom Shuey became the Pownal representative.

Planning team members periodically reported to their respective Select Boards on the progress of the team. BCRC staff also periodically met with Select Boards to update them as needed. BCRC redesigned the solid waste management portion of its website to include a page on the plan and process.

3. Conformance with the Regional Plan

The Bennington County Regional Commission has completed work on an update to the regional plan, and adopted the new plan on March 19, 2015 in the spring of 2015. That plan supports efficient and coordinated management of solid waste to protect the environment and reduce disposal costs. Information on the Universal Recycling Law was incorporated into the new regional plan. BCRC assisted in the development of this plan. In the regional plan, new solid waste facilities are considered projects that could have a substantial regional impact and would be reviewed by BCRC as part of any Act 250 review. In summary, this plan conforms to the newly adopted regional plan.

4. Vermont Agency of Natural Resources Review and Plan Adoption

Drafts of the SWIP were submitted to the Vermont Agency of Natural Resources, which provided responses in letters dated March 31, 2015, July 1, 2015 and September 10, 2015. The plan was amended to address those comments, and the Agency granted pre-approval on September 21, 2015. The Alliance adopted the pre-approved SWIP on November 17, 2015.

II. Area Description

A. Demographic and Economic Setting

1. Population and Housing

The total population of the 13 towns is just over 35,000, with 14,552 households. Bennington is the largest town, with nearly 45% of the population, followed by Manchester, Shaftsbury, Pownal, Arlington and Dorset. The remaining seven towns all have populations less than 1000.

| Town | Population | Proportion | Households | Proportion |
|------------|------------|------------|------------|------------|
| Arlington | 2,317 | 6.61 | 999 | 6.87 |
| Bennington | 15,764 | 44.96 | 6,246 | 42.92 |
| Dorset | 2,031 | 5.79 | 898 | 6.17 |

| Table 3. Population and number of households in member towns from the 2010 census. Source: U.S. Department of Commerce 2014 | | | | |
|---|------------|------------|------------|------------|
| Town | Population | Proportion | Households | Proportion |
| Glastenbury | 8 | 0.02 | 3 | 0.02 |
| Manchester | 4,391 | 12.52 | 2,047 | 14.07 |
| Pownal | 3,527 | 10.06 | 1,429 | 9.82 |
| Rupert | 714 | 2.04 | 309 | 2.12 |
| Sandgate | 405 | 1.16 | 162 | 1.11 |
| Searsburg | 109 | 0.31 | 44 | 0.30 |
| Shaftsbury | 3,590 | 10.24 | 1,508 | 10.36 |
| Stamford | 824 | 2.35 | 334 | 2.30 |
| Sunderland | 956 | 2.73 | 393 | 2.70 |
| Woodford | 424 | 1.21 | 180 | 1.24 |
| Totals | 35,060 | 100 | 14,552 | 100 |

2. Businesses and Institutions

Based on information provided by the Vermont Agency of Natural Resources, Table 4 shows the distribution of food scrap generators by size in the 13 town BCSWA area:

| Table 4. Number of food scrap generators by size class: Source: Erik Engstrom, VT ANR GIS Projects Supervisor, provided in 2014. | |
|--|----------------------|
| Size Class | Number of Generators |
| >104 tons/year | 1 |
| 52 to 104 tons/year | 13 |
| 26 to 52 tons/year | 23 |
| 18 to 26 tons/year | 9 |
| <18 tons/year | 153 |
| Total | 199 |

Data from the Vermont Department of Labor indicates there are approximately 2,319 businesses in the county. Of these, 254 are home based businesses and have less than five employees. Further analyses will be necessary to identify and prioritize businesses by type. Table 5 shows the number of employers not based in homes by size range. Note that 57 employers were not classified by size range.

Table 5. Number of employers by range of employee numbers in Bennington County: Source: Vermont Department of Labor 2014.

| Number of Employees | Number of Employers |
|---------------------|---------------------|
| >1,000 | 1 |
| 500-999 | 1 |
| 250-499 | 4 |
| 100-249 | 21 |
| 50-99 | 27 |
| 20-49 | 137 |
| 10-19 | 200 |
| 5-9 | 452 |
| 1-4 | 1,419 |
| Total | 2,262 |

3. Schools

Tables 6 and 7 list schools in the BCSWA area, and these would be prioritized for outreach efforts.

Table 6. Bennington County public schools and recent enrollment. Source: Draft Bennington County Regional Plan 2015.

| Public Schools | Town | Supervisory Union | 2010-11 | 2011-12 | 2012-13 |
|---|--------------------------|--------------------|--------------|--------------|--------------|
| Fisher Elementary (Arlington, K-5) | Arlington | Battenkill Valley | 154 | 144 | 163 |
| Arlington Memorial High School (6-12) | Arlington | Battenkill Valley | 172 | 177 | 200 |
| Dorset School (K-8) | Dorset | Bennington Rutland | 162 | 163 | 173 |
| Manchester Elementary / Middle School (K-8) | Manchester | Bennington Rutland | 399 | 414 | 393 |
| Mettawee School (K-8) | West Pawlet ³ | Bennington Rutland | 163 | 164 | 165 |
| Sunderland Elementary | Sunderland | Bennington Rutland | 62 | 64 | 62 |
| Bennington Elementary | Bennington | Southwest Vermont | 293 | 268 | 256 |
| Molly Stark Elementary (Bennington) | Bennington | Southwest Vermont | 382 | 381 | 387 |
| Monument Elementary (Bennington) | Bennington | Southwest Vermont | 136 | 145 | 143 |
| Pownal Elementary | Pownal | Southwest Vermont | 263 | 264 | 265 |
| Shaftsbury Elementary | Shaftsbury | Southwest Vermont | 195 | 214 | 235 |
| Woodford Hollow Elementary | Woodford | Southwest Vermont | 28 | 27 | 26 |
| Mount Anthony Union Middle School | Bennington | Southwest Vermont | 619 | 604 | 572 |
| Mount Anthony Union High School | Bennington | Southwest Vermont | 1039 | 992 | 1002 |
| Stamford (K-8) | Stamford | Windham Southwest | 77 | 72 | 62 |
| Total Public Schools | | | 4,144 | 4,093 | 4,104 |

³ Students from Rupert attend this school.

Table 7. Bennington private schools and recent enrollment. Source: Draft Bennington County Regional Plan 2015.

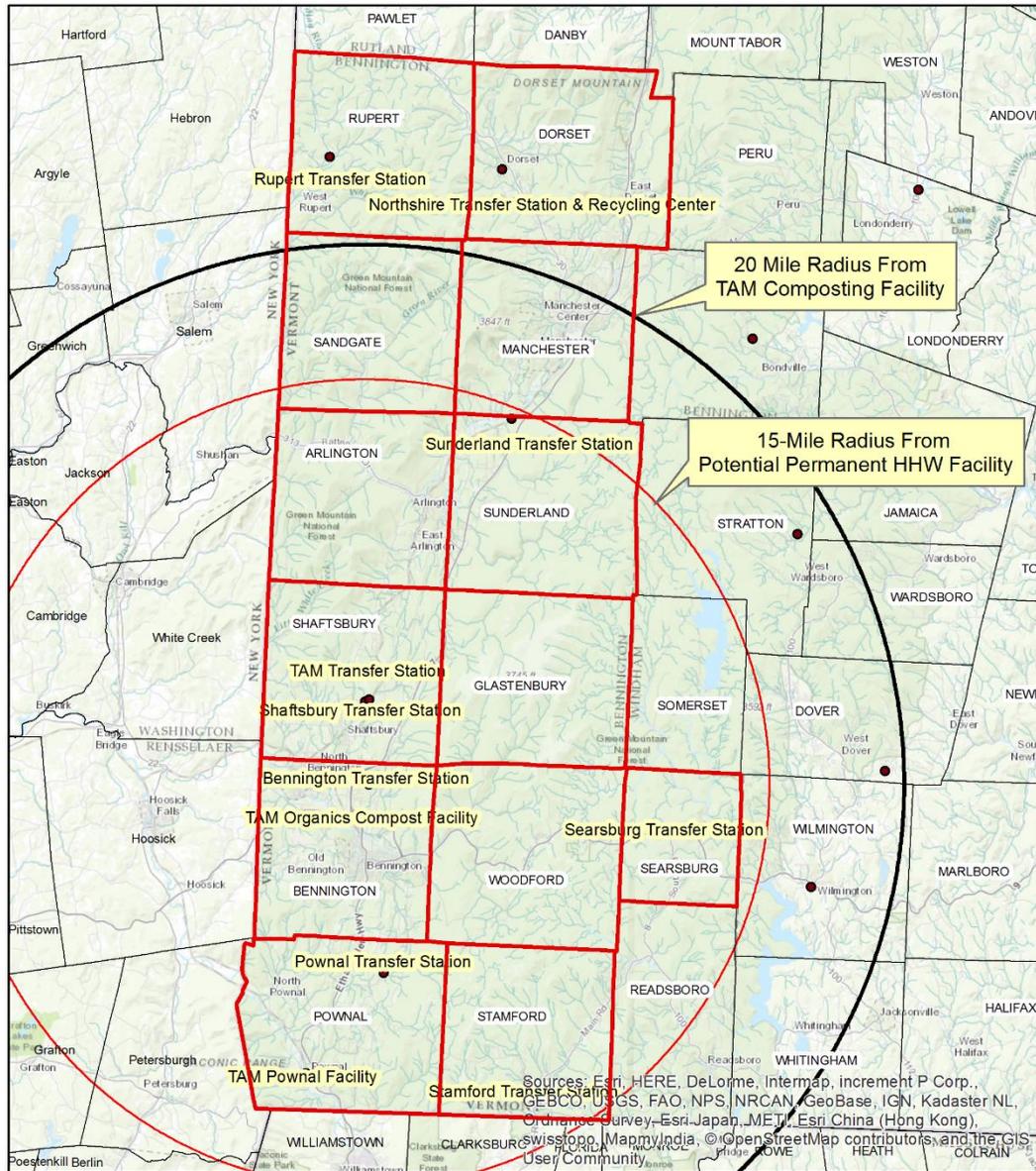
| Private Schools | Town | 2010-11 | 2011-12 | 2012-13 |
|---|------------------|--------------|--------------|--------------|
| Burr and Burton Academy (Manchester, 9-12) | Manchester | 636 | 662 | 668 |
| Forest Ward Memorial School (K-8) | Bennington | 3 | 6 | 6 |
| Grace Christian School (PK-12) | Bennington | 159 | 162 | 173 |
| Green Mountain Mennonite School (Bennington, 1-9) | Bennington | 0 | 0 | 13 |
| Hiland Hall School (Bennington, K-8) | Bennington | 31 | 33 | 36 |
| Long Trail School (Dorset, 6-12) | Dorset | 175 | 180 | 160 |
| Maple Street School (Manchester, K-8) | Manchester | 94 | 98 | 96 |
| Sacred Heart/St. Francis de Sales (Bennington, K-9) | Bennington | 150 | 146 | 150 |
| Southshire Community School (N. Bennington, K-8) | Bennington | 40 | 40 | 40 |
| Village School of North Bennington (K-6) | North Bennington | 130 | 121 | 119 |
| Total Private Schools | | 1418 | 1448 | 1461 |
| Total All Schools | | 5,562 | 5,541 | 5,565 |

B. Existing Solid Waste Management Facilities and Services

1. Solid Waste Facilities

Appendix II lists facilities the BCSWA area (Map 2). Appendix II.A. lists transfer stations and Appendix II.B. lists closed landfills that will require recertification by the Vermont Agency of Natural Resources every five years. The Pownal, Rupert, Searsburg, Shaftsbury and Stamford stations are operated by those towns, and each station serves the residents of the respective towns. The Northshire (Dorset, VT) and Sunderland stations are operated by Casella and may be used by residents of Arlington, Dorset, Manchester, Sandgate and Sunderland through the Integrated Solid Waste Applications Program (ISWAP).

Map 2. Bennington County Facilities



2. Other Programs and Services

Other programs and services include textile recycling by One World Center and Goodwill, sites taking E-waste and fluorescent bulbs, battery recycling, the paint program of PaintCare and the many food pantries in the county that accept food donations and distribute food to those in need. Some of these are located at transfer stations and others in private institutions and businesses. Table 8 shows current sites offering textile recycling services.

| Name | Services Offered | Locations |
|----------------------------|------------------------------------|--|
| One World Center | Clothing and textiles | Bennington, Northshire and Sunderland transfer stations, and other locations elsewhere in the county |
| Goodwill | Clothing and textiles; furniture | Bennington, VT North Adams, MA Williamstown, MA |
| Manchester Health Services | Clothing and small household items | Manchester, VT |

While household hazardous waste is collected at events, materials such as fluorescent bulbs, computers, televisions, paint and batteries can be collected at a variety of locations in Bennington County on a regular basis.

| | | |
|-----------------|--|---|
| E-Waste | Electronic waste through the state program | Bennington, Pownal, Northshire, Sunderland transfer stations; Staples in Bennington; Dorset School events; Stamford Fire Department annual collection event |
| Mercury Program | CFL and fluorescent tubes | Bennington, Northshire, Sunderland transfer stations; Miles True Value, Arlington; RK Miles, Shaws and Aubuchon in Manchester; the Lighting Place in Manchester; Other mercury items at HHW events |
| Paint | Paint through the PaintCare program | HHW events; Miles True Value, Arlington; Sherwin Williams in Bennington and Manchester; Aubuchon Hardware and RK Miles in Manchester; W.W. Building Supply, Wilmington |

| | | |
|---------------------|---|--|
| Batteries | Rechargeable batteries | Home Depot, Radio Shack and Staples in Bennington; Manchester Town Hall, Center Hill 3 Electronics and RK Miles in Manchester; HHW events |
| HHW/CEG Collections | Two collection events per year for household hazardous waste and conditionally exempt generator waste | Current Locations: Arlington and Dorset for the towns of Arlington, Dorset, Manchester, Rupert, Sandgate and Sunderland; Shaftsbury for the towns of Shaftsbury, Stamford, Glastenbury and Pownal; Bennington for the towns of Bennington and Woodford; The arrangement of events will likely change in Years 1 through 5 |

Table 10 lists food pantries in Bennington County. These organizations accept donations of food and distribute that food to those in need. This not only provides for those in need but reduces food that might otherwise be wasted and need to be disposed.

| Name | Address | Town | Zip | Phone |
|---|---|---------------------|-------|--------------|
| Arlington Food Shelf* | 165 Old Mill Rd. | Arlington | 05250 | 802-375-6328 |
| Bible Baptist Food Basket* | 1425 Harwood Hill Rd. | Bennington | 05201 | 802-447-3618 |
| BROC-Community Action in Southwestern Vermont* | 332 Orchard St. | Bennington | 05201 | 802-447-7515 |
| Green Mountain Christian Center* | 440 Main St. | Bennington | 05201 | 802-447-7224 |
| His Pantry* | 238 West Main St. | Bennington | 05250 | 802-442-1720 |
| Manchester Community Food Cupboard* | Manchester Town Hall Route 7 | Manchester | 05255 | 802-362-0057 |
| North Bennington Baptist Church | 15 Church St. | North Bennington | 05257 | 802-442-2711 |
| Rupert Food Pantry – United Church of Christ | Main St. / Route 153 next to the Rupert Cemetery | Rupert | 05768 | |
| Sacred Heart St. Francis de Sales Food Shelf, HIS Pantry* | 238 Main St. | Bennington | 05201 | 802-442-1720 |
| Saint John the Baptist* | 3 Houghton St. | North Bennington | 05257 | 802-447-7504 |

| Table 10. Food pantries in Bennington County. Source: FoodPantries.org undated. Those marked with an * are listed on Vermont Food Bank (www.vtfoodbank.org) | | | | |
|---|----------------|------------|-------|--------------|
| Name | Address | Town | Zip | Phone |
| Shaftsbury United Methodist Church – Carpenter Shelf* | 127 Church St. | Shaftsbury | 05262 | 802-681-7194 |
| St. John Bosco Church | 818 Main Rd. | Stamford | 05352 | 802-464-7329 |
| The Kitchen Cupboard* | 800 Gage St. | Bennington | 05201 | 802-379-0149 |

3. Haulers

Table 11 lists the haulers serving the 13 towns. There are other haulers serving Stamford and likely other towns that are not listed as we do not have a complete list of haulers.

| Table 11. Haulers serving member towns | | |
|--|--|---|
| Name and Contact Information | Services Offered | Towns Served |
| Republic Services, 485 South State St., Cheshire, MA 01225 413-442-8390 Contact: Tom Lennon tlennon@republicservices.com http://www.republicservices.com/ | Curbside pickup Transfer station pickup Dumpsters Roll-off service | Bennington, Pownal, Shaftsbury, Stamford |
| TAM, 693 North Rd., Shaftsbury, VT 05262 802-379-0100 Contact: Trevor Mance trevorm@tam-inc.us http://tamwasteremoval.com/ | Organics composting at the Bennington Transfer Station Curbside pickup Roll-off service C & D Facility under construction in Pownal Scrap metal | Arlington, Bennington, North Bennington, Dorset, Manchester, Sandgate, Searsburg, Shaftsbury, Sunderland, Pownal and Woodford |
| Casella Waste Management 442 Clarendon Ave., West Rutland, VT 05777 Contact: Randy Dapron 802-772-6980 Randall.Dapron@casella.com http://www.casella.com/ | Manage Bennington, Northshire and Sunderland Transfer Stations Clean wood accepted at the transfer stations Curbside pickup Dumpsters Roll-off service | Arlington, Bennington, Dorset, Manchester Center, Pownal, Rupert, Sandgate, Shaftsbury, Sunderland, Woodford |
| Ace (County Waste) 1927 Route 9 PO Box 431 Clifton Park, NY 12065 | Curbside pickup | Rupert |
| George Apkin and Sons, Inc. 17 Depot St. Adams, MA 01220 413-664-4936 | Scrap metal Roll-offs | Bennington, Stamford, Woodford, other towns if requested |

| Name and Contact Information | Services Offered | Towns Served |
|--|--|---------------------------------|
| Triple T 437 Vernon Rd. Brattleboro VT 05301 802-254-5388 Contact: Peter Gaskill | Curbside | Searsburg, Stamford |
| Delmolino and Sons 275 North St. Cheshire, MA 01225 413-743-5397 Contact: Kyle Delmolino | Residential dumpster Roll-off service | Stamford, Pownal |
| Hart and Sons Williamstown, MA | Not available | Stamford |
| Scott Wood Trucking PO Box 984 North Adams, MA 01247 413-652-7054 | Roll-offs Construction debris | Pownal, Stamford |
| Scott Smith Trucking 901 Simonds Rd. (PO Box 616) Williamstown, MA 01267 413-458-4453 | Curbside | Stamford |
| Willy's Rubbish Removal 1212 Chunks Brook Rd. Arlington, VT 05250 802-375-1207 Contact: Willy Mattison | Curbside pickup | Arlington, Sandgate, Sunderland |
| Tom Sweet 106 Nelson Rd. Bennington, VT 05201-2805 802-442-5536 | Not available | Bennington, Woodford |

4. Current Disposal Rate Estimate

We will use ReTrac, reporting from area haulers, surveys of organizations such as One World Center and other sources of information to develop and analyze data on MSW, recyclables and other materials disposed and recycled to arrive at estimated disposal and diversion rates.

Based on 2014 data from ReTrac, the current disposal rate is between 2.4 and 5.9 lbs. per person. This range is the result of what may be errors in data reported from several transfer stations.

III. Implementation Plan

A. Performance Standards and Actions

This SWIP addresses the requirements of the Vermont Agency of Natural Resources Materials Management Plan that became effective June 18, 2014. The tables below describe actions to meet the performance standards in that plan.

To be successful, it will be critical for the Alliance to form partnerships with businesses, schools, institutions and other groups working to reduce, reuse and recycle solid waste. TAM has an active program in several Bennington schools to promote composting, and both TAM and Casella provide advice and assistance on recycling options. Many businesses already actively recycle and could provide models for others to emulate. Similarly, several schools compost onsite or work with local farmers for composting and could serve as sources of technical expertise.

SWME Profile

| | |
|---|---|
| Name of SWME | Bennington County Solid Waste Alliance |
| Year Chartered (if applicable) | No charter, Alliance formed in 2015 |
| Mission for Materials Management | The mission of the Bennington County Solid Waste Alliance is to reduce the amount of waste disposed in landfills, by incineration or similar means, by reducing the amount of waste generated, conserving resources and promoting recycling and reuse. To accomplish this, the Alliance has adopted the following goals: <ol style="list-style-type: none"> 1. Reduce the disposal rate, or the amount of municipal solid waste disposed, by 25% by 2020 from the current 2015 rate. 2. Increase the diversion rate, or the amount of material diverted from landfills, to 50%. |
| Names of Member Town(s) | Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland, Woodford |

General

| | |
|---|---|
| G1 | Disposal and Diversion rates for the SWME's jurisdiction. Include the calculation of the total disposal and per capita disposal rate for municipal solid waste from the jurisdiction for the SWME. |
| Data tracking system: | There is a system in place for tracking and reporting diversion rates biannually and disposal rates annually (check box) X Yes __ No (If No please indicate the deadline date below for when system will be in place). |
| Plan for Annually tracking data: | G1. As required by town ordinances which will be adopted prior to approval of this plan, The Alliance will collect information from haulers and from ReTRAC to calculate and report on disposal and diversion rates |

| | |
|----------------------------------|--|
| G1 | Disposal and Diversion rates for the SWME's jurisdiction. Include the calculation of the total disposal and per capita disposal rate for municipal solid waste from the jurisdiction for the SWME. |
| Expected Timeframe | The Alliance will report disposal data annually and diversion data biannually and report to VT ANR by July 1 st of the respective years. |
| G2 | Within 6 months of VT ANR approval, post approved SWIP on SWME website. |
| Plan for Posting: | G2. The Alliance will post the SWIP on the Alliance website within six months of approval of the SWIP by VT ANR. See G6 |
| G3 | Within 3 months of VT ANR approval, submit one newspaper article or op-ed piece introducing SWIP. |
| Plan for Submittal: | The Alliance will submit one op-ed piece in the Bennington Banner, the Manchester Journal, the Rutland Herald and the Berkshire Eagle introducing the SWIP and how it affects individuals and businesses in the Alliance towns. An electronic copy of the published articles will be submitted to ANR. |
| G4 | Within 6 months of VT ANR approval, conduct a survey of constituents on current knowledge; including variable rate pricing, recycling, organics, C&D, HHW/CEG, electronic waste and universal waste. Survey to be done at beginning and end of SWIP term. |
| Plan for Surveys: | G4a. Within four months of SWIP approval, the Alliance will work with VT ANR to disseminate a survey to assess current knowledge of recycling, organics, HHW/CEG, E-Waste, universal waste, C & D and unit based pricing and send any results to VT ANR for analyses. The survey will be promoted via press releases, social media, the Alliance website, town websites, and notices at Town Halls and Transfer Stations. The survey will also be distributed during town meeting in all towns during Town Meeting in March. G4b. In Year 5, The Alliance will again work with VT ANR to implement a follow-up survey. |
| G5 | Hold two public meetings during SWIP term, one before the end of the second year, the second in the fifth year. |
| Planned Meeting Schedule: | G5a. Sometime between October of 2016 and March of 2017, the Alliance will hold two public meetings within the Alliance area in Year 2 to gather feedback on new and existing programs. The meetings will be promoted via press releases, social media, the Alliance website and notices at Town Halls and Transfer Stations. These meetings will be combined with regularly scheduled Alliance meetings. G5b. The Alliance will hold two public meetings within the Alliance area in Year 5 to gather feedback on new and existing programs. For both sets of public meetings, lists of attendees, their questions and issues raised will be recorded and provided to VT ANR. |

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| G6 | Develop and maintain a webpage linked to a homepage for the SWME that lists regional management options for waste material (A through Z). |
| Date Planned for publishing Webpage: | G6a. By mid-December of 2015, the Alliance will develop a website for the Alliance that 1) provides information on the Alliance; 2) posts the SWIP along with information on Alliance meetings; 3) outlines options for recycling including product stewardship; 4) includes information about recycling mandates & disposal bans; 5) includes information about product stewardship programs and how to access them; 6) includes an A – Z directory listing regional management and disposal options for waste materials that are alternatives to putting those materials in the trash; 7) lists haulers serving the region & services offered with links to hauler websites; and 8) provides information on HHW, E-Waste and other events. G6b. The website will be updated regularly based on new information |

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| G7 | Adopt and implement variable rate pricing for municipal solid waste from residential customers and show plan for bringing haulers and facilities into compliance. |
| Description of Program and copies of ordinances passed: | G7. Each of the thirteen towns in the Alliance adopted a pay-as-you throw ordinance based on the model ordinance provided by VT ANR. That ordinance requires haulers and facilities to charge for municipal solid waste based on weight or volume. Each of the towns will assure compliance with their respective ordinances |
| G8 | Collect contact information for all commercial solid waste haulers and a list of services they provide within the SWME jurisdiction. |
| Description of collection process: | G8. Primarily through phone calls, the Alliance will collect information from area haulers and facilities on services they provide. This information will be updated annually and placed on the Alliance website. |
| Expected Timeframe: | The Alliance is collecting and providing data as part of this plan. That will be updated by June 30 th of each year starting in 2016. |

Recyclables

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| R1 | Work with at least 10% or 2 schools (whichever is greater) to implement a school-wide waste reduction program (covering recyclables, organics, and HHW) each year ensuring that 50% of schools are reached by end of SWIP term). Please describe how you plan to work with the schools each year. *If work performed with schools covers recyclables and organics, only one description is required. |
| Description of program: | The Alliance school outreach program will address recycling of all mandated recyclables listed as banned from landfills in the Universal Recycling Law. The Alliance will implement a school outreach program as a series of tasks as described below: R1a. The Alliance will survey schools about their current waste reduction, recycling, composting and HHW programs and annually update information on programs and contacts. It will be made clear to the schools that they are being asked for this information in order to be offered free targeted support and assistance for their school. This will be done by phone, email and site visits where necessary or requested. The survey results will be used to identify priority schools for support as well as to track progress with sustaining and expanding programming. R1b. Based on the identified gaps and priority schools needing assistance, as well as interest on the part of school administrators to receive assistance, the Alliance will offer and implement an outreach and education programs about source reduction, recycling, organics and HHW to two schools each year. Outreach to schools to secure their agreement to fully participate in an assistance program will be an essential step. Depending on the individual school needs & degree |

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| R1 | <p>Work with at least 10% or 2 schools (whichever is greater) to implement a school-wide waste reduction program (covering recyclables, organics, and HHW) each year ensuring that 50% of schools are reached by end of SWIP term). Please describe how you plan to work with the schools each year.</p> <p>*If work performed with schools covers recyclables and organics, only one description is required.</p> |
| | <p>of cooperation, this program may include completing waste audits to assess current programs, holding programs for teachers and students, providing resource materials for existing or new curriculums, assisting with setting up parallel collection where necessary, providing guidance on measuring waste and recycling and providing guidance on signage, as well as assisting with meeting the quality requirements of the recycler(s) & organics facility being used. Students and possibly parents would be involved in these programs.</p> <p>R1c. In addition to targeted assistance to two schools per year, the Alliance will provide technical assistance for developing school waste reduction teams. These teams will consist of administrators, teachers, students, parents and others interested in serving.</p> <p>R1d. The Alliance will provide follow-up to schools to support waste reduction, recycling, organics and HHW collection through appropriately designed programs. These may include school waste reduction committees or clubs to build capacity within individual schools identifying actions where recycling efforts could be enhanced.</p> <p>R1e. The Alliance will develop a quarterly newsletter with advice and guidance specific for schools. This will be distributed by email and posted on the Alliance website. As progress is seen over the period of the SWIP, school programs and innovations will be highlighted.</p> |
| Expected Timeframe: | <p>The Alliance will work with schools to implement outreach on recyclables, organics, C&D and HHW/CEG.</p> <p>R1a will be completed by December of 2015 and updated as needed. R1 b through d will be initiated after adoption of this plan and be implemented during each school year. The Alliance will work with 10% of schools annually and reach 50% of schools within the Alliance towns by the end of the SWIP term. R1e will also be initiated after adoption of this plan.</p> |
| R2 | <p>Implement an ongoing multi-media public outreach campaign to inform the residents and businesses of the preferred practices to recycle materials including plan for raising awareness of the provisions from the UR law: 7/1/15-landfill ban and public space recycling.</p> |
| Description of campaign: | <p>R2. The Alliance will design and implement a year-round, targeted multimedia recycling information program for residents, businesses and institutions using the Alliance website, social media, newspapers and local TV and radio on the Universal Recycling Law and other aspects of solid waste management such as product stewardship, open burning and illegal dumping. The Alliance will also consult with local chambers of commerce and with haulers on best methods to reach out to residents, businesses and institutions. The program will be updated to keep the audience informed of the timeline of requirements of the Universal Recycling Law. The key messages will include a) identifying materials that are banned from landfills, b) identifying methods to dispose of materials that are convenient and cost effective and c) providing a timeline of requirements in the Universal Recycling Law. (See also C1, O2, H2, and G6).</p> |
| Expected Timeframe: | <p>The design will start after adoption of this plan and will be implemented as components of the program are ready. Newspaper op-ed pieces or advertisements will start soon after adoption and a web site and social media sites will be created within 6-8 months (See also C1, O2, H2 and G6).</p> |

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| R3 | Conduct outreach to at least 2% or 20 businesses/institutions (whichever is greater) in the region per year to increase their recycling and their access to recycling in their public spaces, ensuring that a minimum of 10% of the businesses and institutions have been reached by the end of the SWIP term. |
| Description of outreach plan: | <p>R3a. In Year 1, the Alliance will gather existing information and contact business organizations and town officials to identify key contacts and to categorize businesses and institutions by the types (food, cardboard, etc.) and amounts of waste generated. This information will be updated as needed.</p> <p>R3b. The Alliance will use the above to prioritize both food and non-food based businesses and institutions within the Alliance area for outreach.</p> <p>R3c. The Alliance will annually contact the top 100 priority businesses and institutions to: 1) describe the mission, goals, and resources of the Alliance; and 2) interview them about their current source reduction, recycling, composting, public space recycling programs and volume of material generated.</p> <p>R3d. Based on the above, each year the Alliance will provide targeted technical assistance and support about source reduction, recycling, organics, and public space recycling to the top 20 entities in terms of the volume of material being generated and the lack of programming to divert or recycling these materials.</p> <p>R3e. The Alliance will annually hold a free training workshop (2 – 3 hours) for businesses and institutions on waste reduction, recycling, organics diversion and requirements for public space recycling containers. The training will include information about sourcing of the recycling containers and how to find haulers to service them. The workshop will be promoted by email, direct mailing and newspaper announcements.</p> |
| Expected Timeframe: | We will complete R3a prior to plan adoption and commence R3b, c and d within 3-6 months of adoption. R3e will be completed prior to the end of each plan year. The Alliance will work with 2% of businesses annually and reach 10% of businesses within the Alliance towns by the end of the SWIP term. |

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| R4 | <p>Provide technical assistance for waste reduction at public and private events.</p> <p>*If technical assistance covers recyclables and organics, only one description is required.</p> |
| Description of program: | R4. The Alliance will provide information and support for waste reduction at major events within the Alliance area. The Alliance would reach out to major event organizers to determine if waste reduction efforts can be integrated into the planning stages for events. |
| Expected Timeframe: | The Alliance will identify major events scheduled for the year within 1-3 months of plan adoption and provide materials on the Alliance web page for use by those that organize those events. |

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| R5 | Include outreach & options for textile reuse and recycling. |
| Description of program: | <p>R5a. The Alliance will develop and distribute materials on potential means to reuse and recycle textiles, working with Planet Aid, Goodwill and other organizations. Information on materials that can be recycled and organizations that accept them will be incorporated into the Alliance website and multimedia campaigns (see G6 and R2).</p> <p>R5b. Should existing textile recycling opportunities cease to operate, the Alliance will assist in the establishment of at least one region-wide Drop and Swap Event for usable clothing per year.</p> |
| Expected Timeframe: | Planet Aid, Goodwill and other organizations are already active in providing textile collection at transfer stations and other locations. As part of G6, the Alliance will highlight those programs once the web page is online. The Alliance will also integrate that information into the multimedia program, and update information on collection locations at least annually. |

Organics

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| O1 | Work with at least 10% or 2 schools (whichever is greater) to implement a school-wide waste reduction program (covering recyclables, organics and HHW) each year ensuring that 50% of schools are reached by end of SWIP term. *Please note if this description is provided above in the recyclables section. |
| Description of program: | The Alliance school outreach program will address organics as part of a program that will be integrated with R1. The program will focus on working with schools to divert food scraps consistent with the Universal Recycling Law which will require small generators such as schools to divert scraps by July 1, 2020. |
| Expected Timeframe: | The Alliance will work with 10% of schools annually and reach 50% of schools within the Alliance towns by the end of the SWIP term (See R1). |
| O2 | Implement an ongoing public education and outreach campaign to inform the residents, businesses and institutions (hospitals, nursing homes, colleges, correctional facilities and other large waste generators) of the better ways to manage organic materials. Must include at a minimum the plan for raising awareness about the organics disposal bans (leaf and yard debris and food scraps) and food recovery hierarchy from the UR Law. |
| Description of campaign: | O2. The Alliance will design and implement a year-round, targeted multimedia organics management information program for residents, businesses and institutions using the Alliance website, social media, newspapers and local TV and radio on the Universal Recycling Law. The program will be updated to keep the audience informed of the timeline of requirements of the Universal Recycling Law. The key messages will include a) identifying ways to compost or otherwise recycle organic materials that are convenient and cost effective, b) providing success stories from the Alliance towns and from Vermont on organics reduction and c) providing a timeline of requirements in the Universal Recycling Law (See also R2, C1, H2 and G6). |
| Expected Timeframe: | The design will start after adoption of this plan and will be implemented as components of the program are ready. Newspaper op-ed pieces or advertisements will start soon after adoption and a web site and social media sites will be created within 6-8 months (See also C1, R2, H2 and G6). |
| O3 | Conduct outreach to at least 2% or 20 food based businesses and institutions (whichever is greater) within their jurisdiction each year, ensuring that at a minimum 10% of the business and institutions are reached by the end of the SWIP term. |
| Description of outreach plan: | This program will be integrated into R3 but focusing on food oriented businesses and institutions including hospitals, restaurants, and major food stores such as Price Chopper, Shaws and Hannaford. |
| Expected Timeframe: | The Alliance will work with 2% of businesses annually and reach 10% of businesses within the Alliance towns by the end of the SWIP term (See R3). |
| O4 | Provide technical assistance for waste reduction at public and private events. *Please note if this description is provided above in the recyclables section. |
| Planned Tasks: | This program will be integrated into R4. |
| Expected Timeframe: | See R4 |

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| O5 | Contact and collaborate with local food redistribution groups and networks to conduct outreach and education to food service businesses and institutions about the opportunities to donate quality food within the region to feed people. |
| Planned Tasks: | O5a. The Alliance will annually identify food distribution programs and networks. O5b. The Alliance will prioritize organizations within the networks identified in O5a. O5c. The Alliance will meet with and provide outreach materials during meetings with those organizations and foster food donations. O5d. The Alliance will reach out to food scrap generators to support efforts by local haulers to collect organics. |
| Expected Timeframe: | The Alliance will initiate these actions in Year 1 following adoption of the SWIP. |

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| O6 | Establish or promote year-round collection location for leaf and yard debris within SWME region. List existing location or the plan to establish and timeline for reaching operational capacity. |
| Planned Tasks: | O6. The Alliance will work with haulers and facilities to provide year round leaf and yard waste collection and list locations where such materials may be taken. Residents of the member towns will have access to at least one site offering year round collection for leaf and yard debris by July 1, 2016. The Alliance will publicize locations on their website and through periodic newspaper notices. |
| Expected Timeframe: | The Alliance will integrate this into hauler contact and registration (see G1 and G8). |

Construction & Demolition (C&D)

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| C1 | Implement a multi-media outreach campaign to inform the residents and businesses of the preferred practices for the reduction of C&D materials generated and for end-of-life management. |
| Description of campaign: | The program will be updated to keep the audience informed of the timeline of requirements of the Universal Recycling Law. The key messages will include a) identifying ways to dispose of or otherwise recycle, clean wood that are convenient and cost effective; b) providing success stories from the Alliance towns and from Vermont on clean wood recycling and; c) providing a timeline of requirements in the Universal Recycling Law (See R2, O2, H2 and G6). |
| Expected Timeframe: | The design will start after adoption of this plan and will be implemented as components of the program are ready. Newspaper op-ed pieces or advertisements will start soon after adoption and a web site and social media sites will be created within 6-8 months.(See also R1, O2, H2 and G6) |

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| C2 | Establish a program for clean wood recycling prior to July 1, 2016 to coincide with the UR Law landfill ban. |
| Description of program: | C2. The Alliance will work with haulers and facilities to provide locations where clean wood can be recycled. |
| Expected Timeframe: | Clean wood is already accepted at several transfer stations. The Alliance will initiate discussions with haulers and facilities in Year 2 to make sure disposal of clean wood is available to all residents and businesses in the Alliance region. |

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| C3 | Establish at least one collection location for asphalt shingles collection and drywall by end of the SWIP term in each SWME's jurisdiction. |
| Planned Tasks: | C3. The Alliance will work with haulers and facilities to provide a collection point for shingles |

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| C3 | Establish at least one collection location for asphalt shingles collection and drywall by end of the SWIP term in each SWME's jurisdiction. |
| | and dry wall by Year 5. |
| Expected Timeframe: | The Alliance will complete this task by Year 5. |

HHW & CEG

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| H1 | Work with schools and VT ANR's Environmental Assistance Office to provide information and technical assistance on HHW/CEG hazardous waste handling, disposal, waste reduction, recycling and assistance accessing cost effective disposal options. Work with at least 10% or 2 schools (whichever is greater) each year ensuring that 50% of schools are reached by end of SWIP term. |
| Description of program: | The Alliance will work with the EOF to provide information and technical assistance on HHW/CEG handling and disposal. Outreach to schools will be integrated into R2. |
| Expected Timeframe: | The Alliance will work with 10% of schools annually and reach 50% of schools within the Alliance towns by the end of the SWIP term (See R1). |

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| H2 | Implement a multi-media outreach campaign to inform residents, businesses and institutions of environmentally preferable purchasing and of the preferred practices for hazardous materials including pharmaceuticals. |
| Description of program: | The Alliance will design and implement a targeted multimedia HHW/CEG management information program for residents, businesses and institutions using the Alliance website, social media, newspapers and local TV and radio on the Universal Recycling Law. The program will be updated to keep the audience informed of the timeline of requirements of the Universal Recycling Law. The key messages will include a) identifying ways to dispose of these materials that are convenient and cost effective; b) identifying alternative materials that can be used or ways to minimize the use of hazardous materials; and c) providing a timeline of requirements in the Universal Recycling Law (See also R2, C1, O2 and G6). |
| Expected Timeframe: | The design will start after adoption of this plan and will be implemented as components of the program are ready. Newspaper op-ed pieces or advertisements will start after adoption and a web site and social media sites will be created within 6-8 months (See R2, C1, O2 and G6). |

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| H3 | Work with VT ANR's Environmental Assistance Office to provide information and technical assistance on HHW/CEG hazardous waste handling, disposal, waste reduction, recycling and assistance accessing cost effective disposal options. Work with 2% or 20 (whichever is greater) of businesses and institutions within jurisdiction per year on proper disposal and waste reduction information, ensuring that, at a minimum, 10% of the business and institutions are reached by the end of the SWIP term. |
| Description of program: | This program will be integrated into R3. The Alliance will identify and prioritize businesses as described in R3. For those needing assistance, we will contact the Environmental Assistance Office, Efficiency VT and other sources of assistance to introduce those businesses to those sources of assistance. |
| Expected Timeframe: | The Alliance will work with 2% of businesses annually and reach 10% of businesses within the Alliance towns by the end of the SWIP term (See R3 and O3). |

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| H4 | <p>Year 1 (2015): Establish a minimum of 2 HHW/CEG events per year or access to a permanent facility.</p> <p>Year 2 (2016): Demonstrate that year-round HHW/CEG collection exists for additional MMP-specified materials; provide 2 HHW/CEG events per year or access to a permanent facility for items not listed.</p> <p>Year 3 (2017): Demonstrate that year-round HHW/CEG collection exists for additional MMP-specified materials; provide 3 HHW/CEG events per year or access to a permanent facility for products not listed.</p> <p>Year 4 (2018): Demonstrate that year-round HHW/CEG collection exists for additional MMP-specified materials; provide a minimum of 3 HHW/CEG events per year or access to a permanent facility for products not listed; ensure households have access to HHW/CEG event or permanent facility within 15 miles.</p> <p>Year 5 (2019): Demonstrate that year-round HHW/CEG collections exists for additional MMP-specified materials; provide a minimum of 4 HHW/CEG events per year or access to a permanent facility for products not listed; ensure households have access to HHW/CEG event or permanent facility within 15 miles.</p> <p>Ensure that minimum requirements outlined in MMP under Convenience are met each year.</p> |
| Description of plan for each year: | <p>H4a. In Years 1 and 2, the Alliance will hire a qualified HHW disposal company and hold two events within the Alliance area. This will include outreach and advertising</p> <p>H4b. In Years 3 and 4 the Alliance will hire a qualified HHW disposal company and hold three events within the Alliance area. This will include outreach and advertising</p> <p>H4c. In Year 5 the Alliance will hire a qualified HHW disposal company and hold four events within the Alliance area. This will include outreach and advertising.</p> <p>The Alliance will work with VT ANR to identify conditionally exempt generators in Bennington County. The Alliance will send a mailing or do special advertisements to inform CEG businesses of upcoming events and to let other potential CEG businesses on how to register and participate. This will also be integrated within the Alliance website and multi-media programs.</p> <p>H4d. The Alliance will evaluate the potential for a permanent facility at the Bennington Transfer Station. If operational by Year 3, no events will be held that year, but one event would be held in Years 4 and 5 for the Towns of Sandgate, Rupert, Manchester and Dorset, which are beyond 15 miles of that facility. The Alliance will also investigate entering into agreements with the Windham and Rutland Solid Waste Districts to allow residents and small businesses to use those facilities. If such agreements are signed, the Alliance will continue to hold two events per year for residents so that all residents have a collection option within 15 miles.</p> <p>By Year 2, the Alliance will collect information on locations accepting used oil and list those on the Alliance website. These may include service stations, transfer stations and other facilities.</p> |
| Expected Timeframe: | As described above. |

Sludge, Septage and Residual Wastes

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| S1 | Implement a public education and outreach campaign to inform residents and businesses of the quality and beneficial uses of Vermont's biosolids and residual wastes to address public perceptions and to educate residents and businesses to not dispose of household hazardous wastes, pharmaceuticals and other chemicals in wastewater and septic systems. |
| Description of program: | The Alliance will design and implement a targeted multimedia recycling information program for residents, businesses and institutions using the Alliance website, social media, newspapers and local TV and radio on the Universal Recycling Law including methods to avoid disposing hazardous materials or pharmaceuticals into wastewater and septic systems. We will also consult with sewage treatment plant operators and septic system companies on best methods to reach out to residents, businesses and institutions. The program will be updated to keep the audience informed of the timeline of requirements of the Universal Recycling Law |
| Expected Timeframe: | The design will start after adoption of this plan and will be implemented as components of the program are ready. Newspaper op-ed pieces or advertisements will start after adoption and a web site and social media sites will be created within 6-8 months (See also R2, O2, C1 and H2). |

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| S2 | SWMEs shall work with their respective municipalities, plant operators and septic service providers to encourage the beneficial use of biosolids and septage. |
| Description of program: | S2a. The Alliance will work with sewage treatment plant operators in Bennington, Pownal and Manchester regarding biosolid reuse. S2b. The Alliance will identify septic system repair and maintenance businesses and contact them on biosolid reuse. |
| Expected Timeframe: | Given the required survey and multimedia programs (see G4, G6 and R1) these tasks will likely be started in Year 1 and completed in Year 2. |

Program Administration

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| A1 | Program administration and management |
| Description of program: | A1a. The Alliance will provide overall program management. A1b. The Alliance will respond to information requests, provide liaison with VT ANR and other solid waste management entities, communicate with towns and haulers on URL requirements and other general responsibilities. A1c. The Alliance will assist towns with holding meetings of the Alliance two times per year to develop programs and budgeting. A1d. The Alliance will maintain Alliance records, pay invoices and report on programs and funding. A1e. The Alliance will prepare, issue and review RFPs and RFQs. A1f. The Alliance will oversee Alliance contracts. A1g. The Alliance will prepare necessary materials for audits. A1h. The Alliance will maintain necessary insurance. A1i. The Alliance will apply for and manage SWIP and other grants. |
| Expected Timeframe: | Ongoing |

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| A2 | Sharing Services |
| Description of program: | A2. The Alliance will assist towns in sharing services including HHW/CEG events, E-Waste and PaintCare events, Green Up Day coordination and sharing use of transfer stations across town boundaries. |
| Expected Timeframe: | Alliance members are currently discussing this and will continue the discussion in Year 1. Hopefully, further shared services can be developed in Years 2 and 3. |

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| A3 | Training and qualifications |
| Description of program: | A3. The Alliance will maintain training and qualifications as well as professional memberships. |
| Expected Timeframe: | Ongoing |

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| A4 | Communication and collaboration with other Vermont solid waste organizations |
| Description of program: | A4. The Alliance will participate in meetings of solid waste organizations and VT ANR throughout the year. |
| Expected Timeframe: | Ongoing |

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| A5 | SWIP Update |
| Description of program: | A5. The Alliance will prepare a new SWIP to be completed in Year 5. |
| Expected Timeframe: | VT ANR will likely develop guidance in Year 4 and work will be initiated and completed in Year 5. |

B. Resource Needs

The Alliance will develop an annual budget and workplan to accomplish the tasks in the program areas described above. The Alliance does not intend to hire staff, but to contract with a variety of vendors to provide program administration, education and outreach, web design

and maintenance, HHW collections and other parts of the overall program. Most of the actions are ongoing, but others are one-time or occur in Years 1, 2 and/or 5 including: 1) creating a web site; 2) starting a multimedia program; 3) general program start-up costs and 4) the required surveys of residents and businesses. It is likely that one full time equivalent would be needed to implement the program.

Table 12 below provides a partial list of potential contractors and partners with whom the Alliance will work to implement this plan, in addition to the transfer stations (Appendix II. A.), textile collection sites (Table 8), HHW and E-Waste sites (Table 9) food pantries (Table 10) and haulers (Table 11).

| Organization | Potential Activities |
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| Northeast Recycling Council (NERC) | Outreach to schools and businesses; multimedia program development; web site design |
| Northeast Resource Recovery Association (NRRRA) | Outreach to schools and businesses; multimedia program development; web site design |
| Vermont Green Business Program | Potential partner that provides assistance to businesses with energy efficiency and recycling |
| Vermont Farm to School Network | Potential partner that provides advice to schools on connecting to local area farms |
| Vermont Agency of Agriculture and Markets | Supports school organics programs |
| Composting Association of Vermont | Organization supporting composting |
| Vermont Master Composter program | University of Vermont program to train people in composting |
| Bennington County Regional Commission | Actions under General (G1-8); program administration; facility siting review; plan updates; actions for sludge and C & D management; managing contracts; etc. |

The Alliance will need to work with other contractors for development of the web site and multi-media programs. In Year 5, the SWIP would be entering the final year, so a new SWIP would need to be developed.

C. Organizational Structure and Governance

The Bennington County Solid Waste Alliance is organized through an Interlocal agreement in accordance with 24 V.S.A. Chapter 24 and includes the towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford. Representatives are appointed for one year

terms by the Select Boards of the respective towns. The Alliance holds at least two meetings per year, including an annual meeting. Annual objectives and a workplan are based on the SWIP adopted in 2015, and funding is apportioned based on population as shown in Appendix I.

Each town gets one vote. Towns with a population greater than 2,000 get a vote for each 2,000 residents rounded up as shown in Appendix I. For a meeting to be held, business transacted and votes taken, a majority of member towns must be represented. A majority vote shall be defined as requiring both 1) a majority of the Town Representatives and 2) more than 50% of the total votes of the Towns. A two-thirds vote shall be defined as requiring 1) both two-thirds of the Town Representatives and 2) two-thirds of the total votes of the Towns (Appendix I). The Alliance elects a Chair, Vice Chair, Secretary and Treasurer and submits a budget to the 13 Select Boards for approval.

D. Facility Siting Criteria

New facilities, which are those not listed in Appendix II of this SWIP, would be required to be added to the SWIP via a plan amendment. That process would need to be completed before a facility can be certified by the Vermont Agency of Natural Resources. Application for certification and for inclusion in this plan may be done concurrently. For facilities seeking categorical certification, the Alliance finds that the proposed facility is acceptable under this plan.

A public or private entity desiring to operate a solid waste facility in the BCSWA area shall submit a letter to the Alliance requesting that its facility be included in this Solid Waste Implementation Plan. For categorical certifications, the public or private entity shall submit a letter requesting a determination of whether the proposed facility is acceptable under this plan. Along with that letter, the applicant shall submit a copy of the entity's completed application for a Vermont Solid Waste Management Facility Certification or Categorical Certification that the applicant is submitting to the State, along with copies of local, state or federal approval applications and any additional information required to sufficiently document satisfaction of the siting criteria specified below.

The facility shall:

1. Conform to any and all local, regional, state or federal rules, regulations and permitting requirements.
2. Would meet the siting requirements of the Vermont Solid Waste Management Rules.
3. Not occur in any of the following
 - a. nearer than 100 feet to any wetland, vernal pool or waterbody.
 - b. within a Special Flood Hazard Area or River Corridor (formerly fluvial erosion hazard area).

- c. on slopes greater than 15%.
 - d. nearer than 100 feet to either a surface or groundwater protection area without permit approval from the Vermont Agency of Natural Resources.
 - e. nearer than 100 feet to areas mapped as the habitat of any rare or uncommon species or natural communities unless mitigation measures as determined by the Vermont Agency of Natural Resources are implemented as part of the project.
4. Have direct access to a state or town road with weight limits sufficient for vehicular traffic that will serve the facility.
 5. Receive support from and/or incorporate any changes recommended by the Bennington County Regional Commission during review for potential substantial regional impact or through Act 250 review.

To be included in this plan or to receive a letter of acceptability for categorical certifications, the facility would need to be approved by resolution of a 2/3 majority of the Alliance Board members at a duly warned meeting of the Alliance as specified in the interlocal agreement creating the Alliance. The Alliance Board may hold one or more public hearings on the proposed facility. The Alliance Board will approve, conditionally approve or deny the request for inclusion or for acceptability in the Plan by resolution within sixty (60) days of an application deemed as complete by the Alliance Board Executive Committee at a special or regularly scheduled Board meeting. The applicant may make a presentation or be available to answer questions.

If a town joins BCSWA after adoption of this SWIP, the solid waste facilities of that town are not automatically included in this SWIP but will be approved on a case by case basis by the Alliance Board. The Alliance will notify the State in writing, in the manner prescribed by the State, of any facility or type of facility that is included in the Plan after completion of the process described in this section. A list of facilities included in the Plan will be maintained by the Alliance and is considered part of this Plan. A facility continues to be included in the Plan as long as it remains in compliance with all local, state and federal laws, rules, regulations and ordinances. If an amendment or renewal of the Vermont Solid Waste Management Facility Certification for a facility included in this Plan includes significant changes in the materials accepted, the process used to manage the materials or the annual tonnages allowed to be managed by the facility, the owners/operators of the facility shall follow the procedures specified in this section to be included in this plan.

The Bennington County Solid Waste Alliance will communicate these requirements with town planning commissions and development review boards so that review can be coordinated as necessary.

E. Ordinances

Each of the thirteen towns has adopted a pay as you throw ordinance modeled from the VT ANR guidance. Copies of these can be found in Appendix III. Several of the towns have solid waste ordinances addressing other issues. Copies of these can be found in Appendix IV.

IV. References

A. Literature and Reports

Bennington County Regional Plan 2015. (adopted March 19, 2015) Bennington County Regional Commission, 111 South St., Suite 203, Bennington, VT

U.S. Department of Commerce 2014. American FactFinder, Bureau of the Census. Available via: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

VT ANR 2012 Solid waste management rules. Vermont Agency of Natural Resources. Available via: <http://www.anr.state.vt.us/dec/wastediv/solid/documents/SWRule.final.pdf>

VT ANR 2014. Vermont Materials Management Plan. Vermont Agency of Natural Resources. Available via: <http://www.anr.state.vt.us/dec/wastediv/solid/MMP.htm>

Vermont Department of Labor 2014 ELMI Employer Database. Available via: <http://www.vtلمي.info/employer.cfm> originally from Infogroup Government Division <http://referenceusagov.com/Static/Home>

B. Personal Communication Sources

See Table 11 for a list of waste management contacts (haulers) that provided information.

Pam Clap, Administrator, Solid Waste Alliance Communities, 802-342-5701. Email: pam_rcswac@gmavt.net

Danika Frisbie, Environmental Analyst II, Agency of Natural Resources, Waste Management and Prevention Division. 1 National Life Drive, Montpelier, VT 05620-3704, 802-522-3658. Email: Danika.Frisbie@state.vt.us

Kasey Kathan, Environmental Analyst, VT Agency of Natural Resources, Waste Management and Prevention Division. 1 National Life Drive, Montpelier, VT 05620-3704, 802-522-0561. Email: Kasey.Kathan@state.vt.us

Josh Kelly, Environmental Analyst IV VT Agency of Natural Resources, Waste Management and Prevention Division. 1 National Life Drive, Montpelier, VT 05620-3704, 802-522-5897. Email: josh.kelly@state.vt.us

John Malter, Mad River Resource Alliance, PO Box 210, Waterbury Center, VT 05677, 802-310-6857. Email: malterport@aol.com

Mia Roethlein, Environmental Analyst IV, VT Agency of Natural Resources, Waste Management and Prevention Division. 1 National Life Drive, Montpelier, VT 05620-3704, 802-522-5926. Email: mia.roethlein@state.vt.us

James “Buzz” Surwilo, VT Agency of Natural Resources, Waste Management and Prevention Division, 1 National Life Drive, Montpelier, VT 05620-3704, 802-522-5056. Email: James.Surwilo@state.vt.us

C. Sources of Information for Maps

Map 1: Vermont Center for Geographic Information. Available via: vcgi.vermont.gov

Map 2: Vermont Center for Geographic Information. Available via: vcgi.vermont.gov
Erik Engstrom, VT ANR GIS Projects Supervisor, 1 National Life Dr., Montpelier, VT 05620, 802-595-1939. Email: Erik.Engstrom@state.vt.us

Appendices

Appendix I. Interlocal contract establishing the Bennington County Solid Waste Alliance

Bennington County Solid Waste Alliance Interlocal Contract

This represents an interlocal contract for the management of solid waste for the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford, Vermont.

This contract is entered into between the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and Woodford, in Bennington County, Vermont, acting by and through their respective Select Boards.

Whereas, under the 24 V.S.A. § 2202a the Towns of Arlington, Bennington, Dorset, Glastenbury, Manchester, Pownal, Rupert, Sandgate, Searsburg, Shaftsbury, Stamford, Sunderland and

Woodford (hereinafter "Towns") "...are responsible for the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the State Solid Waste Management Plan authorized under 10 V.S.A. chapter 159," and

Whereas, the Vermont Legislature adopted Act 148, known as the Universal Recycling Law in 2012, and

Whereas, pursuant to the Universal Recycling Law, the Vermont Agency of Natural Resources developed a Materials Management Plan that became effective on June 18, 2014, and

Whereas, the Universal Recycling Law requires that solid waste management entities, which include solid waste districts, alliances, or municipalities, charged with managing solid waste must develop a Solid Waste Implementation Plan (hereinafter SWIP), consistent with the Materials Management Plan, and

Whereas, that plan must be approved by the Vermont Agency of Natural Resources and adopted by the solid waste management entities by June 18, 2015, and

Whereas, the Towns formed a Joint Municipal Survey Committee (hereinafter the "Committee") pursuant to 24 V.S.A. Chapter 121, and

Whereas, the Committee drafted this Interlocal contract to provide for the performance of services for the management and regulation of solid waste pursuant to Title 10 Chapters 159, 164, 164A, 166, 168 and 201 and Title 24 Chapter 61, and

Whereas, the Select Board of the Town of _____ has reviewed the draft Interlocal contract and agreed to enter into the contract following discussion at a warned public meeting,

Now Therefore Be It Resolved that the Town of _____ agrees to adopt the following Interlocal Contract:

Article I. Purpose

The purpose of this Interlocal Contract is to provide for the efficient implementation of the Solid Waste Implementation Plan adopted by the Towns in accordance Vermont Statutes and the Vermont Materials Management Plan prepared by the Vermont Agency of Natural Resources and effective June 18, 2014. The Towns which are parties to this contract shall be known as the Bennington County Solid Waste Alliance (BCSWA).

Article II. Duration

This Contract shall be in effect following approval of the Select Boards of the member towns. A town may withdraw from this Contract by vote of its Select Board. The withdrawal of one or more Towns shall not dissolve this Contract between the remaining Towns. If two-thirds of the

representatives from each participating TOWN determine that it is in the best interest of the member Towns that BCSWA be dissolved, and BCSWA has no outstanding debt or obligations under long-term contracts, or will have no such debt or obligation upon completion of the Plan of Dissolution, BCSWA shall submit a Plan of Dissolution to the Select Boards of the member Towns. An affirmative vote of each of the remaining BCSWA Towns shall dissolve BCSWA according to the Plan of Dissolution.

The Plan of Dissolution shall:

1. Identify and assign a value to all BCSWA assets;
2. Identify all BCSWA creditors, liabilities, and obligations;
3. Specify the means by which BCSWA's assets will be liquidated and obligations discharged;
4. Specify the amount of money due from each member Town, if necessary, to discharge the obligations;
5. Specify the nature and amount of any liabilities or obligations to be assumed and paid by the member Towns;
6. Specify the means by which any assets remaining after discharge of all liabilities shall be liquidated, if necessary;
7. Specify that any assets remaining after payment of all liabilities shall be apportioned and distributed among the member Towns according to the same formula used in apportioning annual assessments.

Article III. Membership

Municipalities wishing to join BCSWA after adoption of this contract may be considered by submitting a request to the Chair of BCSWA at least 60 days in advance of a regularly scheduled meeting. The Chair shall add the request to the next meeting agenda. Such municipalities' admission shall be subject to a two-thirds majority vote as specified in Article IV. Requesting municipalities shall be obligated to pay the current year's dues and any other fees determined by the membership. Withdrawal by any member municipality shall take effect at the end of the fiscal year in which it decides to withdraw. All dues must be paid to the end of the fiscal year. No refunds shall be issued for the fiscal year in which the withdrawal takes place or for shares of capital investments or grants received by BCSWA.

Article IV. Administration

The Bennington County Solid Waste Alliance shall be administered by a Board consisting of one representative from each Town. Each Town gets at least one vote. Towns with a population greater than 2,000 get a vote for each 2,000 residents rounded up as shown in the table below. For a meeting to be held, business transacted and votes taken, a majority of member Towns must be represented. A majority vote shall be defined as requiring both 1) a majority of the Town Representatives and 2) more than 50% of the total votes of the Towns. A two-thirds vote

shall be defined as requiring 1) both two-thirds of the Town Representatives and 2) two-thirds of the total votes of the Towns.

| Town | Number of Votes | 2010 Population | Proportion |
|-------------|-----------------|-----------------|------------|
| Arlington | 2 | 2,317 | 6.61 |
| Bennington | 8 | 15,764 | 44.96 |
| Dorset | 2 | 2,031 | 5.79 |
| Glastenbury | 1 | 8 | 0.02 |
| Manchester | 3 | 4,391 | 12.52 |
| Pownal | 2 | 3,527 | 10.06 |
| Rupert | 1 | 714 | 2.04 |
| Sandgate | 1 | 405 | 1.16 |
| Searsburg | 1 | 109 | 0.31 |
| Shaftsbury | 2 | 3,590 | 10.24 |
| Stamford | 1 | 824 | 2.35 |
| Sunderland | 1 | 956 | 2.73 |
| Woodford | 1 | 424 | 1.21 |
| Total | 26 | 35,060 | 100.00 |

| Voting | Majority Vote | Two-thirds Majority Vote |
|--------------------------|---------------|--------------------------|
| Number of Towns Required | 7 | 9 |
| Number of Votes Required | 14 | 18 |

The proportion and number of votes will be updated based on the most recent census data from the U.S. Census and any changes in membership of the Alliance.

The Select Boards of each Town shall appoint a representative to serve one year beginning in April 15th of each year, and representatives shall serve at the pleasure of the respective Town Select Board. Towns may also appoint alternate representatives. BCSWA will annually elect a Chair, Vice Chair, Secretary, Treasurer and others as necessary. The positions of Secretary and Treasurer may be held by the same individual.

1. Chair: The Chair shall preside at all meetings of the BCSWA, shall sign and make all contracts and agreements in the name of the Bennington County Solid Waste Alliance, shall enforce this contract and perform all the duties incident to the position and office and which are required by law. The Chair shall have authority to sign checks when the Treasurer is not available or is precluded from issuing checks as described below.

2. Vice-chair: During the absence or inability of the Chair to render or perform his/her duties or exercise his/her powers the same shall be performed and exercised by the Vice-Chair who, when so acting, shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon such Chair.
3. Secretary: The secretary shall record all votes and proceedings of BCSWA.
4. Treasurer: The treasurer shall have the care and custody of the funds and securities of BCSWA, may sign, make or endorse with the consent of and in the name BCSWA all checks and orders for the payment of money and pay out and dispose of the same and receipt therefore, shall keep correct books for account of all its business and transactions and such other books of account as BCSWA may require, and shall do and perform all duties pertaining to the office of treasurer. The treasurer shall not issue checks to his/her self or to the Town he/she represents. Such checks shall be signed by the Chair. The treasurer will be responsible for sending semi-annual bills based on per capita assessments to the individual municipalities.

Election: All officers of BCSWA shall be elected annually by a majority of the Town representatives present as specified in Article IV above at its annual meeting.

Removal from Office: An officer may be removed by a two thirds vote as specified in Article IV above, whenever, in their judgment, the best interests of the organization will be served thereby.

Vacancies: If a representative resigns or can no longer serve, the Select Board of the Town which was represented shall designate a successor within 60 days.

Term: The term of office of the officers shall be for one year and until their successors are elected and qualified. Consecutive terms are permissible.

Executive Committee: An Executive Committee shall be formed consisting of the duly elected officers (Chair, Vice-Chair, Secretary and Treasurer). The Executive Committee shall have responsibility and authority for making necessary decisions between the regular meetings of the representatives.

Advisory Committee(s): The Alliance Board may request advice from advisory committees consisting of representatives from businesses, schools and institutions on program development and implementation.

Meetings: Meetings of BCSWA shall meet at least two times per year at a time and place which shall best serve the convenience of the greatest number of representatives.

Notice and Agenda: All notices and agendas of BCSWA meetings announced in accordance with the Open Meetings Law (1 V.S.A. §§ 310-314) and sent to the Town Clerks of the member Towns at least 48 hours in advance of regular meetings and 24 hours in advance of Special or Emergency Meetings.

Annual Meetings: Annual meetings shall be held during April or May following the appointment or reappointment of representatives and alternates.

Special Meetings: Special Meetings of the members may be called at any time by the Chair, and shall be called by the Chair or Vice-Chair, at the request of a majority of the representatives.

Emergency meetings may be called with 24 hours' notice. Notice must be in compliance with the Open Meetings Law (1 V.S.A. §§ 310-314)

Article V. Powers and Duties

In order to accomplish the Purposes of this Interlocal contract as set forth in Article I, the powers and duties of BCSWA shall include the following:

1. To manage the business and affairs incident to carrying out the purposes of this contract, including the authority to adopt and amend a Solid Waste Implementation Plan (SWIP), including the addition of new solid waste management facilities, by affirmative vote of a two-thirds vote as specified in Article IV.
2. To implement actions listed in the SWIP.
3. To enter into contracts to implement the actions in the SWIP and for the provision of solid waste management programs and services.
4. To provide solid waste management information to member municipalities, schools, businesses, institutions, property owners and residents.
5. To assist the Towns in matters concerning solid waste including, but not limited to, assistance with grant applications and administration and the procurement and management of capital equipment.
6. To promote cooperative arrangements and coordinated action among its participating municipalities.
7. To enter into agreements with partner organizations.
8. To maintain accounts and receive and disperse funds to fulfill this contract and implement the SWIP.
9. To apply for and manage grants from federal and state agencies and nonprofit organizations.
10. To hire and fix compensation of staff or contractors.
11. To carry sufficient insurance to implement the programs of the SWIP.
12. Such other powers and duties that may be granted by the Select Boards of the member Towns to manage solid waste and implement the SWIP.

Article VI. Responsibilities of Member Towns

It shall be the responsibility of the government of each municipality participating in BCSWA to do the following:

1. Appropriate sufficient funds to implement the actions specified in the SWIP.
2. Annually appoint a representative (and alternates, if desired) to BCSWA.
3. Participate in Alliance programs to educate and inform residents, schools, businesses, institutions and solid waste haulers about recycling, reuse, organics management, household hazardous waste reduction and alternatives, and environmentally acceptable waste disposal options.
4. Provide information on Alliance programs in TOWN halls, web sites and social media.
5. Adopt necessary ordinances for the management of solid waste including unit based pricing and hauler registration.
6. Work to provide greater shared services between the member Towns.
7. Continue to provide facilities for recycling of banned materials along with organics, textiles, batteries and other materials for greater convenience of residents.

Article VII. Budget

The budget year of this contract shall be July 1 to June 30th. Per capita assessments shall be billed semi-annually and due upon receipt based on assessments approved by the BCSWA. Per capita assessments will be determined by November 30 for the following year. Assessments shall be proportional based on the population from the most recent census data from the U.S. Census.

Article VIII. Limitations of Authority

The Towns that are party to this contract do not relinquish their individual control over the following areas of municipal responsibility and BCSWA is expressly forbidden to exercise the following powers:

1. The authority to tax;
2. The authority to adopt ordinances;
3. The authority to borrow money;
4. The power of eminent domain;

Article IX. Amendments

This Contract may be amended, in whole or in part, in the following manner:

1. Approval of proposed amendments shall require the affirmative vote of two thirds of the appointed representatives as described in Article IV.
2. Following that vote, any proposed amendment to this contract shall be mailed to each select board through its chair and Town Clerk, the Town Representative to BCSWA, and the alternate, at least 21 days prior to the meeting at which such amendment is to be acted upon. Notice shall include the specific language of the proposed amendment.

- 3. The amendment will become effective following approval of the Select Boards of all of the member Towns.

Article X. Severability

This contract 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 contract shall not be affected.

Adopted this ____ day of _____, 20__.

Select Board Chair

Select Board

Select Board

Select Board

Select Board

Attest, Town of _____ Town Clerk

Appendix II. Facilities within BCSWA Towns

| Appendix II.A.. Transfer stations. Source: VT ANR, James Surwilo, personal communications. | | |
|--|---|---|
| Facility | Hours | Services Offered |
| Bennington Town Recycling Area (BN082) | Hours not specified | Asphalt, brick and concrete recycling |
| Casella Waste Management Transfer Station (BN081) | M,W,F 8 A to 3P T, TH 8A to 3P | MSW, recyclables, E-Waste, mercury containing bulbs, appliances, clean wood, scrap metal, furniture and bulky waste, C&D, tires, lead-acid batteries and yard waste |
| TAM Organics Compost Facility (BN070) | Not open to public | Organics facility for collection of food scraps and composting |
| Northshire Transfer Station and Recycling Center (BN200) | M-F 8A to 2P; S 8A to 12 P | MSW, recyclables, E-Waste, mercury containing bulbs, appliances, clean wood, scrap metal, furniture and bulky waste, C&D, tires, lead-acid batteries and yard waste |
| Pownal Transfer Station (BN581) | W,F,S 8A to 4P | MSW, furniture and bulky waste, scrap metal, E-Waste |
| TAM Materials Recovery Facility (BN490) | Under development – to open in spring of 2015 | Recycling and construction and demolition debris |
| Rupert Transfer Station (BN671) | S 9A to 3P; W 4P to 7 P in summer | MSW, recyclables, appliances, scrap metal |
| Searsburg (Town) ⁴ | Open to residents who have paid fee through combination to lock | MSW, recyclables; two “dump days” for household/construction debris, metal, wood, E-Waste, appliances |
| TAM Waste Management (BN980) | Commercial facility | MSW, recyclables, leaf and yard waste, construction and demolition debris commercial transfer station that will also accept large loads from residential customers |
| Shaftsbury Transfer Station (BN741) | M 7A to 12 P; TH 11 A to 4P; S 7A to 4P | MSW, recyclables, furniture and bulky waste, C&D, appliances, scrap metal, tires |
| Stamford Transfer Station (BN771) | S 8A to 12P; W 3P to 6 P in Summer | MSW, recyclables, C & D, appliances, scrap metal, primary batteries, propane tanks |
| Casella Waste Management Transfer Station (BN771) | M,T,TH,F 7:30A to 2P; S 7:30A to 11:30 P | MSW, recyclables, E-Waste, mercury containing bulbs, appliances, clean wood, scrap metal, furniture and bulky waste, C&D, tires, lead-acid batteries and yard waste |

| Appendix II.B.. Closed landfills requiring certification every five years | | |
|---|------------|--------------------|
| Facility | Location | Ownership |
| Bennington Landfill (BN080) | Bennington | Town of Bennington |
| Burgess Brothers Construction and Demolition Debris Landfill (BN030) | Woodford | |
| Pownal Landfill (BN580) | Pownal | Town of Pownal |

⁴ The Searsburg Transfer Station is closed and will need to be certified.

| Appendix II.B.. Closed landfills requiring certification every five years | | |
|---|------------|--------------------|
| Facility | Location | Ownership |
| Pownal Tannery Landfill (BN590) | Pownal | |
| Searsburg Landfill (BN420) | Searsburg | Town of Searsburg |
| Shaftsbury Landfill (BN740) | Shaftsbury | Town of Shaftsbury |
| Sunderland Landfill (BN780) | Sunderland | Casella, Inc. |

Appendix III. Variable Rate Pricing Ordinance Adopted by Member Towns

Ordinances adopted by the 13 towns in 2015 follow this page.

 COPY

TOWN OF ARLINGTON CIVIL ORDINANCE
MUNICIPAL SOLID WASTE VARIABLE RATE PRICING AND HAULER REGISTRATION AND
REPORTING ORDINANCE

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of ARLINGTON.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of ARLINGTON along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town OF ARLINGTON annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town OF ARLINGTON for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town. OF ARLINGTON

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the ARLINGTON Select Board hereby designates with law enforcement authority for this ordinance under VERMONT law. The town attorney, Bennington County Solid Waste Alliance attorney, or any authorized law enforcement officer may act as an issuing municipal official and pursue a municipal complaint for violations of this ordinance before the Judicial Bureau in accordance with 24 V.S.A. Chapter 59.

Article X: 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 XI: 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 XII: EFFECTIVE DATE

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

Adopted this 6~~TH~~ day of APRIL, 2015.

Keith Squires
Select Board Chair

V. Williams
Select Board

David M. Harvey
Select Board

[Signature]
Select Board

Cynthia Brown
Select Board

Robin S. Wilen
Attest, Town of ARLINGTON Town Clerk



TOWN OF BENNINGTON MUNICIPAL SOLID WASTE VARIABLE RATE PRICING AND HAULER REGISTRATION AND REPORTING ORDINANCE

ARTICLE 28

Article 28-1: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article 28-2: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article 28-3: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Bennington.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article 28-4: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article 28-5: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article 28-6: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Bennington along with their registration.

Article 28-7: REGISTRATION AND REPORTING

Each hauler shall register with the Town annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article 28-8: PENALTIES AND CIVIL ENFORCMENT

a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.

b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| <u>Civil Penalty</u> | <u>Waiver Fee</u> | |
|------------------------------|-------------------|----------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article 28-9: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Bennington Police Department with law enforcement authority for this ordinance under Vermont law.

Article 28-10: 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 28-11: 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 28-12: EFFECTIVE DATE

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

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Bennington, and shall unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days after said date of adoption.

Dated at Bennington, Vermont this 13th day of April 2015.

Select Board
Town of Bennington, Vermont

Sharyn L. Brush

Donald A. Campbell

Jim Carroll

Justin J. Corcoran

Thomas H. Jacobs

Michael A. Keane

John C. McFadden

TOWN OF DORSET

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Dorset.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Dorset along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Town of Dorset First Constable and Vermont State Police with law enforcement authority for this ordinance under Vermont law.

Article X: 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 XI: 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 XII: EFFECTIVE DATE

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

Adopted this 19th day of MAY, 2015.



Select Board Chair

Select Board



Select Board

Select Board



Select Board



Select Board



Select Board


Attest, Town of Dunstable Town Clerk, Res.

TOWN OF GLASTENBURY

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Glastenbury.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

R.L.H.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

R.L.H.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Glastenbury along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town of Glastenbury annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Town Supervisor hereby designates the Vermont State Police with law enforcement authority for this ordinance under Vermont law.

Article X: 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.

R.L.H.

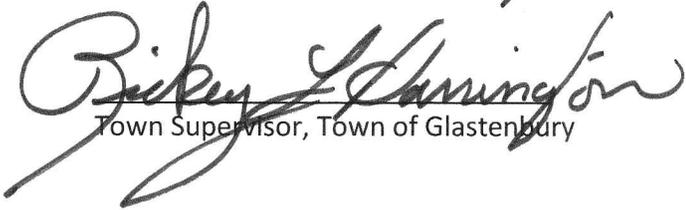
Article XI: SEVERABILITY

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 XII: EFFECTIVE DATE

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

Adopted this 3RD day of AUGUST, 2015.



Town Supervisor, Town of Glastenbury

RICKEY L. HARRINGTON

TOWN OF MANCHESTER

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Manchester.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Manchester along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town of Manchester annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Zoning Administrator and Assistant Zoning Administrator with law enforcement authority for this ordinance under Vermont law.

Article X: 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 XI: 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.

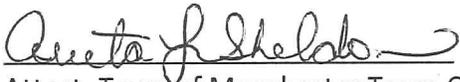
Article XII: EFFECTIVE DATE

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

Adopted this 14th day of July, 2015.



Selectboard Chair



Attest, Town of Manchester Town Clerk

Manchester, VT Town Clerk's Office
07/15 2015 at
8 o'clock 20 minutes A M
Book 14 on Page 17 of
TOWN records.
Attest: 
Town Clerk

TOWN OF POWNAL

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Pownal.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Pownal along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town of Pownal annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board will designate an enforcement agent with law enforcement authority for this ordinance under Vermont law.

Article X: 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.

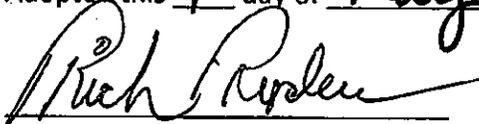
Article XI: SEVERABILITY

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 XII: EFFECTIVE DATE

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

Adopted this 7th day of May, 2015



Select Board Chair

Select Board

Select Board


Select Board

Select Board


Select Board




Attest, Town of Pownal Town Clerk

TOWN OF RUPERT

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting rates, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a single or several treatment, storage, recycling, or disposal locations.
- "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of RUPERT.
- "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, glass, specified plastics and metal.
- "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.
- "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.
- "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable rate pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the cost of the Collection cost of mandated recyclables into the cost of the Collection of solid waste and may adjust the charge for the Collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Rupert along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town Clerk annually by December 31st and that registration will be valid for the next calendar year. The vehicle registration shall be valid for the next calendar year. When registering, the hauler will be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology.

Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated

recyclables collected in the town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.

b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the RUPERT ^{FIRST} CONSTABLE with law enforcement authority for this ordinance under Vermont law.

Article X: 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.

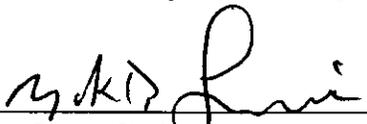
Article XI: SEVERABILITY

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.

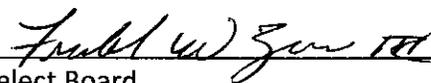
Article XII: EFFECTIVE DATE

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

Adopted this 14 day of APRIL, 2015.



Select Board Chair



Select Board

Sharon E. White

Select Board

Phil E. Maggucio

Select Board

Linda Montague

Select Board

Andrew Lenhardt

Attest, Town of RUPERT Town Clerk

Signed by
Deborah
April 29, 2015

TOWN OF SANDGATE

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Sandgate.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Sandgate along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town of Sandgate annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the _____ with law enforcement authority for this ordinance under Vermont law.

Article X: 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.

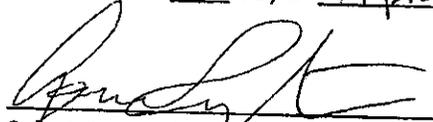
Article XI: SEVERABILITY

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 XII: EFFECTIVE DATE

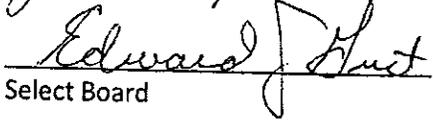
This ordinance shall become effective 60 days after the adoption date shown below.

Adopted this 20 day of April, 2015.



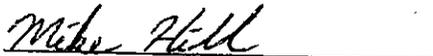
Select Board Chair

Select Board



Select Board

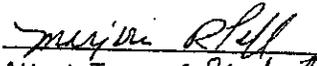
Select Board



Select Board

Select Board

Select Board



Attest, Town of Sandgate Town Clerk

**TOWN OF SEARSBURG
MUNICIPAL SOLID WASTE VARIABLE RATE PRICING
AND HAULER REGISTRATION AND REPORTING ORDINANCE**

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting rates, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: STATUTORY AUTHORITY

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of one or more treatment, storage, recycling, or disposal locations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Searsburg.
- d. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- e. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable Rate Pricing" means a fee structure that charges for MSW collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the Collection cost of mandated recyclables into the cost of the Collection of solid waste and may adjust the charge for the Collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Searsburg along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town Clerk annually by December 31st and that registration will be valid for the next calendar year. When registering, the Hauler will be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology; and pay a registration fee as specified on the registration form.

Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable Rate Pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board will designate one of the following with law enforcement authority for this ordinance under Vermont law to act as an issuing municipal official and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau: the town attorney, the Bennington County Solid Waste Alliance attorney, any other duly authorized law enforcement officer, or any other designee of the Select Board.

Article X: 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.

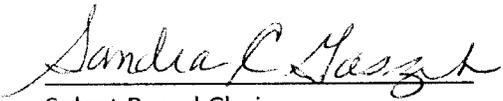
Article XI: SEVERABILITY

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 XII: EFFECTIVE DATE

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

Adopted this 25 day of February, 2015.



Select Board Chair



Select Board



Select Board

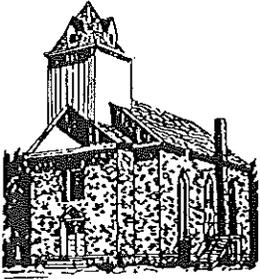


Select Board



Select Board

Attest, Town of Searsburg Town Clerk



WWW.SHAFTSBURY.NET

TOWN OF SHAFTSBURY

MUNICIPAL OFFICES AT COLE HALL

P. O. Box 409
61 BUCK HILL ROAD
SHAFTSBURY, VT. 05262-0409
FAX 802-442-0955

TOWN OF SHAFTSBURY

ORDINANCE ADOPTED APRIL 6, 2015

SIXTY (60) DAY REVIEW PERIOD FROM APRIL 6, 2015

MUNICIPAL SOLID WASTE VARIABLE RATE PRICING AND HAULER REGISTRATION AND REPORTING ORDINANCE.

ORDINANCE CAN BE READ HERE OR AT
SHAFTSBURYVT.GOV.

Contact David Kiernan
Shaftsbury Town Administrator
administrator@shaftsburyvt.gov
802-442-4043

A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five percent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

TOWN OF SHAFTSBURY

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Shaftsbury.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Shaftsbury along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Sheriff Department with law enforcement authority for this ordinance under Vermont law.

Article X: 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 XI: 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.

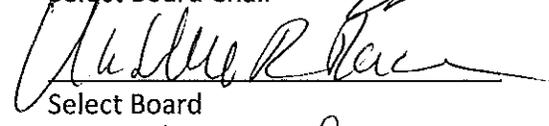
Article XII: EFFECTIVE DATE

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

Adopted this 6 day of April, 2015


Select Board Chair

Select Board


Select Board

Select Board


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Select Board

Attest, Town of _____ Town Clerk

**TOWN OF STAMFORD
ORDINANCE REGULATING THE
COLLECTION AND DISPOSAL OF SOLID WASTE AND
VARIABLE RATE PRICING AND HAULER REGISTRATION AND REPORTING**

This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. 1971(b). A violation of this ordinance shall be a civil matter enforced in accordance with the provision of 24 V.S.A. 1974a et seq. and 1977 et seq.

**ARTICLE I
PURPOSE**

This ordinance is enacted to protect the health and welfare of the citizens of Stamford, Vermont, to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

**ARTICLE II
STATUTORY AUTHORITY**

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

**ARTICLE III
DEFINITIONS**

“Authorization” by the Town of Stamford means authorized pursuant to a legal contract or other written authorization entered into by the Town of Stamford and a private third person as defined herein.

“Collection” shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.

“Collection box” shall mean a plastic bin or garbage can issued by the Town for the purpose of collecting mandatory recyclables.

“Designated area” shall mean an area designated for storage of solid waste and mandatory recyclables readily accessible at all times by a conventional solid waste collection truck.

“Facility” shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A facility may consist of a one or more treatment, storage, recycling, or disposal operations.

“Fire Warden” shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.

“Hauler” shall mean any person that collects, transports, or delivers solid waste generated within the Town of Stamford, Vermont.

“Leaf and yard debris” shall mean compostable untreated vegetative matter, including grass clippings, leaves and brush.

“Mandatory recyclables” include those listed in the Universal Recycling Law such as but not limited to paper, cardboard, glass, specified plastics and metal.

“Municipal solid waste” also referred to as “MSW,” means combined household, commercial, and industrial waste materials generated in a given area.

“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.

“Organic materials” include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

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

“Recycling methodology” means the method of collection used by the hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.

“Resident” shall mean any person whose principal place of residence is within the corporate limits of the town, including, but not limited to homeowners, tenants, business, and corporations.

“Solid waste” shall mean any solid waste as identified in Title 10 V.S.A. Section 6602.

“Variable rate pricing” means a fee structure that charges for municipal solid waste collection based on its weight or volume.

“Waste container” shall mean a metal or plastic garbage can or dumpster with a lid that securely fastens, or a securely tied plastic bag.

**ARTICLE IV
SOLID WASTE REGULATION**

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

**ARTICLE V
COLLECTION**

The Board of Selectmen is authorized to employ or make contracts with individual persons for the separation, recovery, collection, removal, storage, or disposition of solid waste, including mandatory recyclables. The registration fee for collection of solid waste will be set by the Board of Selectmen yearly. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid by authority of the Board of Selectmen. Contracts may be awarded or rejected at the sole discretion of the Board of Selectmen for any reasons which they deem appropriate, including but not limited to, the efficiency of scale, past performance of a contractor, stability of operation and need for competition. The Board of Selectmen may adopt regulations regulating the preparation of solid waste and mandatory recyclables for collection and setting appropriate fees.

All collections and haulers of solid waste in the Town of Stamford shall register with the Board of Selectmen and such registration shall constitute authorization to collect solid waste but not mandatory recyclables. Authorization to collect mandatory recyclables shall be a separate authorization. The Board of Selectmen may set a registration fee.

**ARTICLE VI
PUBLIC SAFETY**

No person having the custody or control of residential, industrial or business premises from which solid waste, including mandatory recyclables, is collected for disposal in the Town of Stamford shall permit or cause any solid waste, including mandatory recyclables, within their 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 deposited or otherwise left out of doors unless it has been placed in a proper container as defined by regulations promulgated pursuant to this ordinance. Household hazardous waste may only be disposed of in accordance with state and federal regulations for proper management and disposal.

**ARTICLE VII
ILLEGAL DUMPING**

Section 1.

Every person within the Town of Stamford limits shall be responsible for proper disposal of his/her own solid waste. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited: bottles, crockery, cans, plastic, solid waste, junk, paper, garbage, tires, furniture, mattresses, box springs, unregistered and/or uninspected automobiles or parts hereof, organic and inorganic refuse of whatever nature, or any noxious thing on lands of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on a public body of water or public highway. If the throwing, placing or depositing was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of the motor vehicle.

The disposal of waste material, including solid waste and hazardous waste, is prohibited in the Town of Stamford except at a facility approved for such disposal under the provisions of 10 VSA Chapter 159 (Waste Management) or 24 VSA Chapter 61, Subchapter 10 (Junkyards). This provision shall not prohibit the temporary storage of waste material in a container designed to prevent release of such material pending collection of such waste for disposal at an approved facility.

Nothing in Section 1 above shall apply to normal snow removal operations by the municipality.

Section 2.

It shall be unlawful for any person, business, or corporation to enter any solid waste facility of the Town of Stamford when said facility is not open; nor shall they deposit, dump, or leave solid waste or mandatory recyclables of any kind in any such facility or adjacent thereto, whenever said facility is not open.

Section 3.

It shall be unlawful for any person to deposit, dump, or leave solid waste or mandatory recyclables in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.

Section 4.

It shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste or mandatory recyclables other than that created or originated in any public buildings, grounds, or highways in the Town of Stamford or on the person of anyone using said public buildings, grounds, or highways.

**ARTICLE VIII
OPEN FIRES**

For regulations on open fires, please see contact the Town Fire Warden for guidance.

**ARTICLE IX
LEAF AND YARD DEBRIS**

No leaf and yard debris shall be disposed of with municipal solid waste, but shall be disposed of in one of the following alternative disposal mechanisms:

- a. Residents are encouraged to compost yard and food wastes in a pile, windrow, or designated container in their backyards.
- b. Leaf and yard debris may be disposed of at the Stamford transfer station after July 1, 2015 in accordance with the instructions and schedule established by the Board of Selectmen.

**ARTICLE X
FILING OF PRICING SYSTEM**

The hauler or facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Stamford along with their registration.

**ARTICLE XI
SEPARATION OF MANDATORY RECYCLABLES**

Section 1.

Except as hereinafter provided, mandatory recyclables as defined herein, from all residences shall be kept separate from other solid waste, either delivered to a private or town collection facility or designated area, as defined in regulations adopted pursuant to this ordinance.

Section 2.

Apartments, condominiums, businesses, institutions, and industries located within the Town of Stamford shall separate mandatory recyclables from all other solid waste in accordance with regulations adopted pursuant to this ordinance and have an area designated for mandatory recyclables as defined herein. The area so designated shall be clearly marked.

Section 3.

In accordance with regulations adopted pursuant to this ordinance, any person within the Town of Stamford may properly dispose of mandatory recyclables at private

collection facilities or at areas maintained by the Town of Stamford or its designated agent for that purpose. Mandatory recyclables as defined herein, shall be separated according to the standards that shall be promulgated as regulated pursuant to this ordinance by the Board of Selectmen.

Section 4.

Placement requirements may be waived for reasons of age, infirmity or handicap.

**ARTICLE XII
COLLECTION BY UNAUTHORIZED PERSON**

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

**ARTICLE XIII
PLACEMENT OF MUNICIPAL SOLID WASTE
AND MANDATORY RECYCLABLES FOR COLLECTION**

Section 1.

Municipal solid waste shall be placed for collection in the proper waste containers at the town transfer station.

Section 2.

All mandatory recyclables shall be prepared and separated into the designated containers at the transfer station in accordance with instructions provided to the residents and posted at the transfer station by the Board of Selectmen. Said instructions or changes thereto shall be based on existing material market conditions.

**ARTICLE XIV
REQUIREMENT OF AUTHORIZED HAULERS AND FACILITIES**

Section 1.

No person shall collect municipal solid waste or mandatory recyclables placed at the designated area unless they are authorized by the town. Licenses shall be obtained from the Board of Selectmen. Authorization and licenses to collect solid waste and mandatory recyclables may be suspended or revoked by the Board of Selectmen for failure to abide by these regulations.

Section 2.

Each hauler shall register with the Town of Stamford annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle

identification number, license plate number for each vehicle, and the types of services offered including their recycling methodology and pay a registration fee as specified on the registration form. Haulers and facilities shall report on the quantities of municipal solid waste, organics and mandatory recyclables collected in the town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the town.

Section 3.

Haulers and facilities that provide collection and/or drop-off disposal services for municipal solid waste to residential customers shall charge these customers for this service on the basis of the volume or weight of the municipal solid waste they produce, which is a pricing system commonly referred to as variable rate pricing.

Each hauler and facility shall establish a unit-based price to be charged for the collection/drop-off disposal of each unit of municipal solid waste from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of municipal solid waste, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any hauler or facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A hauler or facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a municipal solid waste greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the collection of such excess municipal solid waste.

Section 4.

No hauler or facility shall knowingly collect municipal solid waste which does not have mandatory recyclables and leaf and yard debris separated from it after July 1, 2015. Beginning July 1, 2017 food scraps will be accepted at the transfer station and cannot be combined with municipal solid waste.

Section 5.

In addition to the unit-based price charged per unit of municipal solid waste, haulers and facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of municipal solid waste.

In the event that a hauler or facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a hauler or facility from charging additional fees for the collection of materials such as food and yard residuals or bulky items; except however, that no hauler or facility may charge a separate line item fee on a bill to a residential customer for the collection of mandatory recyclables after July 1, 2015, in accordance with state statutes. A hauler or facility may incorporate the collection cost of mandatory recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Section 6.

Haulers shall report to the Town of Stamford's Board of Selectmen any obvious violations of these regulations by a resident, hauler, or any other person.

Section 7.

Any rejected municipal solid waste and/or mandatory recyclables not properly separated or placed in accordance with these regulations shall be the sole responsibility of that resident and shall be retrieved by the resident within 24 hours and properly separated for disposal.

Section 8.

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.

**ARTICLE XV
PENALTIES AND ENFORCEMENT**

Section 1.

The Traffic and Municipal Ordinance Bureau – Any individual, commercial, resident, non-resident, collector/hauler who violates any provisions of this ordinance shall be subject to a civil penalty of up to \$500.00 per day for each day that such violation continues. The Board of Selectmen, Administrative Officer, Health Officer or any law enforcement officer may act as an issuing Municipal Officer and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for a violation of this ordinance.

Right to Civil Enforcement – In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the town is authorized to utilize the procedures set forth in 24 VSA Chapter 61, subchapter 12 (2297 et seq.) (Appendix C), commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

Section 2.

The Town of Stamford, 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 terminate the authorization of any hauler who violates this ordinance or the regulation promulgated hereunder.

Section 3.

Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a separate offense.

Section 4.

The Town of Stamford 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, but the election of the town to proceed with an application or petition for an injunction shall not prevent a criminal prosecution for the violation of this ordinance. Expenses incurred by such action shall be recovered by the person whose legal duty it was to comply with these ordinances.

Section 5.

Civil Penalty of Ordinance Violation – An issuing Municipal Officer is authorized to recover civil penalties in the following amounts, in addition to the cost of cleanup, for each violation of this ordinance. The amount and the date for acceptance of the civil penalty shall be affixed to the complaint or notice.

| | |
|-------------------------------|----------|
| First Offense | \$100.00 |
| Second Offense | \$200.00 |
| Third Offense | \$300.00 |
| Fourth Offense | \$400.00 |
| Fifth and Subsequent Offenses | \$500.00 |

Waiver fees for Municipal Complaint – A waiver fee of one-half the civil penalty to which a violator is subject shall be assessed for those who admit or do not contest the ordinance violation. The amount and the date for acceptance of the waiver fee shall be affixed to the complaint or notice.

| | |
|-------------------------------|----------|
| First Offense | \$ 50.00 |
| Second Offense | \$100.00 |
| Third Offense | \$150.00 |
| Fourth Offense | \$200.00 |
| Fifth and Subsequent Offenses | \$250.00 |

Offenses shall be counted on a calendar year basis.

In determining whether to affirm, modify or reverse an order for a civil penalty, the environmental court shall consider the factors set forth in subsection 2297a(a) of this title.

If the respondent does not request a hearing on a final order within ten days of receipt of the order, the final order shall stand.

ARTICLE XVI
INCONSISTENT REPEAL

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 XVII
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.

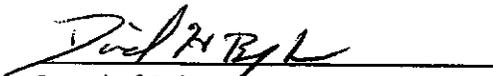
ARTICLE XVIII
EFFECTIVE DATE

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

Adopted this 7th day of May, 2015.


Board of Selectmen, Chair


Attest, Town Clerk


Board of Selectmen


Board of Selectmen


Board of Selectmen

Board of Selectmen

TOWN OF SUNDERLAND VT.

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable pricing system to decrease the disposal of solid waste, increase recycling and composting rates, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Sunderland Vt.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.

h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Sunderland Vt. along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town Sunderland Vt. annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.

b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates with law enforcement authority for this ordinance under Vermont law. The town attorney, Bennington County Solid Waste Alliance attorney, or any duly authorized law enforcement officer may act as an issuing municipal official and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau in accordance with 24 V.S.A Chapter 59

Article X: 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 XI: 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.

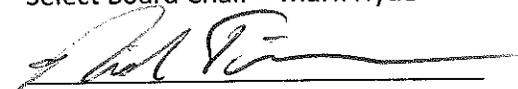
Article XII: EFFECTIVE DATE

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

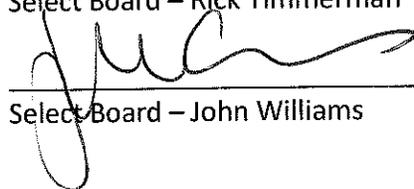
Adopted this 20th day of April, 2015.



Select Board Chair – Mark Hyde



Select Board – Rick Timmerman

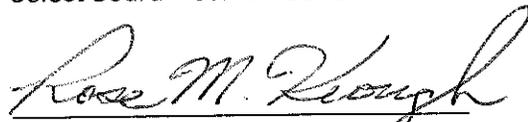


Select Board – John Williams

Select Board – Jon French



Select Board – Steven Bendix



Attest, Town of Sunderland Vt. Town Clerk – Rose Keough

Title 24 : Municipal And County Government

Chapter 059 : Adoption And Enforcement Of Ordinances And Rules

• § 1973. Permissive referendum

(a) An ordinance or rule 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 a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

(d) Not less than two copies of the ordinance or rule shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the ordinance or rule in the warning by title.

(e) If a petition for an annual or a special meeting is duly submitted in accordance with this section, to determine whether an ordinance or rule shall be disapproved by the voters of the municipality, the ordinance or rule shall take effect on the conclusion of the meeting, or at such later date as is specified in the ordinance or rule, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the ordinance or rule in which event it shall not take effect. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 12, eff. March 11, 1971.)

Information and Selectboard contact pertaining to ordinance adoption.

Sunderland Website www.sunderlandvt.org Act 148 page.

Selectboard Representative – Steven Bendix

Email: town@sunderlandvt.org

Sunderland Municiple Building

104 Mountain View Road.

Sunderland, Vt. 05250

Phone: 802-375-6106 - During Sunderland Municiple Building office hours.

TOWN OF WOODFORD**Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance****Article I: PURPOSE**

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

- a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.
- b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.
- c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Woodford.
- d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
- e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.
- f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

- g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.
- h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

campgreenwood@aol.com <campgreenwood@aol.com>
To: info@woodfordvt.org

Thu, Jul 23, 2015 at 5:48 AM

[Quoted text hidden]

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Woodford along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town Woodford annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler will be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

- a. This ordinance is a civil ordinance and enforcement shall be brought in the judicial bureau in accordance with 24 V.S.A. §§ 1974a et seq.
- b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|------------------------------|----------------------|-------------------|
| 2nd offense: | \$100.00 | \$50.00 |
| 3rd offense: | \$250.00 | \$125.00 |
| 4th and subsequent offenses: | \$500.00 | \$300.00 |

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Bennington County Solid Waste Alliance attorney, or any authorized law enforcement officer with law enforcement authority for this ordinance under Vermont law.

Article X: 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 XI: 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.

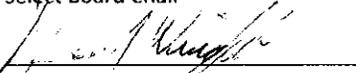
Article XII: EFFECTIVE DATE

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

Adopted this 15th day of July, 2015.



Select Board Chair



Select Board

Select Board

Select Board

Select Board

Attest, Town of Woodford Town Clerk

Appendix IV. Other Solid Waste Ordinances

Solid waste ordinances from Bennington, Manchester, Searsburg, and Sunderland follow this page.

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.

ORDINANCE
SOLID WASTE
HAULING

TOWN OF SUNDERLAND
Solid Waste Hauling Ordinance

WHEREAS pursuant to Title 24, V.S.A. §2202(a) the Town of Sunderland is responsible for the management and regulation of the storage and collection of solid wastes within the Town; and

WHEREAS pursuant to Title 24, V.S.A. §2291(12) the Town is empowered to regulate the storage or dumping of garbage and to provide for the removal thereof; and

WHEREAS pursuant to Title 24, V.S.A. §2291(4) the Town is empowered to regulate the operation and use of vehicles within the Town; and

WHEREAS the uncovered hauling of loose solid waste along town roads has created a nuisance and a threat to the public health, safety, welfare and convenience of the inhabitants of the Town.

NOW THEREFORE pursuant to Title 24, V.S.A. §1971 et seq. the Selectmen of the Town of Sunderland, Vermont adopt the following ordinance for the regulation of hauling of solid waste within the Town of Sunderland:

1. No person shall haul upon any public highway within the Town of Sunderland in any vehicle, or part thereof or any means of conveyance attached thereto, solid waste which is not contained in closed receptacles or covered with a secure covering so that no part of the solid waste blows or falls from the vehicle.

2. Any violation of this ordinance is punishable by a fine of \$ 50.00 for each offense.

3. This ordinance shall become effective sixty (60) days from the date of its adoption or March 17th, 1983.

Adopted by the Selectmen of the Town of Sunderland, Vermont in accordance with the provisions of Title 24, V.S.A. §1972 this 17th day of January, 1983.

Michael B. Hayden
Winifred J. Robinson Jr.
Clayton J. Sweeney
Philip T. Benson

Selectmen-Town of Sunderland

Dated

January
17th, 1983

Recorded

March 18th, 1983

CHAPTER 5 GARBAGE, REFUSE, LITTERING

- 5-1 Purpose**
- 5-2 Statutory Authority**
- 5-3 Improper Disposal Prohibited**
- 5-4 Civil Designation**
- 5-5 Penalties**
- 5-6 Enforcement**
- 5-7 Severability**

5-1 Purpose

This Ordinance has been adopted to protect public health, public safety, and public welfare by prohibiting the improper or unauthorized disposal of solid waste.

5-2 Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 24 V.S.A. § 2291(12).

5-3 Improper Disposal Prohibited

It shall be unlawful for any person to deposit, or cause to be deposited, any bottles, glass, crockery, cans, scrap metal, plastic, solid waste as defined in 10 V.S.A. §6602, junk, paper, garbage, old automobiles or parts thereof, refuse of whatever nature, or any noxious thing:

- a. on public property,**
- b. on private lands of another,**
- c. in waters of the State,**
- d. in a litter receptacle or dumpster without permission for such disposal being granted by the owner of said receptacle or dumpster.**

5-4 Civil Designation

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.

5-5 Penalties

A penalty of \$500.00 shall be imposed for a violation of any provision of this Ordinance. The waiver fee shall be established at \$250.00.

5-6 Enforcement

The issuing officials authorized to enforce this Ordinance shall be any Manchester Police Officer.

5-7 Severability

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

| | |
|------------------|----------------|
| Adopted | 3/27/95 |
| Effective | 5/26/95 |

new

**SOLID WASTE DISPOSAL ORDINANCE
TOWN OF SEARSBURG, VERMONT**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Searsburg under authority granted in 24 V.S.A. §2202a(a), 24 V.S.A. §2291(12), (14) and (15), 24 V.S.A. §872, and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect the public health and safety and to promote the responsible use of resources and protection of the environment through regulation of the disposal of Solid Waste in the Town of Searsburg, Vermont.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

Solid Waste. Any solid waste as defined in Title 10 V.S.A. 6602 as amended from time to time.

Transfer Station. The property and structures maintained by the Town of Searsburg and which are used for the collection and disposal of Solid Waste.

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

SECTION 4. ILLEGAL DISPOSAL. No Person shall deposit refuse, garbage, or other Solid Waste within the Town of Searsburg other than at designated areas within the Transfer Station. No Person shall deposit Solid Waste outside of such designated areas within the Transfer Station or outside the gates of the Transfer Station. No Person shall use the Transfer Station for disposal of Solid Waste generated outside of the Town of Searsburg.

SECTION 5. TRANSFER STATION PERMIT. No Person shall deposit refuse, garbage, or other Solid Waste at the Town of Searsburg Transfer Station, except with a permit issued by the Town of Searsburg.

Transfer Station permits shall be issued only to Searsburg residents and non-resident property owners for a fee determined by the Selectboard. Permits may be obtained at the Town Clerk's office annually in the month of August and shall be valid for one year. A code for the gate will be given at the time of purchase of a permit.

SECTION 6. PROHIBITED WASTE. No Person shall dispose of any of the following at the Transfer Station:

1. Stumps, tree trunks, tree limbs or brush greater than five inches in diameter.
2. Industrial waste, household hazardous waste, asbestos, medical or veterinary waste, liquids, radioactive material, explosives, toxic substances, septage, or sludge.

3. Dead animals or carcasses.
4. Construction demolition materials, brick, concrete, fill, dirt, or boulders.
5. Junk cars, engines, chassis, transmissions or other motor vehicle components.
6. Propane, acetylene, or oxygen tanks.
7. Anti-freeze, gasoline, oil, diesel fuel, kerosene, or fuel oil of any kind.
8. Fuel tanks.
9. Oil-based or lead-based paint, stains and varnishes, paint thinner, turpentine, or wood preservative.
10. Any material which by reason of its composition, characteristics, and quantity is hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq., and the regulations thereunder or, except for trace amounts normally found in household or commercial waste, any material which by reason of its composition or characteristics is hazardous waste, a hazardous substance, or hazardous material as defined in or under any other Federal, State or local law, and the applicable regulations thereunder (including, without limitation, the following laws and the regulations, if any, promulgated under each: the Vermont Waste Management Act, 10 V.S.A. § 6601 et seq.; the Vermont Water Pollution Control Act, 10 V.S.A. § 1251 et seq.; the Storage of Radioactive Material Act, 10 V.S.A. § 6501, et seq.; the Toxic Substance Control Act, 15 U.S.C. § 2601.; the Federal Insecticide, Fungicide and Rodenticide Control Act, 7 U.S.C. § 136 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et sec.; and any similar or substituted legislation or regulations or amendments to the foregoing), and any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time to be harmful, toxic, or dangerous, or otherwise ineligible for disposal through the Transfer Station.

SECTION 7. TRANSFER STATION SAFETY. All persons entering the Transfer Station do so at their own risk. No Person shall:

1. Take, remove, or carrying away any Solid Waste or any material from the Transfer Station.
2. Enter any prohibited, restricted or closed area, or climb on any drop off container or wall in the Transfer Station.
3. Operate a motor vehicle in the Transfer Station in excess of five (5) miles per hour.
4. Enter the Transfer Station without shoes.

5. Fail to abide by the lawful instructions of any Transfer Station attendant.

No Person under the age of sixteen (16) shall enter the Transfer Station, except when accompanied by an adult.

SECTION 8. ENFORCEMENT. This is a civil ordinance and shall be enforced in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq. The town attorney, solid waste management district attorney, grand juror, designee of the Selectboard, or any duly authorized law enforcement officer may act as an issuing municipal official and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau in accordance with 24 V.S.A Chapter 59.

SECTION 9. PENALTIES. The penalty for violation of this Ordinance shall be as follows:

| | Civil Penalty | Waiver Fee |
|-------------|----------------------|-------------------|
| 1st Offense | \$200.00 | \$100.00 |
| 2nd Offense | \$500.00 | \$250.00 |
| 3rd Offense | \$800.00 | \$500.00 |

Each day that a violation continues shall constitute a separate violation of this ordinance. If the penalty for all continuing violations is greater than \$800.00, or injunctive relief is sought, the action shall be brought in the Criminal Division of Vermont Superior Court. In addition to any monetary penalty assessed hereunder, the Selectboard may suspend or revoke any Transfer Station permit issued to a violator of this Ordinance.

SECTION 10. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town of Searsburg and all applicable laws of the State of Vermont.

SECTION 11. 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 12. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard of the Town of Searsburg. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

SIGNATURES

DATE

Adoption History

1. Agenda item at regular selectboard meeting held on 5/22/13.
2. Read and approved at regular selectboard meeting on 5/22/13 and entered in the minutes of that meeting which were approved on 6/12 not enough present
3. Posted in public places on 6/19/13.
4. Notice of adoption published in the DV News newspaper on 6/27/13 with a notice of the right to petition.
5. Other actions [petitions, etc.]

TOWN OF SUNDERLAND ORDINANCE REGULATING THE OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

SECTION 1. Authority. This ordinance is adopted by the Selectboard of the Town of Sunderland under authority of 23 V.S.A. § 2157, 24 V.S.A. §§ 2246 and 2291(14), and 24 V.S.A. Chapter 59.

SECTION 2. Purpose. It is the purpose of this ordinance to regulate the outdoor storage and disposal of junk, junk vehicles, regulate abandoned motor vehicles, and to regulate salvage yards in the Town of Sunderland in order to protect the public health, safety, and well being of the public and to protect the environment.

SECTION 3. Definitions. For purposes of this ordinance, the following words and/or phrases shall apply:

- a) "Abandoned vehicle" means a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicles does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.
- b) "Abutting property owner" means any person or persons that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.
- c) "Enforcement Officer" means any law enforcement officer, Zoning Administrator or other official appointed by the Selectboard to enforce the provisions of this ordinance.
- d) "Highway" means any highway, road, street or public way regardless of classification.
- e) "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.
- f) "Junk" means old or scrap copper, brass, iron, steel and other old or scrap or nonferrous material including, but not limited to, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof.
- g) "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days from the date of discovery.
- h) "Main traveled way" means the portion of a highway designed for the movement of motor vehicles, shoulders, auxiliary lanes, and roadside picnic, parking, rest, and observation areas and other areas immediately adjacent and contiguous to the traveled portion of the highway and designated by the Transportation Board as a roadside area for the use of highway users and generally but not necessarily located within the highway right-of-way.

- i) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers.
- j) "Notice" means written notice mailed by certified mail with return receipt requested.
- k) "Person" shall mean 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.
- l) "Public vehicle identification number" means the public vehicle identification number which is usually visible through the windshield and attached to the driver's side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver's side of the vehicle.
- m) "Salvage yard" means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility as defined in 24 V.S.A. § 2241(12). "Salvage yard" also means any outdoor area used for operation of an automobile graveyard as defined in 24 V.S.A. § 2241(15). It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs, or a private transfer station or sanitary landfill which is licensed in compliance with the Vermont Statutes Annotated.
- n) "Secretary" means the Secretary of Natural Resources or the Secretary's designee.

SECTION 4. Requirements.

- a. It shall be unlawful to place, discard or abandon one or more junk motor vehicles, or junk in an outdoor place where any such item is visible from the main traveled way of a highway, or visible from an abutting property owner's land at any season of the year. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this ordinance.
- b. It shall be unlawful to place, discard or abandon one or more junk motor vehicles, or junk upon the land of another with or without the consent of the owner, when any such item is visible from the main traveled way of a highway, or visible from an abutting property owner's land at any season of the year. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance and in violation of this ordinance.
- c. It shall be unlawful to own, operate or for a landowner within the Town to allow the operation of a salvage yard on lands within Town unless it is being operated in compliance with 24 V.S.A. §§2201 et seq. and this ordinance. Any salvage yard operating without the necessary permit and approvals as herein specified is declared to be a public nuisance and a violation of this ordinance.
- d. A person who wishes to operate a salvage yard within the Town is required to obtain a certificate of approval for the location of the salvage yard from the Selectboard of the Town and obtain a certificate of registration issued by the Secretary to operate, establish or maintain a salvage yard.
 - 1. **Certificate of Approved Location.** Application for a certificate of approved location shall be made in writing to the Selectboard of the Town. The application shall contain a description of the land to be included within the salvage yard, which description shall be by reference to so-called permanent boundary markers. The application shall be accompanied by a certificate from the (ZBA

or Planning Board) that the proposed location is not within an established district restricted against such uses or otherwise contrary to such zoning ordinance. The certificate of approved location is valid for 1 year. The conditions and procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2251-2257, as from time to time amended.

2. **State Salvage Yard Certification.** The procedures for obtaining a salvage yard certification from the Secretary are those specified in 24 V.S.A. Chapter 61, as from time to time amended.
- e. All salvage yards and places of outdoor storage of junk and junk vehicles shall be effectively screened from public view by a fence or vegetation at least 6 feet of height. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays which are visible from the main traveled way of a highway. Any vegetation used for screening shall be of sufficient density and nature so that it effectively screens the area all year long. Failure to provide screening as required herein shall be considered a violation of this ordinance.

SECTION 5. Enforcement and Penalties.

- a. Upon receiving written notice from the Enforcement Officer to do so, the owner of any junk or junk motor vehicle discovered in violation of Section 4 of this ordinance shall remove or screen the item(s) or vehicle(s) from the view of the main traveled way of the highway. Junk and/or junk motor vehicles shall be effectively screened from the view from any abutting property owner's land at all seasons of the year. If the owner of the junk or junk motor vehicle(s) does not remove or screen the items from view within 30 days from the date of mailing of the written notice by the Enforcement Officer, the Enforcement Officer may notify the appropriate state agencies. Failure to remove or screen the items from view within 30 days from the date of mailing of the written notice by the Enforcement Officer shall be a violation of this ordinance.
- b. **Additional Provisions for Junk Motor Vehicles.**
 1. If the owner of the land on which a junk motor vehicle is discovered in violation of Article 4 of this Ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner shall move, screen or dispose of the vehicle upon receiving written notice from the Enforcement Officer.
 2. A person who violates Section 4, subsection e of this Ordinance shall be fined \$50.00 for each day a violation exists, pursuant to 24 V.S.A. § 2282.
- c. **Additional Provisions for Abandoned Motor Vehicles.**
 1. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contract a towing service for removal of such motor vehicle, based upon personal observation by the officer that the vehicle is abandoned, as defined herein and in 23 V.S.A. § 2151.
 2. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a towing service for removal from private property of such vehicle, based upon complaint for the owner or agent of the property on which the vehicle is located that the vehicle is abandoned.

3. An owner or agent of an owner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property, and may contact a towing service for removal from that property of an abandoned vehicle. If an owner or agent of an owner removes or causes removal of an abandoned motor vehicle, the owner or agent shall immediately notify the Bennington County Sherriff and/or the Vermont State Police from which the vehicle is removed. Notification shall include identification of the registration plate number, the vehicle identification number, make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is abandoned may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service without any civil liability to the owner of the abandoned vehicle.
- d. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Superior Court, at the election of the Selectboard. Each day that the violation continues shall constitute a separate violation of this ordinance.
1. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$200.00 per violation may be imposed for violation of this ordinance except for violations of Section 4, subsection e.
 - A. A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
 - B. A waiver fee shall be set at \$100.00 for the first offense, \$125.00 for the second offense within a six month period and \$150.00 for all subsequent offenses within a six month period.
 - C. For purposes of enforcement in the Judicial Bureau, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The municipal attorney may also be the appearing officer at the hearing at the direction of the Selectboard for violations other than those in Section 4, subsection e.
 2. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Officer or Selectboard may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$200.00 per violation may be imposed for violation of this ordinance. A civil action may be initiated if the violation has not been corrected in accordance with this ordinance, other than those in Section 4, subsection e.

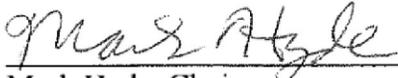
SECTION 6. Other laws. This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. 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. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

SECTION 8. Effective Date. This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 17 day of August, 2015

Town of Sunderland Selectboard



Mark Hyde, Chair

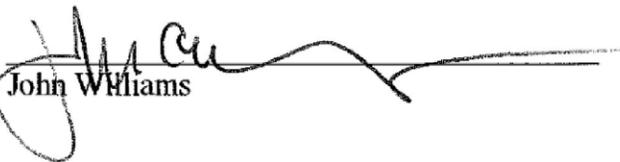
Jon French, Clerk



Steven Bendix



Richard Timmerman



John Williams

Date 8/17/2015