

Solid Waste Ordinance

TOWN OF BRANDON ORDINANCE CONCERNING THE SEPARATION, RECOVERY, COLLECTION, REMOVAL, STORAGE, DISPOSITION OF SOLID WASTE INCLUDING RECYCLABLES AND COMPOSTABLES

The Board of Selectmen of the Town of Brandon, hereafter "Town", pursuant to the authority contained in Title 24 V.S.A. Chapter 61 and Chapter 121 do hereby adopt an Ordinance entitled "Ordinance Concerning the Separation, Recovery, Collection, Removal, Storage and Disposition of Garbage, Rubbish and other Solid Waste including Recyclables and Compostables" in the Town of Brandon.

I. DEFINITIONS : Unless specifically defined herein, all words used in the Ordinance shall have the meaning defined in Title 10 V.S.A. Chapter 159.

a. " Agent " shall mean the individual elected or appointed, as the case may be, pursuant to 17 V.S.A. 2646.

b. " Board " shall mean the Board of Selectmen of the Town of Brandon.

c. " Compostables " shall mean those materials designated as compostable by regulation promulgated by the Board.

d. " Facility " shall mean any landfill, transfer station, recycling facility, incinerator or other processing facility that receives, process or disposes of Solid Waste (as hereinafter defined) originating within the Town of Brandon.

e. " Grand Juror " shall mean the individual elected or appointed by the Board pursuant to 17 V.S.A. 2646.

f. " Marketed " shall mean delivered to a broker or end user but in either case to be used in remanufacture or for beneficial reuse.

g. " Person " shall mean any individual, corporation or partnership or their agents, employees, servants or designees who or which collects, transfers or transports, composts, recycles, processes or disposes of any Solid Waste in the Town of Brandon for remuneration in money or for other benefit. A "Person" shall not include anyone whose only activity in the Town is to transport Solid Waste which is not generated within the District, disposed of within the District or processed at a Facility within the District

h. " Recyclables " shall mean those materials designated as recyclable by regulations promulgated by the Board from time to time.

i. " Solid Waste " shall mean Solid Waste as defined in Title 10 V.S.A. 6602 as amended from time to time.

j. " Transfer Station " shall mean the site and structures maintained by the Town of Brandon on Corona Road and which is used for the collection of Solid Waste and Recyclables.

II. REGISTRATION

a. All persons, as previously defined herein, shall be required to apply for and to hold a permit prior to providing Solid Waste or Recyclable service within the Town of Brandon from the Town of Brandon upon terms and conditions as established by regulation from time to time by the Board.

III. DISPOSITION IN DESIGNATED OR PERMITTED FACILITIES

a. No Person, as previously defined herein, who collects, transports or stores Solid Waste within the Rutland County Solid Waste District shall recycle, process or dispose of Solid Waste within the Rutland County Solid Waste District except in a Facility that has been permitted under Rutland County Solid Waste District designation and permit.

b. No Person, as previously defined herein, shall transport Solid Waste generated within the Town of Brandon to a Facility outside of the Rutland County Solid Waste District, unless that Facility has been "designated" by the Rutland County Solid Waste District for the storing, transferring, recycling, processing or disposing of District Solid Waste.

IV. INSPECTION OF WASTE

a. Every vehicle used for handling of Solid Waste generated or left in the Town of Brandon shall be subject to stoppage, within or without the Town of Brandon, and inspection, without notice, by the Town of Brandon or its agents, for purposes of ensuring compliance with this Ordinance and to assure the health and safety of the inhabitants of the Town of Brandon.

b. Any Person who fails to stop a vehicle when directed to do so by a duly authorized Town of Brandon official or who fails to allow inspection by the Town of Brandon shall be in violation of this Ordinance.

V. UNACCEPTABLE MATERIALS

The Town of Brandon shall have the power to designate by regulations adopted by the Board from time to time, materials as unacceptable for collection, storage, processing, recycling, composting or disposal. The Board shall, by regulation, provide for the disposition of material designated as unacceptable at designated Facilities.

VI. RECYCLABLES and COMPOSTABLES

The Board may designate materials as Recyclables or Compostables and require their separation and disposition in accordance with regulations adopted by the Board from time to time.

VII. REGULATIONS

The Board may set forth regulations implementing this Ordinance which may include, but are not limited to, regulating and governing the manner in which Solid Waste is collected, stored, transported, processed, recycled and disposed

VIII. HEALTH and SAFETY

No person having custody, control or ownership of residential, industrial or business premises within the District shall permit or cause any Solid Waste, Recyclables, Compostables or materials defined as unacceptable pursuant to Article V within his or her control to become a hazard to public travel, health or safety or to become a nuisance of any sort or knowingly to be disposed of in contravention to this Ordinance.

IX. RECIPROCAL ASSISTANCE AGREEMENTS

a. A reciprocal assistance agreement may be entered into between the Town of Brandon, the Rutland County Solid Waste District and any other union municipal solid waste district or districts organized pursuant to Title 24 V.S.A., Chapter 121, and/or the chief investigative officer of any Vermont municipality not a member of a union municipal solid waste district.

b. The authority of a duly authorized and certified municipal law enforcement officer, or solid waste district agent, employees, servants or designees shall extend to another union district or municipality in this state if:

1. reciprocal authority has been granted by the other union district or municipality; and
2. a reciprocal assistance agreement under subsection (a) of this section has been executed which sets forth the terms and conditions under which assistance may be requested or rendered;
3. the agreement is in writing; and
4. in the case of an agreement by a municipality in this state, the agreement of the chief law enforcement officer of the municipality is approved by its legislative body; an
5. the agreement is limited to all powers necessarily related to enforcement of laws and ordinance related to Solid Waste.

c. A reciprocal assistance agreement shall remain in full force and effect until terminated as to one member or all by mutual consent of the parties to the agreement.

X. ENFORCEMENT

Enforcement of this Ordinance and any regulations enacted hereunder shall be by the Board of Selectmen or its designated agents or by any State prosecuting officer or other person authorized by law to enforce this Ordinance.

XI. PENALTIES

a. Any Person convicted of a violation of any provision herein or any regulation adopted hereunder shall be guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned for a period not to exceed one (1) year.

b. The Board may suspend or revoke any permit issued under this Ordinance for a violation of any provision of the Ordinance or any regulation adopted hereunder.

c. Actions of employees or agents of a corporation or partnership shall be deemed to be an action by both the agent/employee and the corporation or partnership.

d. Each violation of this Ordinance or any regulation adopted hereunder shall be considered a separate offense. The town may issue separate citations for each violation of this Ordinance.

e. After notice and hearing, the Board may suspend or revoke or refuse to renew a permit or registration for non-compliance with this Ordinance or any regulations adopted hereunder. Upon conviction for a violation of this Ordinance, without notice or further hearing, the town manager may suspend or revoke or refuse to renew a Person's permit or registration.

XII. SEVERABILITY

The invalidity of any provision or portion of any provision of this Ordinance shall not affect the validity of any other provision nor the validity of the Ordinance as a whole.

XIII. REGULATIONS GOVERNING DISPOSAL OF WASTE GENERATED

Adopted pursuant to the authority granted in the Ordinance entitled "Town of Brandon Ordinance Concerning the Separation, Recovery, Collection, Removal, Storage, Disposition of Garbage, Rubbish and other Solid Waste Including Recyclables and Compostables" as enacted by the Brandon Board of Selectmen on July 27, 1992.

1. Pursuant to the Regulation adopting authority granted in Section II of the Ordinance, Application for Permits shall be in such a form as provided by the town staff. A copy of an Applicant's valid Certificate of Insurance must be delivered to the town before the Permit shall be issued.

2. Pursuant to the Regulation adopting authority granted in Section VI of the Ordinance, users of the town Transfer Station are encouraged to collect Recyclables and Compostables. No mandatory separating is required at this time.

3. Pursuant to the Regulation adopting authority granted in Section V. of the Ordinance, unacceptable waste at the Transfer Station shall include industrial hazardous waste that is toxic, corrosive, ignitable, reactive, or a strong sensitizer in the opinion of town employees or agents. Unacceptable waste shall also include dead animals and pathological waste. Household hazardous waste shall only be collected in accordance with Rutland County Solid Waste District collection programs.

Dated at Brandon, Vermont, this July 27, 1992