

VILLAGE OF ENOSBURG FALLS

Section 1001

ORDINANCE REGULATING THE BURNING AND DISPOSAL OF SOLID WASTES

The Trustees of the Village of Enosburg Falls ordains and adopts this Ordinance regarding the Burning and Disposal of Solid Wastes per the Provisions of: Title 23, Vermont Statutes Annotated, Sections 1007 and 1008 and; Title 24, Vermont Statutes Annotated, Sections 1971 and 2291.

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

Section I. DEFINITIONS

- (a) "Air contaminants" means dust, fumes, mist, smoke, other particle matter, vapor, gas, odorous substances, or any combination thereof.
- (b) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.
- (c) "Emission" means a release into the outdoor atmosphere of air containments.
- (d) "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- (e) "Hazardous waste" means waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive, or flammable ingredients.
- (f) "Open fire" means burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney, or other enclosure.
- (g) "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

(h) "Recyclable" means any type of refuse designated by the Village of Enosburg Falls Trustees or by the local solid waste management district to be separated for recycling.

(i) "Solid Waste" means any discarded garbage, refuse, septage, sludge from waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid waste which has been certified to receive solid waste by the Vermont Agency of Natural Resources under 10 V.S.A. Ch 159. A facility may consist of a single or several treatment, storage, recycling, or disposal units.

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

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

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

Section 2. **ILLEGAL DUMPING**

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

(b) It shall be unlawful to deposit, dump, dispose of, or allow the disposal of, any solid waste on any land or into any water, public or private, including, but not limited to, municipally or state owned lands and waters except as follows:

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

(c) Further, it shall be unlawful to deposit, dump or leave solid waste in any publicly

owned or maintained waste container other than solid waste created or originating in public buildings or on their grounds or highways or generated during the use of said public buildings, grounds or highways

(d) Nothing in this article shall be interpreted as affecting the operation or use of a licensed junkyard as defined in 24 VSA Section 2241-2291 or a solid waste disposal facility certified under 10 VSA Chapter 159.

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

Section 3. OPEN FIRES AND INCINERATION

(a) Except as provided by this article, the burning of any solid waste either by open fire or in a furnace, stove, or other device is prohibited in the Village of Enosburg Falls unless the practice has been approved by the Department of Environmental Conservation.

(b) To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by an enforcement officer for the following types of open burning:

1. The open burning of leaves, brush, garden wastes, slash, slabwood, and other such natural wood wastes resulting from property maintenance, logging operations, and clearing operations.

2. The open burning of natural wood, grass, leaves, and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.

3. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.

4. With the prior approval of the Department of Environmental Conservation burning authorized by the Trustees as necessary for the protection of public health or to avert a hazard.

5. Burning of natural-wood demolition or construction materials and natural-wood commercial wastes such as pallets or skids, provided such burning is approved by the Department of Environmental Conservation.

6 The open burning of natural wood by the Village of Enosburg Falls in accordance with 10 VSA Section 565.

(c) The Enforcement Officer shall not issue a permit unless he/she is satisfied that no hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to the health and property of the citizens in the Village of Enosburg Falls. Permits which are issued under the provisions of this ordinance shall be for a specified date, time and location, and only for specified materials.

(d) The provisions of this ordinance shall not apply to the burning of natural wood or a virgin fuel in a furnace to produce heat or for the purpose of preparing food.

Section 4. PENALTIES AND CIVIL ENFORCEMENT

This ordinance and enforcement shall follow the procedures described in 24 V.S.A. Sec/ 1974a including but not limited to:

(a) A civil penalty of not more than \$500.00 may be imposed for a violation of this ordinance. Each day the violation continues shall constitute a separate violation.

(b) Violations of this ordinance where the penalty is \$500.00, or less shall be brought before the traffic and municipal ordinance bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief, other than as provided in subsection (c), is sought, the action shall be brought in superior court.

(c) The municipal ordinance bureau hearing officer, on application of the Village of Enosburg Falls may order that the ordinance violation cease.

Section 5. DESIGNATION OF ENFORCEMENT PERSONNEL

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

Section 6. 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.

Section 7. 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.

Section 8. REPEAL OF PRIOR ORDINANCES

This ordinance repeals any prior Burning and Disposal of Solid Wastes regulations adopted by the Village of Enosburg Falls.

Section 9. CIVIL ORDINANCE

This ordinance is designated a civil ordinance pursuant to Title 24 V.S.A. Section 1971 (b). To the extent a penalty is not established in this ordinance for violations thereof, there is hereby established a penalty of \$500.00 (Five Hundred Dollars) for a violation of this ordinance. Civil enforcement of this ordinance and actions for violations thereof shall be brought and maintained in the name of the Village by an enforcement officer for such purpose. All actions for enforcement of this civil ordinance shall be instituted and maintained in the manner provided in Title 24 V.S.A. 1974a-1981, as may be amended.

DATE DECEMBER 18, 1995

Richard R. Guilmette
Richard Guilmette
Village Clerk

Valentine W. Bonk
Valentine W. Bonk, Chairman

William Spears, Jr.
William Spears, Jr.

Richard J. Roberge
Richard J. Roberge

Raymond M. Larose
Raymond M. Larose

Richard J. Rivers
Richard J. Rivers

VILLAGE OF ENOSBURG FALLS, VERMONT

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that at a regular meeting of the Board of Trustees of the Village of Enosburg Falls, Vermont, held on the 18th day of December, 1995, an ordinance was adopted in regulating the Burning and Disposal of Solid Wastes. The ordinance will become effective on the 16th day of February, 1996 unless a petition seeking disapproval thereof is filed with the Village Clerk no more than forty-four (44) days from the above-stated date of adoption.

The purpose of the ordinance is to regulate the Burning and Disposal of Solid Wastes on public and private property through the enactment, implementation and enforcement of the following provisions:

Section 1	Definitions
Section 2	Illegal Dumping
Section 3	Open Fires and Incineration
Section 4	Penalties and Civil Enforcement
Section 5	Designation of Enforcement Personnel
Section 6	Repeal of Inconsistent Provisions
Section 7	Severability

Copies of the ordinance and further information relating to the same may be obtained by communication with Stephen B. McNeil, Village Manager, RR #4, Box 80, Enosburg Falls, VT 05450 (802-933-4443).