

## **Chapter 18 — REGULATIONS OF SOLID WASTE DISPOSAL, TRANSPORTATION AND STORAGE ON PUBLIC AND PRIVATE LANDS**

### **Sec. 18-1. Authority.**

Under authority granted in 24 VSA Chapter 1 Section 1-105(D) the City Council of the City of Barre hereby ordains the following civil ordinance regulating solid waste disposal, transportation and storage on public and private lands.

### **Sec. 18-2. Purpose.**

The purpose of this ordinance is to protect, preserve and promote the health, safety, and welfare of all the citizens of the City of Barre through the establishment of enforceable standards for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the city limits and of collectors and haulers operating within the city.

### **Sec. 18-3. Definitions.** (revised Ord. 2019-03, 6/18/19)

For the purpose of this chapter, the following words shall have the meanings indicated.

**Compost:** stable humus-like material produced by the controlled biological decomposition of organic matter through active management, but does not mean sewage, septage, or materials derived from sewage or septage. ( 32 VSA Chapter 233 Section 9701 Definitions).

**Composting Container:** A container used for storage of food residuals for home composting through active management.

**Food Scrap Residuals:** Organic source separated and uncontaminated material that is derived from processing and discarding of food and that is recyclable; may include pre-consumer and postconsumer food scraps, but does not necessarily include meat and meat-related products when the food residuals are composted by a resident on site.

**Food Scrap Container:** A container used for storage of food residuals for pick up by a trash hauler.

**Garbage:** Decomposed animal or all other non-recyclable material. (Revised Ord. 2013-03, 10/30/12)

**Recyclable materials:** Various waste materials that are feasible for recovery for reprocessing and reuse of the material these shall include but are not limited to: newsprint, mixed paper goods, plastics, metal, cardboard, and glass.

### **Sec. 18-4. Containers to be provided.**

The owner of any commercial building, dwelling or rooming house shall provide and maintain appropriate receptacles for the removal of garbage, recyclable materials, and food scraps in accordance with 10 V.S.A. chapter 159. Such owners shall provide suitable containers or facilities for food scraps when the ban on knowing disposal of food scraps takes effect. (revised Ord. 2019-03, 6/18/19)

**Sec. 18-5. Container specifications.**

(a) All garbage cans, recycling, food scrap and approved containers shall be animal-resistant, insect resistant, rodent-proof, weather-resistive, structurally strong to withstand handling stress, easily filled, emptied and cleaned, shall be provided with tight fitting covers or similar closures and shall be maintained at all times in a clean and sanitary condition.

(b) Composting Container shall meet all specifications in 18-5, with the exception of organisms involved in the controlled biological decomposition of organic matter through active management. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013- 03, 10/30/12)(revised Ord. 2019-03, 6/18/19)

**Sec. 18-6. Hazardous waste.**

Every person having hazardous waste shall arrange for its safe disposal. Hazardous waste shall not be mixed with garbage, ~~trash~~, litter or rubbish.

**Sec. 18-7. Accumulation of refuse.**

(a) No owner, tenant or occupant of any premises and no other person shall cause or permit the accumulation, or place upon any street or sidewalk, in any building, yard or enclosure any garbage, rubbish, scrap metal, scrap tires, food scraps, cardboard of any kind which shall become unwholesome, offensive or shall endanger the health or well-being of any person(s). (Revised Ord. 2019-03, 6/18/19)

(b) No person shall deposit or cause to be deposited on his or her own land or land of another, or shall permit to remain on his or her own land in their custody or under their care any refuse or other substances which shall be or cause a nuisance or which is unsanitary.

(c) All property must be maintained free of litter, garbage, refuse and food scraps. This includes, but is not limited to appliances, furniture, machinery parts, cardboard, scrap metal and scrap tires. (Revised Ord. 2019-03, 6/18/19)

(d) The accumulation and storage of food scraps/residuals within a composting container as specified in section 18-5 (b) shall be exempt from the prohibitions established in section 18-7 (c). (Revised Ord. 2019-03, 6/18/19)

(e) No person shall throw or deposit litter on any private property. The owner or person in control of any private property shall maintain the premises free of litter. This section shall not prohibit the storage of litter in an authorized container.

**Sec. 18-8. Curbside storage for pick up.**

(a) Approved containers brought to the curb side for pick up by trash haulers shall be brought to the curb no earlier than 5 p.m. the previous day and removed no later than 5 p.m. the following day. Approved containers shall be stored not less than 20 feet from the edge of the street. The land owner shall be responsible for any garbage that may blow or be strewn, for any reason, on their own as well as the land of others. Tightly tied garbage bags shall not be allowed for this type of temporary storage. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

(b) Garbage, recyclable materials, and food scraps shall be removed from dwellings and rooming houses as often as necessary to maintain a sanitary environment, and weekly pickups are required for approved containers that contain garbage or food scraps. (Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

(c) Recycle bins and food scrap containers require regular pickups so they never overflow or, in the case of food scraps, create odor, public health issues, or public nuisance. (Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

**Sec. 18-9. Throwing or deposition of rubbish.** (Revised Ord. 2013-03, 10/30/12)

No person shall throw or deposit litter on any street, sidewalk or other public place. No person shall deposit household, commercial or industrial solid waste in any public receptacle, or public property. No person shall deposit rubbish, recyclable materials, compost or food scraps in any private receptacle unless authorized. It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

**Sec. 18-10. Sweeping into gutters prohibited.**

No person shall sweep into or deposit in any gutter, street or other place the accumulation of litter from any building, lot, sidewalk or driveway.

**Sec. 18-11. Throwing from vehicles prohibited.**

No person while in a vehicle shall throw or deposit litter upon any street, public place or private property.

**Sec. 18-12. Throwing in bodies of water prohibited.**

No person shall throw or deposit litter, garbage, recyclable, compost or food scrap materials in any fountain, pond, lake, stream or other body of water in the City. (Revised Ord. 2019-03, 6/18/19)

**Sec. 18-13. Burning prohibited.**

No person shall burn ~~trash~~, litter, garbage, building debris or any like material. Lawn debris may be burned after obtaining a burning permit from the Barre City Fire Department. No person shall burn any materials except wood and paper unless the necessary authorizations are obtained from the City of Barre and the State of Vermont.

**Sec. 18-14. Secured loads.**

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load contents from being blown or deposited upon any street or public place. No person shall drive or move any truck or other vehicle within the city if the wheels or tires of such vehicle will deposit significant amounts of mud, dirt or any other foreign matter upon a street or other public place, causing an unsafe condition.

**Sec. 18-15. Regulations regarding collectors.**

It shall be unlawful to operate a business of collecting wastes within the City without first procuring a permit to do so from the Council. No license to operate such a business shall be issued to a person not holding such a permit.

Before Council issues an annual license they shall review the following:

- (g) Trash collectors shall, within 24 hours of termination of service, whether such termination is by the property owner or trash collector, remove all bulk containers and shall be responsible for removing any and all garbage within or about the container, including overflowing garbage. (Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

**Sec. 18-16 Bulk containers.** (Entire section added Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)

(c) All bulk containers containing garbage or food scraps shall be emptied weekly. Bulk containers containing recyclables will require regular pickups so the container never overflows. (Revised Ord. 2013- 03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

(d) Bulk containers shall be secured in such a manner so as unauthorized use is prohibited. Debris, garbage, recycle, waste, etc. shall not be allowed to accumulate surrounding the bulk container. (Revised Ord. 2019-03, 6/18/19)

**Sec. 18-17. Exceptions to applicability of chapter.** (Revised Ord. 2012-01, 7/24/12)

(e) The weekly pickup requirements for containers with garbage or food scraps are not applicable for single family residential properties unless ordered to do so by the City Manager or his/her designee(s). (Revised Ord. 2013-03, 10/30/12)(Revised Ord. 2019-03, 6/18/19)

**Sec. 18-18. Penalties.** (Revised Ord. 2012-01, 7/24/12)

A violation of this ordinance shall be a civil matter and subject to penalties in accordance with the provisions of Title 24, V.S.A., Sec. 1974a and 1977.

(a) First offense. A first offense of any provision of this ordinance by a person during any twelve month period shall be deemed a civil violation and shall be punishable by a fine of one hundred and fifty dollars (\$150.00). The waiver fine shall be one hundred (\$100.00). Each day's failure to comply with a notice of violation issued by the enforcement officer shall constitute a separate offense.

(b) Second and subsequent offences. A second offense during any twelve-month period shall be punishable by a fine of two hundred fifty dollars (\$250.00). The waiver fine shall be two hundred dollars (\$200.00). Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (\$500.00). The waiver fine shall be four hundred dollars (\$400.00).

**Sec. 18-19. Enforcement.** (Revised Ord. 2012-01, 7/24/12)

The City Manager, Building Inspector, Code Enforcement Officer, or any certified Vermont Law Enforcement Officer shall be the designated Enforcement Officers of this Ordinance. They shall issue complaints and may be the appearing officers at any hearing.

**Sec. 18-20 Severability.** (Revised Ord. 2012-01, 7/24/12)

If any section of this ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not validate any other part of this ordinance

**Sec. 18-21. Effective date.** (Revised Ord. 2012-01, 7/24/12)

This ordinance, except section 18-16, shall become effective twenty (20) days after its adoption by the Barre City Council and publication in the Times Argus. If a petition is filed under 24 V.S.A. 1973, the taking effect of this ordinance shall be governed by that statute. (Revised Ord. 2004-2, 11-21-2004, and Ord. No. 2005-02, adopted 12-30-05.)(Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2014-03, 10/30/12)