

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.

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

Approved container: A metal or plastic container that meets with the specifications of this ordinance and is under 100 gallons. (Revised Ord. 2013-03, 10/30/12)

Building debris: Waste created in the demolition, construction or moving of a structure of any kind.

Bulk Container: Any approved container with a capacity of over 100 gallons. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)

Cardboard: Corrugated boxes and similar corrugated and kraft paper.

Collector: Any person or corporation, who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments.

Combustible rubbish: Waste other than hazardous waste from any source which will be consumed at a temperature of eighteen hundred degrees Fahrenheit and shall include but is not limited to wood, paper, rags, straw, leather, rubber, boxes, floor sweeping, tree and shrubbery trimmings, leaves, grass.

Garbage: Decomposed animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, or all other non-recyclable material. (Revised Ord. 2013-03, 10/30/12)

Hazardous waste: Waste from whatever source which is dangerous to handle or which is likely to cause damage if exposed to heat or weather and shall include but it is not limited to: paints,

explosives, industrial acids, caustics, plastics, cleaning fluids, radioactive materials, crankcase oils, cutting oils, poisonous chemicals and unbroken fluorescent light bulbs.

Noncombustible rubbish: Waste from whatever source which will not be consumed at a temperature of eighteen hundred degrees Fahrenheit and shall include but is not limited to: scrap metal, bed springs, machinery parts, plaster, brick, concrete, steel beams, roofing, earth, crockery.

Litter: Garbage, refuse and rubbish as defined in this section, and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety and welfare.

Recycle: To separate or divert an item from the solid waste stream for the purpose of reprocessing.

Recycle container: A container used for storage of recyclable materials for pick up by a trash hauler.

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 and glass.

Refuse: All putrefied and non-putrefied solid wastes (except body wastes) including but not limited to garbage, rubbish, dead animals, junked machinery, industrial waste.

Rubbish: Anything discarded or spent that is no longer useable.

Scrap metal: Used or discarded items which consist predominantly of ferrous and non ferrous metals, used or junk machinery, appliances.

Scrap tires: Discarded rubber or synthetic rubber tires used by or manufactured for vehicles, including but not limited to, automobiles, trucks, buses and trailers.

Solid waste: All discarded materials or substances including but not limited to garbage, refuse, sludge, rubbish, ashes, demolition and construction debris, offal.

Sec. 18-4. Containers to be provided.

The owner of every dwelling unit or commercial building shall provide suitable containers or facilities for the disposal of garbage, combustible and noncombustible rubbish as well as recycling containers if participating in a recycling practice.

Sec. 18-5. Container specifications.

All garbage cans, recycling and approved containers shall be animal-resistant, insect resistant, 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. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)

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, trash, rubbish, scrap metal, scrap tires, cardboard of any kind which shall become unwholesome, offensive or shall endanger the health or well being of any person(s).

(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, trash, refuse. This includes, but is not limited to appliances, furniture, machinery parts, cardboard, scrap metal and scrap tires.

(d) 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 trash 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)

(b) Weekly pickups are required for approved containers that contain garbage. (Revised Ord. 2013-03, 10/30/12)

(c) Recycle bins require regular pickups so they never overflow. (Revised Ord. 2013-03, 10/30/12)

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. No

person shall deposit rubbish 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)

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, trash, recyclable materials in any fountain, pond, lake, stream or other body of water in the City.

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:

- (a) All required state approvals are obtained.
- (b) Hours and days of operation are in accordance with the noise ordinance standards.

- (c) Suitability of any proposed stationary waste pickup locations.
- (d) Repeating violations of previous collection operations and the need for financial or other guarantees to avoid future violations.
- (e) Trash collectors shall comply in all respects with Sec. 18-8(b) & Sec. 18-16(c). (Revised Ord. 2013-03, 10/30/12)
- (f) Trash collectors shall deodorize or wash all containers as necessary in order to prevent or avoid an unwholesome odor. (Revised Ord. 2013-03, 10/30/12)
- (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 trash within or about the container, including overflowing trash. (Revised Ord. 2013-03, 10/30/12)

The annual fee for the license prescribed in the preceding subsection shall be set by council resolution for each vehicle operated within the City.

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

- (a) An owner or lessee of property shall place or maintain a bulk container so that it is not less than 20 feet from the edge of the street. (Revised Ord. 2013-03, 10/30/12)
- (b) A bulk container shall adhere to a 4 feet setback from a property line. (Revised Ord. 2013-03, 10/30/12)
- (c) All bulk containers containing garbage shall be emptied weekly. Bulk containers containing recyclables will require regular pickups so the container never overflows. (Revised Ord. 2013-03, 10/30/12)
- (d) Bulk containers shall be secured in such a manner so as unauthorized use is prohibited. Debris, trash, recycle, waste, etc. shall not be allowed to accumulate surrounding the bulk container.

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

- (a) Operators of landfills with zoning approval, as to premises covered by their license, shall be exempt from the provisions of this chapter, unless otherwise specifically provided.
- (b) The provisions of this chapter shall not apply to the deposit or keeping of building debris made or created on a construction, demolition or removal site prescribed in a building, demolition or removal permit issued by the City, while on such premises or site.
- (c) The provisions of Sec. 18-16 shall not apply if the bulk contain is being used for construction, yard or house cleanup, and/or temporary/permanent reasons not associated with garbage. (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)

(d) The provisions of Sec. 18-8 and Sec. 18-16 shall not apply if there is “inadequate space” to comply with said sections. In adequate space will be determined by the City Manager or his/her designee(s). (Revised Ord. 2012-01, 7/24/12)(Revised Ord. 2013-03, 10/30/12)

(e) The weekly pickup requirements for containers with garbage 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)

(f) The provisions of Sec. 18-8(b) and Sec. 18-16(c) shall apply only to multi-family dwellings; to commercial establishments that are engages in food handling, sale and/or preparation, including, but not limited to, restaurants, takeout food establishments, food manufacturers, and/or grocery stores; and those who deposit garbage in bulk containers. (Revised Ord. 2013-03, 10/30/12)

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)