

SOLID WASTE DISPOSAL REGULATIONS

TOWN OF SHERBURNE

Pursuant to the provisions of Title 24, Vermont Statutes Annotated, Chapter 61, Subchapter 8, and such other general enactments as may be material thereto, it is hereby ordained by the Board of Selectmen of the Town of Sherburne that the following solid waste disposal regulations be adopted for the Town of Sherburne, Vermont.

ARTICLE I DEFINITIONS

COMMERCIAL HAULER: An individual, partnership or corporation engaged in the hauling of solid waste for a fee.

GARBAGE: All waste, whether animal, fish, fowl, fruit or vegetable matter, produced or resulting from the use or storage of food for human or animal consumption.

REFUSE: The combination of garbage and rubbish resulting from the ordinary activities of residential homes and commercial establishments. Brush, leaves, grass and garden waste, if placed in suitable containers for easy handling are included in this definition. Trees, stones, soil and materials resulting from fires or construction operations shall not be considered refuse. Specifically excluded are cars, construction debris including all wood, sheetrock, shingles, etc., windows, doors, stumps, pallets, demolition materials, building materials including bricks, cement, plywood, wood or coal ashes.

RUBBISH: Domestic, solid, combustible waste other than garbage.

SOLID WASTE: Means any discarded garbage, refuse, or rubbish generated within the Town of Sherburne.

TOWN: Shall mean the Town of Sherburne.

TRANSFER STATION: Site located on River Road owned and operated by the Town of Sherburne for the use of its citizens in the disposal of solid waste.

USER: Any person bringing solid waste generated from within the Town of Sherburne to the Transfer Station who is a full-time resident, a long-term seasonal resident presenting a minimum three-month lease, a non-resident property owner, or a commercial hauler serving residential properties within the Town of Sherburne. The Town Manager shall determine eligibility in all questionable cases.

USER FEE: Fee or rate charged to a User by the Town for depositing solid waste at the Transfer Station.

ARTICLE II
REGULATIONS

WHEREAS, the Town of Sherburne has contracted for the use of a sanitary landfill or other means of solid waste disposal outside the Town limits of Sherburne, and

WHEREAS, The Town of Sherburne has established a Transfer Station within said Town for the collection of domestic solid waste generated within said Town, except that solid waste generated by commercial establishments, large condominium projects or the Pico and Killington ski areas.

NOW THEREFORE, THE FOLLOWING REGULATIONS ARE ESTABLISHED:

A. ILLEGAL DUMPING

1. It shall be unlawful for any person, business or corporation to use the Town of Sherburne Transfer Station for disposal of solid waste that did not originate in the Town of Sherburne.

2. It shall be unlawful for any person, business or corporation to enter the Town of Sherburne Transfer Station facility when said facility is not open; nor shall they leave, throw, dump, deposit, or cause to be left, thrown, dumped or deposited solid waste of any kind in the facility, or adjacent thereto, whenever said facility is not open.

3. It shall be unlawful for any person, business or corporation to leave, throw, dump, deposit or cause to be left, thrown, dumped or deposited solid waste in any privately owned or maintained disposal container other than their own, nor on any other private property, without the consent of the owner.

4. It shall be unlawful for any person, business or corporation to leave, throw, dump, deposit or cause to be left, thrown, dumped or deposited solid waste of whatever nature or any noxious thing on lands of others, public or private, or into the waters of the Town of Sherburne or State of Vermont except directly into containers or compactors at sites as established by the Board of Selectmen.

5. It shall be unlawful for any person, business or corporation to use the Town of Sherburne Transfer Station for disposal of solid waste without paying any applicable user fee or submitting for validation any pre-purchased user fee coupon or coupon card.

B. USER OF TRANSFER STATION

1. Only users as defined in this Ordinance shall be permitted to use the Transfer Station for the disposal of solid waste.

2. All commercial establishments, including but not limited to hotels, motels, lodges, restaurants, ski areas, retail stores, offices, nightclubs, auto service or repair stations, and other non-residential uses and residential multi-family developments of more than eight (8) units per building or 50 units per development project, are prohibited from using the Transfer Station for the disposal of solid waste and must contract independently to provide containers at each establishment for the collection and removal of their solid waste.

3. All Users shall be required to obey the direction of the Transfer Station Attendant with reference to deposit of solid waste. In the event a User violates this provision and the violation results in expense to the Town, a User's right to use the Transfer Station shall be revoked until the Town has been reimbursed for that expense. The Town Manager shall determine if a User's rights are to be revoked and shall notify the User immediately upon revocation.

4. The Town shall require Users to separate solid waste as described in any fee schedule or procedure established by the Board of Selectmen and place such materials in designated locations at the Transfer Station.

5. With the exception of specified recycled items or non-metal and metal bulky items, all solid waste accepted at the Transfer Station must be delivered in bags not exceeding 33 gallons of capacity.

C. IDENTIFICATION OF USERS

The Town may implement reasonable procedures for the identification of Users, subject to the following:

1. No vehicle shall obtain access to the Transfer Station without displaying a recognizable Transfer Station sticker issued by the Town and placed in the lower right hand corner of the passenger side of the front windshield.

2. All new or replacement stickers must be obtained in advance from the Town Office during normal working hours at an annual fee established by the Board of Selectmen.

D. COMMERCIAL HAULERS

1. Commercial Haulers shall be required to register with the Town Office prior to receiving a Transfer Station sticker. Such registration shall include a listing of subscribers to the collection service and an approximate schedule of pick-up times and routes.

2. Commercial Haulers must use a hauling vehicle which at all times covers or encloses the solid waste so as not to result in any scattering of solid waste along the Town Highways or adjoining property.

3. Violation by Commercial Haulers of Section A, B, or D of this Ordinance shall result in revocation of rights to use the Transfer Station.

E. USER FEES AND HOURS OF OPERATION

1. The Board of Selectmen shall be authorized to establish fee schedules and procedures for the purchase of Transfer Station stickers, coupons, coupon cards, or other such methods of payment as the Board shall determine to be appropriate for the operation of the Transfer Station.

2. The Transfer Station Attendant shall be authorized to interpret the fee schedules and procedures concerning applicability of a fee which if disputed shall be resolved by the Town Manager.

3. The Board of Selectmen shall be authorized to establish the hours, rules and procedures governing the operation of the Transfer Station.

F. APPEALS

Any user aggrieved by a decision to revoke their right to use the Transfer Station may appeal that decision in writing to the Board of Selectmen within fifteen (15) days of such revocation. The Board shall hear such appeal at their next regularly scheduled meeting and shall render a decision within seven (7) days thereafter.

ARTICLE III
GENERAL PROVISIONS

A. SEPARATE OFFENSES

Every violation of a provision of these regulations shall be deemed a separate offense.

B. PENALTIES

A person who violates any of the provisions of these regulations, in addition to revocation of the right to use the Transfer Station, shall be fined not more than five hundred dollars (\$500.00) together with the costs of prosecution.

C. CONSTRUCTION

The provisions of these regulations shall be cumulative to the fullest extent permitted by law with respect to all other statutes, ordinances, or regulations now or hereafter in effect, regardless of their order of passage enactment.

D. SEPARABILITY

The provisions of these regulations are declared to be separable, and if any provisions thereof be adjudged invalid such judgment shall not affect the validity of any other provision.

E. DESIGNATIONS

These regulations may be referred to as the Sherburne Solid Waste Disposal Regulations and in a prosecution hereunder a copy of such Regulations, certified by the Town Clerk of Sherburne, to be the lawfully adopted and existing regulations of the Town of Sherburne, shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of such regulation shall be sufficient reference thereto.

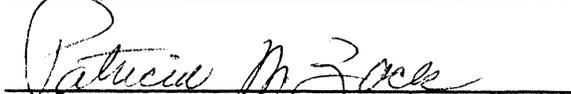
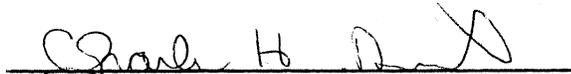
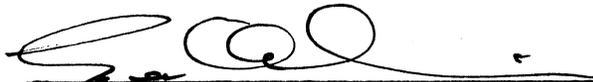
F. EFFECTIVE DATE

These regulations shall take effect in accordance with the adoption of ordinances contained in V.S.A. T. 24 Chapter 59.

G. REPEAL OF PRIOR SOLID WASTE ORDINANCE

Upon the effective date of these regulations, the "Garbage, Rubbish and Refuse Disposal Regulations" adopted June 18, 1974, is hereby repealed.

Approved this 5TH day of DECEMBER, 1988



BOARD OF SELECTMEN

Citizens have the right to petition for a vote on the question of disapproving this Solid Waste Disposal Ordinance at an annual or special meeting as provided in Title 24, Section 1973. Citizens may contact David W. Lewis, Town Manager, who is knowledgeable of the Ordinance and is available to answer questions at the Sherburne Town Office, P.O. Box 129, River Road, Killington, VT 05751, or call 422-3241. The full text of the Ordinance is described above and may be examined at the Town Office from 9 a.m. to 3 p.m. Monday through Friday.