

# REGULATION OF SOLID WASTE DISPOSAL

Article # 0807-9

The Selectboard of the Town of Morristown hereby ordains:

**SECTION 1. Authority.** This ordinance is enacted pursuant to the authority granted to the Town to promote the public health, safety, welfare, and convenience by 24 V.S.A. § 2291 (12) and (14). This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

**SECTION 2. Purpose.** It is the purpose of this ordinance to regulate the disposal of solid waste in the Town of Morristown in order to protect the public health, safety, and welfare, to promote the responsible use of resources and to protect the environment. Further, it is the purpose of the ordinance to regulate the throwing, depositing and dumping of refuse, including junk motor vehicles, which is deemed to be a public nuisance.

### **SECTION 3. Definitions.**

- a. The definitions set forth in 10 V.S.A. § 6602 are hereby incorporated into this ordinance.
- b. "Person" shall mean an individual, corporation, partnership, association, and any other incorporated or unincorporated organization or group.
- c. "Junk" shall mean old or scrap ferrous or non-ferrous metals, and other old or scrap material, including but not limited to rope, rags, batteries, glass, bottles, crockery, cans, plastic, paper, rubber debris, waste, garbage and trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. Any of the above items used in connection with a bona fide agricultural operation are excluded from this definition.
- d. "Junk motor vehicle" shall mean a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered and un-inspected for a period of 90 days from the date of the discovery.

### **SECTION 4. Throwing, Depositing and Dumping Refuse.**

- a. A person shall not throw, place, deposit, dump, cause or permit to be thrown, placed, deposited or dumped, solid waste as defined in 10 V.S.A. § 6602 (2), hazardous waste as defined in 10 V.S.A. § 6602 (4), junk, junk motor vehicles, refuse of whatever nature, or any noxious thing on lands of others or within 300 feet of the land of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on or within view of a public body of water or public highway. It shall be prima facie evidence that a person who is identifiable from examination of refuse that is illegally dumped is the person who violated this ordinance. Similarly, if the throwing, placing, depositing or dumping was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing,

depositing or dumping was done by the driver of the motor vehicle. Solid waste from mining, quarrying, farming or silviculture operations are exempt from the restrictions set forth above concerning distance of 300 feet and visibility from a public highway or public body of water.

- b. The throwing, placing, depositing or dumping of refuse, junk, junk motor vehicles or other waste material, including solid waste and hazardous waste, is prohibited in the Town of Morristown, except at a facility approved for collection of such waste under the provisions of 10 V.S.A. Chapter 159 or 24 V.S.A. Chapter 61, Subchapter 10. A person owning or occupying land shall not throw, place, deposit or dump refuse, junk, junk motor vehicles or other waste on said land, nor shall any person allow waste materials to be stored, stockpiled or to otherwise remain on land owned or occupied by them. This provision shall not prohibit the temporary storage of waste material in a container designed to prevent the release of such material.

**SECTION 5. Enforcement.**

- a. The Judicial Bureau: Any person who violates any provision of Section 4 of this ordinance shall be subject to a civil penalty of up to \$500.00. Each day the violation continues shall constitute a separate violation. The town attorney, solid waste management district attorney, grand juror, designee of the Town’s legislative body, or any duly authorized law enforcement officer may act as an issuing municipal official and issue and pursue before the Judicial Bureau a municipal complaint for a violation of Section 4 of this ordinance, under authority of 24 V.S.A. Chapter 59.
- b. Solid waste order and enforcement: The Town may also use the procedures set forth in 24 V.S.A. Chapter 61, Subchapter 12. Under that statute, the Town may issue and enforce a solid waste order. Such order may include civil penalties for each violation and, in the case of a continuing violation, a penalty for each succeeding day. After proper notice, hearings, issuance of orders and imposition of penalties, the Town may commence a civil action in a court of competent jurisdiction to enforce said order and collect such penalties, or the Town may pursue any other remedy authorized by law.
- c. The Town of Morristown's designated issuing municipal officer is the Zoning Administrator.

**SECTION 6. Penalties.**

- a. Waiver fee from municipal complaint: An issuing municipal official is authorized to recover civil penalties up to the following amounts, or as established by the Judicial Bureau, for each violation of this ordinance.

1st offense	\$50.00
2nd offense	100.00
3rd offense	150.00
4th offense	200.00
5th and subsequent offenses	300.00

b. Civil penalty for ordinance violation: An issuing municipal official is authorized to recover civil penalties up to the following amounts for each violation of this ordinance.

1st offense	\$100.00
2nd offense	200.00
3rd offense	300.00
4th offense	400.00
5th and subsequent offenses	500.00

**SECTION 7. Severability.** If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

**SECTION 8. Notice.** This ordinance shall be entered into the minutes of the town records and shall be posted in at least 5 conspicuous places in town. A concise summary [or the entire ordinance] shall be published in [newspaper of record] within 14 days of its adoption, accompanied by information as to where the full text of it may be examined, the right of voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

**SECTION 9. Effective date.** This ordinance shall take effect 60 days following adoption by the selectboard, unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24 V.S.A. § 1973.

**Adopted this \_\_20th\_\_ day of \_\_August \_\_, 2012.**

Town of Morristown Selectboard