

TOWN OF BRAINTREE
CIVIL ORDINANCE REGULATING THE
DISPOSAL OF SOLID WASTES

WHEREAS, the Town of Braintree had, by virtue of authority granted in 24 VSA 1971 and 24 VSA 2202a(a), the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal within its boundaries.

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Braintree hereby adopts this Ordinance to regulate the collection and disposal of solid waste in the Town of Braintree, Vermont.

ARTICLE I
DEFINITIONS

A. "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.

B. "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.

C. "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.

D. "Recyclable" means the following source separated materials: aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

E. "Solid waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, 10 VSA Chapter 47. For the purposes of this Ordinance, solid waste shall also include marketable recyclables.

F. "Solid waste facility" means any site or structure used for treating, storing, processing, recycling, or disposing of solid waste which has been certified to receive solid waste by the Vermont Agency of Natural Resources under 10 VSA Chapter 159. A facility may consist of a single or several treatment, storage, recycling, or disposal units.

ARTICLE II ILLEGAL
DUMPING

1. 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.

2. 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:
 - a. The composting of organic material if authorized by the Vermont Solid Waste Management Rules, provided no nuisance is caused.
 - b. The disposal of solid waste in a privately owned or maintained disposal container with the express consent of the owner of the container.
 - c. Disposal of other materials as approved by the Vermont Department of Environmental Conservation and the Braintree Selectboard.
3. 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.
4. 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.
5. 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 a separate violation of this Ordinance.

ARTICLE III STORAGE

All solid waste and hazardous waste shall be stored in a proper container or inside a closed structure. It shall be unlawful to store and maintain solid or hazardous waste in any open structure or on any public or private grounds in a manner that creates a public or private nuisance.

ARTICLE IV PENALTIES AND CIVIL ENFORCEMENT

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and Section 1977 et seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil Ordinance, and the waiver fee shall be set at \$50.00 for the first offense, \$75.00 for the second offense within a six-month period, and \$100.00 for all subsequent offenses within a six-month period. Each day that the violation continues will constitute a separate violation of this Ordinance.

ARTICLE V DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this Ordinance, the Selectboard may designate any combination of the following persons as enforcement officers: Town Health Officer, Constable, and law enforcement officials.

ARTICLE VI 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.

ARTICLE VII
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.

EFFECTIVE DATE

Unless a petition is filed in accordance with 24 VSA 1973, this ordinance shall become effective 60 days after the date of its adoption. If a petition is filed in accordance with 24 VSA 1973, the taking effect of the ordinance shall be governed by 24 VSA 1973(e).

Adopted Date: 18 Aug 2020

By the Braintree Selectboard:

DDB

Lore E. Bart

[Signature]

[Signature]

My O'Loole

1. Agenda Item: August 18, 2020
2. Read and Approved: August 18, 2020
3. Posted in public places on: August 21, 2020
4. Notice of Adoption in the Herald on August 27, 2020