

TOWN OF STAMFORD
ORDINANCE REGULATING THE
COLLECTION AND DISPOSAL OF SOLID WASTE

The Stamford Board of Selectmen have amended the Solid Waste Disposal Ordinance that was adopted on May 23, 1991

The Selectmen of the Town of Stamford in the County of Bennington and State of Vermont, acting under authority of Chapter 59, Sec. 1972 V.S.A., hereby adopt this ordinance regulating the disposal of solid waste in the Town of Stamford and described as follows:

This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. 1971(b). A violation of this ordinance shall be a civil matter enforced in accordance with the provision of 24 V.S.A. 1974 (a) and 1977 et seq.

ARTICLE I
PURPOSE

To protect the health and welfare of the citizens of Stamford and to promote the conservation of natural resources and the wise use of the environment, the Board of Selectmen of the Town of Stamford hereby adopt this ordinance to regulate the separation, recovery, collection, removal, storage and disposition of solid waste, including recyclables, in the Town of Stamford, Vermont.

ARTICLE II
DEFINITIONS

- A. "Air Contaminants" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof.
- B. "Authorization" by the Town of Stamford means authorized pursuant to a legal contract or other written authorization entered into by the Town of Stamford and a private third person as defined herein.
- C. "Emission" shall mean a release into the outdoor atmosphere of air contaminants.
- D. "Fire Warden" shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.
- E. "Incineration" shall mean the burning of solid waste in an enclosed outdoor container.
- F. "Open Fire Burning" shall mean burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.

- G. "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- H. "Recyclable" shall mean recyclable material as specifically identified in regulations promulgated by the Board of Selectmen.
- I. "Solid Waste" shall mean any solid waste as identified in title 10 V.S.A section 6602.

ARTICLE III
SOLID WASTE REGULATION

The collection, removal, and disposal of all solid waste within the limits of the Town of Stamford shall be regulated by the Board of Selectmen of the Town of Stamford which have the power to establish the time, method, and routes of service, the providers of service and such other regulation as said Board shall promulgate for the orderly provision of such service and the general health, safety, and welfare of the Town inhabitants.

ARTICLE IV
COLLECTION

The board of selectmen is authorized to employ or make contracts with individual persons for the separation, recovery, collection, removal, storage, or disposition of solid waste, including recyclables. Registration fee for collection of recyclables will be set at \$50.00. Registration fee for collection of solid waste will be set at \$50.00. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to competitive bid consistent with the Town Purchasing Policy. Contracts may be awarded or rejected at the sole discretion of the Board of Selectmen for any reasons which they deem appropriate, including but not limited to, the efficiency of scale, past performance of a contractor, stability of operation and need for competition. The Board of Selectmen may adopt regulations regulating the preparation of solid waste for collection.

All collections and haulers of solid waste in the Town of Stamford shall register with the Board of Selectmen and such registration shall constitute authorization to collect solid waste but not recyclables. Authorization to collect recyclables shall be a separate authorization. The Board of Selectmen may set a registration fee.

ARTICLE V
PUBLIC SAFETY

No person having the custody or control of residential, industrial or business premises from which solid waste, including recyclables, is collected for disposal in the Town of Stamford shall permit or cause any solid waste, including recyclables, within their control to become a hazard to public travel, health, or safety or to become a nuisance of any sort. Solid waste other than yard waste, may not be deposited or otherwise left out of doors unless it has been placed in a proper container as defined by regulations promulgated pursuant to this ordinance. Household

hazardous waste may only be disposed of in accordance with regulations adopted by the Board of Selectmen.

ARTICLE VI ILLEGAL DUMPING

Section 1.

- a. Every person within the Town of Stamford limits shall be responsible for proper disposal of his/her own solid waste. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited: bottles, crockery, cans, plastic, solid waste, junk, paper, garbage, tires, furniture, mattresses, box springs, unregistered and/or uninspected automobiles or parts hereof, organic and inorganic refuse of whatever nature, or any noxious thing on lands of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on a public body of water or public highway. If the throwing, placing or depositing was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of the motor vehicle.
- b. The disposal of waste material, including solid waste and hazardous waste, is prohibited in the Town of Stamford except at a facility approved for such disposal under the provisions of 10 VSA Chapter 159 (Waste Management) or 24 VSA Chapter 61, Subchapter 10 (Junkyards). This provision shall not prohibit the temporary storage waste material in a container designed to prevent release of such material pending collection of such waster for disposal at an approved facility.
- c. Nothing in a) or b) above shall apply to normal snow removal operations by the municipality.

Section 2.

It shall be unlawful for any person, business, or corporation to enter any solid waste facility of the Town of Stamford when said facility is not open; nor shall they deposit, dump, or leave solid waste of any kind in any such facility or adjacent thereto, whenever said facility is not open.

Section 3.

It shall be unlawful for any person to deposit, dump, or leave solid waste in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.

Section 4.

It shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public

buildings/grounds/highways in the Town of Stamford or on the person of anyone using said public buildings/grounds/highways.

ARTICLE VII OPEN FIRES

Section 1.

Except as provided by this article and Vermont State regulations, the burning of any solid waste by open fire in the Town of Stamford is prohibited.

Section 2.

A person shall not kindle a fire in the open air for the purpose of burning brush, weeds, grass or rubbish of any kind except where there is snow on the site, without first obtaining permission from the Fire Warden or Deputy Warden of the town, stating when and where such fire may be kindled.

A specific permit may be granted by the Fire Warden or his designee for the open burning of yard and garden debris including trees, stumps, brush, untreated wood, lawn clippings, and leaves; provided that the Fire Warden is satisfied that no hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to the health and property of the citizens of the Town of Stamford.

Permits which are issued under the provisions of this ordinance shall be for a specified time, date, and location and only for specified materials. The Selectmen of the Town of Stamford reserve a right to establish a fee for the issuance of such permits.

ARTICLE VIII SEPARATION OF RECYCLABLES

Section 1.

Except as hereinafter provided, recyclable as defined herein, from all residences shall be kept separate from other solid waste, either delivered to a private or town collection facility, or placed at the street curb or designated area, as defined in regulations adopted pursuant to this ordinance. Recyclables placed at the curb or curb line shall be placed in a manner designated by regulation as established by the Board of Selectmen for collection on the morning of collection day as set forth under a schedule determined by the Board of Selectmen.

Section 2.

Apartments, condominiums, businesses, institutions, and industries located within the Town of Stamford shall separate recyclables from all other solid waste in accordance

with regulations adopted pursuant to this ordinance and have an area designated for recyclables as defined herein. The area so designated shall be clearly marked.

Section 3.

In accordance with regulations adopted pursuant to this ordinance, any person within the Town of Stamford may properly dispose of recyclables at private collection facilities or at areas maintained by the Town of Stamford or its designated agent for that purpose. Recyclables as defined herein, shall be separated according to the standards that shall be promulgated as regulations pursuant to this ordinance by the Board of Selectmen.

Section 4.

Placement requirements may be waived for reasons of age, infirmity or handicap.

ARTICLE IX
COLLECTION BY UNAUTHORIZED PERSON

It shall be a violation of this ordinance for any person not authorized by the Town of Stamford to collect or pick up or cause to be collected or picked up any solid waste, including recyclables. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE X
REGULATIONS FOR THE COLLECTION
AND RECYCLING OF SOLID WASTE

Section 1.

Definitions

"Commercial Solid Waste" shall mean garbage, refuse and other discarded solid materials generated by normal business and institutional activities, and having no value to the owner at the time it is discarded.

"Commercial Recyclables" shall mean used corrugated containers including boxboard, mixed paper, colored paper, white office paper, newsprint, high density polyethylene (HDPE) PET and PVC plastic containers and metal and aluminum containers.

"Waste Container" shall mean a metal or plastic garbage can or dumpster with a lid that securely fastens, or a securely tied plastic bag.

"Collection Box" shall mean a plastic bin or garbage can issued by the Town for the purpose of collecting recyclables.

"Curbside" shall mean an area adjacent to the street curb, but in no case greater than 10 feet from the curb, nor directly on the traveled portion of any Town road or sidewalk.

"Designated Area" shall mean an area designated for storage of solid waste and recyclables readily accessible at all times by a conventional solid waste collection truck.

"Hauler" shall mean any person, corporation, partnership, association or organization authorized to collect solid waste within the limits of the Town of Stamford.

"Residential Recyclables" shall mean: clear, brown, and green glass bottles and jars; aluminum cans; ferrous (tin) cans; high density polyethylene (HDPE) plastic containers including translucent milk, cider, orange juice and water containers as well as detergent bottles and automotive oil containers with the HDPE #2 recycling symbol, PVC and PET plastics; clean newspaper uncontaminated by other materials, corrugated cardboard boxes and boxboard.

"Residential Solid Waste" shall mean garbage, refuse and other discarded solid materials generated by normal household activities, and having no value to the owner at the time that it is discarded. Residential Solid Waste shall include wastes generated in single and multi-family housing, apartments, and condominiums.

"Resident" shall mean any person whose principal place of residence is within the corporate limits of the Town, including, but not limited to homeowners, tenants, business, and corporations.

ARTICLE XI
PLACEMENT OF RESIDENTIAL SOLID WASTE
AND RECYCLABLES FOR COLLECTIONS

Section 1.

Residential solid waste shall be placed for collection in the proper waste containers provided by the Town.

Section 2.

Residential recyclables must be separated from Residential Solid Waste, placed in a collection box, or Designated Area on the scheduled day for collection for Recyclables in accordance with a schedule formulated by the Board of Selectmen. The Selectmen shall publish the schedule in a newspaper or general circulation in the Town no less than twice a year.

All recyclables shall be prepared and separated into the designated containers at the Recycling Center in accordance with instructions provided to the residents and posted at the Center by the Board of Selectmen. Said instructions or changes thereto shall be based on existing material market conditions.

ARTICLE XII
PLACEMENT FOR COMMERCIAL SOLID WASTE
AND RECYCLABLES FOR COLLECTION

Section 1.

Commercial solid waste shall be placed for collection in the designated area in the appropriate containers.

Section 2.

Commercial recyclables must be separated from Commercial Solid Waste and placed at the designated area on the scheduled day for collection in accordance with a schedule provided by the Hauler. Recyclables shall be prepared in accordance with specifications provided by the Hauler.

ARTICLES XIII
BRUSH AND GRASS CLIPPINGS

Section 1.

No brush, trees, stumps, yard and garden organic materials shall be disposed of with Residential Solid Waste, but shall be disposed of in one of the following alternative disposal mechanisms:

- a. Residents are encouraged to compost yard and food wastes in a pile, windrow, or designated container in their backyards.
- b. Brush, trees, stumps, yard and garden wastes may be disposed of at the Stamford Burn Site in accordance with the policy established by the Board of Selectmen.
- c. Appropriately bundled brush, trees, yard and garden wastes may be brought to the Stamford Burn Site on designated dates twice a year in accordance with a schedule published by the Board of Selectmen.

ARTICLE XIV
REQUIREMENT OF AUTHORIZED HAULERS

Section 1.

No Hauler shall knowingly collect Residential or Commercial Solid Waste which does not have Recyclables and brush and grass clippings separated from it.

Section 2.

No person shall collect Residential or Commercial Recyclables or Residential or Commercial Solid Waste placed at the curbside or designated area unless they are authorized by the Town. Licenses shall be obtained from the Board of Selectmen. Authorization and licenses to collect Solid Waste and Recyclables may be suspended or revoked by the Board of Selectmen for failure to abide by these regulations.

Section 3.

Haulers shall report to the Town of Stamford's Board of Selectmen any obvious violations of these regulations by a Resident, Hauler, or any other person.

Section 4.

Any rejected Residential Solid Waste and/or Recyclables not properly separated or placed in accordance with these regulations shall be the sole responsibility of that Resident and shall be retrieved by the resident within 24 hours, properly separated and placed at the curbside for the next regularly scheduled collection day.

Section 5.

Failure to abide by these regulations may cause suspension or revocation of any authorization or license or enforcement of any other penalties provided by law.

ARTICLE XV
PENALTIES AND ENFORCEMENT

Section 1

a. The Traffic and Municipal Ordinance Bureau – Any individual, commercial, resident, non-resident, collector/hauler who violates any provisions in Article VI of this ordinance shall be subject to a civil penalty of up to \$500.00 per day for each day that such violation continues. The Selectmen, Administrative Officer, Health Officer or any law enforcement officer may act as an issuing Municipal Officer and issue and pursue before the Traffic and Municipal ordinance Bureau a municipal complaint for a violation of Article VI of this ordinance.

b. Right to Civil Enforcement – In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town is authorized to utilize the procedures set forth in 24 VSA Chapter 61, subchapter 12 (2297 et seq.) (Appendix C) commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

Section 2.

The Town of Stamford, or its designated agent reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility operated by the Town or for the benefit

of the Town where this ordinance or the regulations promulgated hereunder are ignored or violated. The Town further reserves the right to terminate the authorization of any hauler who violates this ordinance of the regulation promulgated hereunder.

Section 3.

Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a separate offense.

Section 4.

The Town of Stamford may, upon the violation of any provision of this ordinance, maintain an action to enjoin the violation of these ordinances, or any regulations adopted to implement the same, but the election of the Town to proceed with an application or petition for an injunction shall not prevent a criminal prosecution for the violation of this ordinance. Expenses incurred by such action shall be recovered by the person whose legal duty it was to comply with these ordinances.

Section 5.

a. Civil Penalty of Ordinance Violation – An issuing Municipal Officer is authorized to recover civil penalties in the following amounts, in addition to the cost of clean up, for each violation of this ordinance. The amount and the date for acceptance of the civil penalty shall be affixed to the complaint or notice.

First Offense	\$100.00
Second Offense	\$200.00
Third Offense	\$300.00
Fourth Offense	\$400.00
Fifth and Subsequent Offenses	\$500.00

b. Waiver fees for Municipal Complaint – A waiver fee of one-half the civil penalty to which a violator is subject shall be assessed for those who admit or do not contest the ordinance violation. The amount and the date for acceptance of the waiver fee shall be affixed to the complaint or notice.

First Offense	\$ 50.00
Second Offense	\$100.00
Third Offense	\$150.00
Fourth Offense	\$200.00
Fifth and Subsequent Offenses	\$250.00

Offenses shall be counted on a calendar year basis

c. In determining whether to affirm, modify or reverse an order for a civil penalty, the environmental court shall consider the factors set forth in subsection 2297a(a) of this title.

d. If the respondent does not request a hearing on a final order within ten days of receipt of the order, the final order shall stand.

ARTICLE XVI
INCONSISTENT REPEAL

Section 1.

All ordinances or parts of ordinance, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE XVII
SEVERABILITY

Section 1.

This ordinance and the various parts, sentences, sections and clauses thereof, 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.

This ordinance is hereby adopted on January 10, 1992, and shall become effective sixty (60) days from the date.

Readopted the entire ordinance with the new amendments on December 4, 2003 and shall become effective (60) days from that date on February 2, 2004.

BOARD OF SELECTMEN

William B. Morehouse, Jr. Chairman, Board of Selectmen

Bruce Robare

David Saldo

Sheila Lawrence

Diana Belouin