

**TOWN OF MARSHFIELD
CIVIL ORDINANCE #1**

REGULATING THE BURNING AND DISPOSAL OF SOLID WASTES

WHEREAS, the Town of Marshfield has by virtue of 24 V.S.A. 1971, 24 V.S.A. 2291(12), 18 V.S.A. 613 and 24 V.S.A. 2202a(a), the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal and to manage health risks 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 Marshfield hereby adopts this ordinance to regulate the collection and disposal of solid waste and to reduce the risk of hazardous materials release from unused vehicles in the Town of Marshfield, Vermont.

**ARTICLE I
DEFINITIONS**

- 1) "Air contaminants" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
- 2) "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.
- 3) "Emission" means a release into the outdoor atmosphere of air contaminants.
- 4) "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- 5) "Hazardous waste" means waste that is identified as hazardous in the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive, or flammable ingredients.

- 6) "Open fire" means 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.
- 7) "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.
- 8) "Recyclable" means any type of refuse designated by the Town of Marshfield Selectboard or by the local solid waste management district to be separated for recycling.
- 9) "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 V.S.A. Chapter 47. For the purposes of this ordinance, solid waste shall also include marketable recyclables.
- 10) "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 V.S.A. Chapter 159. A facility may consist of a single or several treatment, storage, recycling, or disposal units.
- 11) "Natural wood" means any of the following, provided such material has not been chemically treated with preservatives, paint or oil:
 - a. trees, including logs, boles, trunks, branches, limbs and stumps;
 - b. lumber, including timber logs, or slabs, dressed for use;
 - c. pallets and skids.

This definition does not include processed wood products such as plywood, particle board, fiber board, and press board.

- 12) "Vermont Air Pollution Control Regulations" means rules adopted by the Agency of Natural Resources authorized by 10 V.S.A. Chapter 23.
- 13) "Vermont Solid Waste Management Rules" means rules adopted by the Agency of Natural Resources as authorized by 10 V.S.A. Chapter 159.
- 14) "Unused vehicle" means a vehicle that has been stored outside for some or all of a 24 or more month period and which has been unregistered and not inspected or legally driven on town/state highways for more than 22 months out of the 24 month period.

ARTICLE II ILLEGAL DISPOSAL OF SOLID WASTE

- 1) It shall be unlawful to deposit, dump, dispose of, or authorize 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 that certain materials may be approved for disposal on land. Such approval must be granted by the Selectboard, the Central Vermont Solid Waste Management District and the Vermont Department of Environmental Conservation. Household organic composting in accordance with the Vermont Solid Waste Management Rules that does not produce a nuisance is approved for use/disposal of the product on land.
- 2) The disposal of a person's solid waste into a privately owned or maintained disposal container with the express consent of the owner of the container is lawful under this ordinance.
- 3) It shall be unlawful to deposit, dump or leave solid waste in any publicly owned or maintained solid 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) 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 act, during which the solid waste is not removed, shall constitute a separate violation of this ordinance.

**ARTICLE III
UNUSED VEHICLE REQUIREMENTS**

- 1) It shall be unlawful to dispose or allow the disposal of any hazardous waste in Marshfield. All such waste shall be delivered to a facility certified or approved by the State of Vermont to accept such hazardous wastes. The hazardous fluids and battery of unused vehicles are deemed to be at risk of illegal disposal by leaking caused by deterioration of fluid containers and battery casings.
- 2) Owners or keepers of one or more unregistered vehicles on any land parcel on the effective date of this ordinance shall submit to the Selectboard the following listing within sixty (60) calendar days from that date:
 - a) A list of all such unregistered vehicles including the make, model and year.
 - b) For each listed vehicle, its intended use or purpose.
 - c) For the period of twenty-four (24) months prior to the effective date of the ordinance provide for each listed vehicle the following information:
 - i) the portion of the 24 months the vehicle was registered, insured, inspected and legally driven on Town/State highways,
 - ii) the portion of the 24 months the vehicle is unregistered,
 - iii) the portion of the 24 months the vehicle was stored outside.
 - d) Identification of up to three vehicles intended to qualify under Section 3 below.

- e) The list and vehicle information required above shall be certified by the owner or keeper before submittal to the Selectboard.
- 3) The requirements of Section 4 of this Article to remove fluids and the battery from unused vehicles shall not apply to up to three unused vehicles that are: a) continually elevated above the ground on inflated tires or blocks and b) drained of gasoline except during periods of use.
- 4) Owners or keepers of one or more unused vehicles on any land parcel on the effective date of this ordinance shall submit a plan to the Selectboard for approval within sixty (60) calendar days of that date. The plan shall describe how the owner or keeper will remove without release and properly dispose of the battery, gasoline, toxic antifreeze solution, and engine crankcase oil from each unused vehicle in a manner acceptable to the Selectboard and in compliance with the Vermont Hazardous Waste Management Regulations. The Selectboard will respond on submittal of plans with any changes required for approval. For all such unused vehicles, the removal and disposal must occur within one hundred twenty (120) calendar days from the effective date of this ordinance.
- 5) Owners or keepers of vehicles that meet the definition of unused vehicles at a point in time after the date of adoption of this ordinance shall remove the fluids and battery described above and dispose of them without release in accordance with the Vermont Hazardous Waste Management Regulations. Such removal and disposal shall be completed within ten days of the end of the 24 month period.

**ARTICLE IV
OPEN FIRES AND INCINERATION**

- 1) Except as provided by this article, the burning of any solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Marshfield unless the practice has been approved by the Department of Environmental Conservation.
- 2) To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the Fire Warden for the following types of open burning:

- a. The open burning of leaves, brush, garden wastes, slash, slabwood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations.
 - b. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.
 - c. After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.
 - d. With the prior approval of the Department of Environmental Conservation, burning authorized by the Selectboard as necessary for the protection of public health or to thwart a hazard.
 - e. Burning of natural-wood demolition or construction materials and natural-wood commercial wastes such as pallets or skids, provided such burning is approved by the Department of Environmental Conservation.
- 3) The Fire Warden shall not issue a permit unless he/she 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 Marshfield. Permits which are issued under the provisions of this ordinance shall be for a specified date, time and location, and only for specified materials.
- 4) The provisions of this ordinance shall not apply to the burning of natural wood or any virgin fuel in a furnace to produce heat or for the purpose of preparing food.

ARTICLE V
PENALTIES AND CIVIL ENFORCEMENT

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. 1974(a) including, but not limited to:

- 1) The Enforcement Officer may at his or her option issue a Notice of Violation letter notifying the violator to stop the violation, remove the solid waste and/or refrain from repeating the violation. This letter may be issued in lieu of initially imposing a penalty. Uncorrected and corrected violations may still result in a penalty.
- 2) A civil penalty of not more than \$500 may be imposed for a violation of this ordinance. Each day the violation continues shall constitute a separate violation.

Partial Penalty Schedule:

	First Violation	Repeat Violation
Burning Solid Waste from a Home	\$ 50	\$100
Burning Solid Waste from a Business	200	400
Illegal Dumping of less than 6 bags of solid waste	50	100
Illegal Dumping of 6-20 bags of solid waste	200	400
Unused Vehicle with fluids remaining after 120 calendar days from effective date	200	400

- 3) In accordance with the procedures of the Traffic and Municipal Ordinance Bureau, a waiver fee of 75% of the civil penalty established using Subsection (2) of this article to which a violator of this ordinance is subject shall be assessed for those violators who admit or do not contest the ordinance violation and pay the waiver fee which amount and the date or acceptance of the waiver fee shall be affixed to the complaint or notice.
- 4) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the Traffic and Municipal Ordinance Bureau. If the penalty for all continuing violations is greater than \$500, or injunctive relief, other than as provided in subsection (c), is sought, the action shall be brought in Superior Court.
- 5) The Municipal Ordinance Bureau hearing officer, on application of the Town of Marshfield, may order that the ordinance violation cease.

**ARTICLE VI
DESIGNATION AND AUTHORITY OF ENFORCEMENT PERSONNEL**

For purposes of this ordinance, the Selectboard designates the following persons as enforcement officers: members of the Selectboard, the Town Health Officer, the Town Attorney, and the

First and Second Constables. From these positions the Selectboard will designate primary and backup enforcement officers and the issuing and appearing officials as required by the Traffic and Municipal Ordinance Bureau.

Enforcement Officers are authorized and required to investigate complaints, seek correction of violations and to otherwise enforce this ordinance. These officers are authorized to enter onto private property if necessary to complete an investigation. They will make a reasonable attempt to contact the owner or occupant of the property before entering it.

**ARTICLE VII
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 VIII
SEVERABILITY**

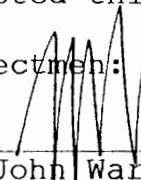
This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE IX
EFFECTIVE DATE**

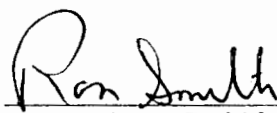
This ordinance, with the exception of Article IV shall become effective sixty (60) calendar days after the adoption date shown below. Article IV shall become effective one hundred eighty (180) calendar days after the adoption date shown below.

Adopted this 24th day of June 1997.

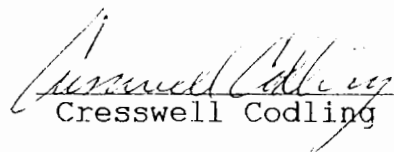
Selectmen:



John Warshaw

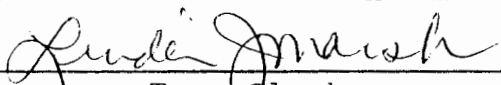


Ron Smith



Cresswell Codling

Attest:



Town Clerk