

RUTLAND COUNTY SOLID WASTE DISTRICT

OFFICES OF:
BOARD OF SUPERVISORS
DISTRICT MANAGER
e-mail: jimo@reswd.com

RUTLAND COUNTY MRF
2 GREENS HILL LANE
RUTLAND, VT 05701
(802)775-7209; fax (802)773-5796

AMENDMENT TO THE RUTLAND COUNTY SOLID WASTE DISTRICT ORDINANCE

WHEREAS, the District has, by virtue of the adoption and ratification of its Formation Agreement, the authority to regulate the collection, transportation, storage, resource recovery, recycling and disposal of solid wastes within the District and to require that acceptable solid waste generated within the District and any Member Municipality therein, shall be disposed of only in and upon facilities operated by or on behalf of the District; and

WHEREAS, the District has, by virtue of the adoption and ratification of its Formation Agreement, the authority to enact and enforce any and all necessary or desirable regulations for the orderly conduct of the government and for carrying out purposes of the District;

WHEREAS, the Board of Supervisors has previously adopted certain regulations including but not limited to, Regulations for Collection and Recycling of Solid Waste in the Rutland County Solid Waste District adopted on or about, April 22, 1992 (the "Regulations") and regulations Concerning the Separation, Recovery, Collection, Removal, Storage, Disposition of Garbage, Rubbish and Other Solid Waste Including Recyclables and Compostables, on or about June 3, 1992, (as amended, the "Ordinance"); and

WHEREAS, Section IX of the Ordinance sets forth certain requirements, including, but not limited to, the payment of a surcharge; and

WHEREAS, the Board of Supervisors seeks to amend the Regulations and Ordinance regarding penalties and the requirements of Haulers set forth in Section III of the Regulations;

NOW THEREFORE, the Board of Supervisors of the Rutland County Solid Waste District, hereafter "District", in accordance with the *Agreement for the Formation of a Union Municipal District to be known as Rutland County Solid Waste District*, and pursuant to the authority contained in Title 24 V.S.A. Chapter 61 and Chapter 121 do hereby adopt the following amendments to the Ordinance and Regulations.

XIII. PENALTIES:

- A. Any person convicted of a violation of any provision herein or any regulation adopted hereunder shall be guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned for a period not to exceed one (1) year.
- B. Actions of employees or agents of a corporation or partnership shall be deemed to be an action by both the agent/employee and corporation or partnership.
- C. Each violation of this Ordinance or any regulation adopted hereunder shall be considered a separate offense. The District may issue separate citations for each violation of this Ordinance.
- D. After notice and hearing, the Board may suspend or revoke or refuse to renew a permit or registration for non-compliance with any nonpayment related provisions of this Ordinance or any regulations adopted hereunder. Upon conviction for a violation of this Ordinance, without further hearing, the District Manager may suspend or revoke or refuse to renew a Person's permit or registration.
- E. In the event any payment, surcharge, tipping fee or other amount due from a Hauler is more than ninety days (90) delinquent as of the end of the District's fiscal year, no permit or registration may be renewed until such time as all delinquent payments have been made to the District.
- F. Notwithstanding the foregoing, the District, may, after thirty (30) days written notice, institute a collection action against anyone for failing to pay any payment, surcharge, tipping fee or other amounts becoming due to the District. In such event, the District shall be entitled to collect reasonable attorneys' fees and expenses incurred as a result of any such failure to pay.

III. REQUIREMENTS OF HAULERS:

- A. Recycling service shall be provided at least once every two weeks for Customers who receive Solid Waste service once a week or once every two weeks; or at least once a month for Customers who receive Solid Waste service less often than once every two weeks.
- B. Not all Recyclables have to be collected on every Recyclables collection day. Each type of Recyclable shall be collected from all Customers on at least one regularly scheduled Recyclables collection day each month.

- C. Recycling service shall be provided to Customers who receive Solid Waste service at the Curbside on the same day as Solid Waste service.
- D. All Haulers are required to pay surcharges, tipping fees and any other fees required under the Ordinance or as established from time to time by the District.
- E. All Haulers who fail to pay any permit fees, surcharges, tipping fees or any other amount which may become due and payable to the District, shall be subject to all penalties set forth in Section XIII of the Ordinance, as amended by Section II above.

I. PRIOR REGULATIONS AND ORDINANCES:

All prior definitions, rules, regulations and ordinances set forth in the Regulations and Ordinance and enacted prior to the date of this Amendment shall remain in full force and effect with the additions set forth above.

Dated at Rutland, Vermont, this 10th day of JULY, 2013.

This Amendment to the Ordinance was passed by a majority of the Board of Supervisors present and voting at a regularly scheduled Board of Supervisors meeting conducted on JULY 10, 2013. Pursuant to Title 24 V.S.A., Chapter 59, §1976, it became effective on SEPT. 8, 2013, sixty (60) days after passage with no petition for a vote on the Ordinance having been received by the Clerk of the District within that time.

This Revised Ordinance shall be posted in five (5) public places within the District within fourteen (14) days of Adoption by the Board and shall be advertised in the Rutland Herald once within that time. The Ordinance shall take effect sixty (60) days after its adoption by the Board.