

# RUTLAND COUNTY SOLID WASTE DISTRICT

OFFICES OF:  
BOARD OF SUPERVISORS  
DISTRICT MANAGER  
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Appendix 6

THE OPERA HOUSE  
67 MERCHANTS ROW  
RUTLAND, VERMONT  
05701-5915

## RUTLAND COUNTY SOLID WASTE DISTRICT ORDINANCE CONCERNING THE SEPARATION, RECOVERY, COLLECTION REMOVAL, STORAGE, DISPOSITION OF GARBAGE, RUBBISH AND OTHER SOLID WASTE INCLUDING RECYCLABLES AND COMPOSTABLES

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;

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 an Ordinance entitled "Ordinance Concerning the Separation, Recovery, Collection, Removal, Storage and Disposition of Garbage, Rubbish and other Solid Waste including Recyclables and Compostables" in the Rutland County Solid Waste District.

- I. **DEFINITIONS:** Unless specifically defined herein, all words used in this Ordinance shall have the meaning defined in Title 10 V.S.A. Chapter 159.
- a. "Agent" shall mean the individual elected or appointed, as the case may be, pursuant to 17 V.S.A. §2646, and the District's Formation Agreement.
  - b. "Board" shall mean the Board of Supervisors of the Rutland County Solid Waste District.
  - c. "Compostables" shall mean those materials designated as compostable by regulation promulgated by the Board.
  - d. "Facility" shall mean any landfill, transfer station, recycling facility, incinerator or other processing facility 1) that has been designated by the Board (as hereinafter defined) to receive, process or dispose of Solid Waste (as hereinafter defined) originating within any member municipality

of the District or 2) which is located within the District.

- e. "Grand Juror" shall mean the individual elected or appointed by the District Board pursuant to 17 V.S.A. §2646 and the District's Formation Agreement.
- f. "Marketed" shall mean delivered to a broker or end user but in either case to be used in remanufacture or for beneficial reuse.
- g. "Person" shall mean any individual, corporation or partnership or their agents, employees, servants or designees who or which collects, transfers or transports, composts, recycles, processes or disposes of any Solid Waste in the District for remuneration in money or for other benefit; "Person" shall not include a District member municipality, but shall include the District. A "Person" shall not include anyone whose only activity in the District is to transport Solid Waste which is not generated within the District, disposed of within the District or processed at a Facility within the District.
- h. "Recyclables" shall mean those materials designated as recyclable by regulations promulgated by the Board from time to time.
- i. "Solid Waste" shall mean Solid Waste as defined in Title 10 V.S.A., §6602 as amended from time to time.
- j. "Transfer Station" shall mean:
  - 1) any site or structure which is used for the collection of Solid Waste generated by persons other than those residing or employed at or on the site or structure and for which a payment is made for the right to deposit Solid Waste; or
  - 2) any site or structure in or at which Solid Waste is stored for a period in excess of twenty-four (24) hours, where such Solid Waste is generated by persons other than those residing or employed at or on the site or structure.

## II. REGISTRATION:

- a. All Persons, as previously defined herein, shall be required to apply for and to hold a permit from the District upon terms and conditions as established by regulation from time to time by the Board.
- b. All Persons owning or operating a Facility located within the District, shall be required to apply for and to hold a permit from the District, for the Facility, upon terms and conditions as established by regulation adopted from time to time by the Board.

- c. All persons owning or operating a Facility located outside the District, shall be required to apply for and to hold a permit from the District, for the Facility, upon terms and conditions as established by regulation adopted from time to time by the Board.
- d. Any Person required to register under paragraphs a. or b. above, shall be required to register all vehicles used by said Person in the transporting, collecting, recycling or disposing of Solid Waste within the District, except those vehicles transporting Solid Waste solely to a municipal Transfer Station located in a District member municipality. Registration shall occur prior to use of any such vehicle and then annually on or before December 31 of each year. Vehicles registered as of sixty (60) days after the effective date of this Ordinance shall be validly registered until December 31, 1992.
- e. Each vehicle so registered shall be required to display thereon an identification sticker or stickers in a form and location to be promulgated by the Board by regulations to be adopted from time to time.
- f. Any Person operating or causing to be operated any vehicle required to be registered under this Ordinance failing to display the identification sticker so promulgated by the Board shall be in violation of this Ordinance.
- g. Notwithstanding anything to the contrary herein, no person shall be required to register a vehicle if such vehicle is not collecting, transporting or storing Solid Waste generated within the District or disposing or leaving Solid Waste for processing at a Facility located in the District.

### **III. DISPOSITION IN DESIGNATED OR PERMITTED FACILITIES:**

- a. No Person, as previously defined herein, who collects, transports or stores Solid Waste within the District shall recycle, process or dispose of Solid Waste within the District except in a Facility that has been permitted under Section II b. above and which Facility has also been designated by the Board for storing, transferring, recycling, processing or disposing of Solid Waste generated within the District, by a procedure to be set forth in regulations to be adopted by the Board from time to time.
- b. No Person, as previously defined herein, shall transport Solid Waste generated within the District to a Facility outside of the District, unless that Facility has been "designated" by the Board for storing, transferring, recycling, processing or disposing of District Solid Waste by a procedure to be set forth in regulations to be adopted by the Board from time to time.

- c. A Facility shall be designated to receive Solid Waste generated within the District for disposal or processing, only after completion of the following procedures:
1. The owner or operator of a Facility shall apply to the District, on forms to be supplied by the District, for designation as a Facility eligible to receive Solid Waste generated within the District. The applicant shall state the tonnage or volume of Solid Waste to be received, along with any other information that may be required by regulations of the Board.
  2. Upon receipt of a completed application, the Board, or its designated representative, shall determine whether the application is consistent with the Solid Waste Management Plan approved by the Board (hereinafter "Plan") and, if so, shall designate the Facility as eligible to receive Solid Waste generated within the District in the tonnages or volumes so specified.
  3. If the Facility is deemed consistent with the Plan, the Board or its designated representative shall issue a letter in support of State certification of the Facility, for the tonnages or volumes approved by the District.
  4. In consideration of District support for certification of the Facility, the owner or operator of a Facility will execute a contract with the District, wherein the Facility agrees to accept Solid Waste generated within the District, in the amounts identified and shall make reports to the District on tonnages or volumes actually delivered to the Facility, the date and time received by the Facility, the name of the Person delivering, truck number, and the municipalities from which the Solid Waste was collected.

#### IV. INSPECTION OF WASTE:

- a) Every vehicle used for handling of Solid Waste generated or left in the District shall be subject to stoppage, within or without the District, and inspection, without notice, by the District or its agents, for purposes of ensuring compliance with this Ordinance and to assure the health and safety of the inhabitants of the District.
- b) Any Person who fails to stop a vehicle required to be registered under this Ordinance when directed to do so by a duly authorized District official or who fails to allow inspection by the District shall be in violation of this Ordinance.
- c) All Facilities are subject to inspection, without notice, by the District or its agents for purposes of ensuring compliance with this Ordinance.

V. UNACCEPTABLE MATERIALS:

The District shall have the power to designate by regulations adopted by the Board from time to time, materials as unacceptable for collection, storage, processing, recycling, composting or disposal. The Board shall, by regulation, provide for the disposition of material designated as unacceptable at designated Facilities.

VI. RECYCLABLES and COMPOSTABLES:

The Board may designate materials as Recyclables or Compostables and require their separation and disposition in accordance with regulations adopted by the Board from time to time.

VII. REGULATIONS:

The Board may set forth regulations implementing this Ordinance which may include, but are not limited to, regulating and governing the manner in which Solid Waste is collected, stored, transported, processed, recycled and disposed.

VIII. HEALTH AND SAFETY:

No person having custody, control or ownership of residential, industrial or business premises within the District shall permit or cause any Solid Waste, Recyclables, Compostables or materials defined as unacceptable pursuant to Article V within his or her control to become a hazard to public travel, health or safety or to become a nuisance of any sort or knowingly to be disposed of in contravention to this Ordinance.

IX. PAYMENT OF SURCHARGE:

- a. All Persons required to be licensed or registered by the District to transport Solid Waste shall cause such Solid Waste to be weighed by or on behalf of the District at a District operated Facility or at a weighing facility designated by the District and shall report the amounts of Solid Waste so transported in written form to the District as the Board shall specify by regulation. Weight slips must be carried in the vehicle at all times after being weighed.
- b. All Persons and municipalities transporting Solid Waste either:
  - 1) generated within the District or
  - 2) disposed of within the District or
  - 3) processed at a Facility located within the District,

where such transportation is the final transportation prior to disposal or processing at a Facility, shall pay a surcharge on each ton of Solid Waste so transported in an amount and at such times as shall be established from time to time by the Board. No surcharge shall be paid on Recyclables or Compostables which are actually marketed. No Solid Waste shall be surcharged by the District more than once.

- c. All Persons and municipalities shall make their "business or financial records" as defined hereinafter, available to the District upon request on weekdays between 9:00 A.M. and 5:00 P.M. at the registered office of the Person. This provision shall be a condition of obtaining and holding any license from the District. "Business or financial records" shall include those kept or made by a Person or municipality in connection with the collection, storage and transportation reasonably related to the verification of the source and disposition of Solid Waste generated within the District.
- d. Upon the refusal of any Person to allow inspection, sampling or copying pursuant to this Section, the Agent or Grand Juror or the duly authorized representative of the District may apply for and obtain a warrant or subpoena to allow such entry, inspection, sampling, or copying in the manner established by the Vermont rules of criminal procedure.

#### **X. REPORTING:**

All Persons or municipalities that deliver Solid Waste generated within the District or left within the District at a Facility shall be required to report to the District office the tonnage delivered during the previous month. The timing and nature of the reports shall be specified by regulations adopted from time to time by the Board.

Any information obtained hereunder shall be maintained by the District as confidential information not subject to release as a public record and shall be considered a trade secret under Title 1 V.S.A. Chapter 317 except that in the event of criminal or civil litigation between the District and any licensee, the information may be utilized.

#### **XI. RECIPROCAL ASSISTANCE AGREEMENTS:**

- (a) A reciprocal assistance agreement may be entered into between the Rutland County Solid Waste District and any other union municipal solid waste district or districts organized pursuant to Title 24 V.S.A., Chapter 121, and for the chief investigative officer of any Vermont municipality not a member of a union municipal solid waste district.

- (b) The authority of a duly authorized and certified municipal law enforcement officer, or solid waste district agent, employees, servants or designees shall extend to another union district or municipality in this state if:
  - (1) reciprocal authority has been granted by the other union district or municipality; and
  - (2) a reciprocal assistance agreement under subsection (a) of this section has been executed which sets forth the terms and conditions under which assistance may be requested or rendered;
  - (3) the agreement is in writing; and
  - (4) in the case of an agreement by a municipality in this state, the agreement of the chief law enforcement officer of the municipality is approved by its legislative body; and
  - (5) the agreement is limited to all powers necessarily related to enforcement of laws and ordinances related to Solid Waste.
- (c) A reciprocal assistance agreement shall remain in full force and effect until terminated as to one member or all by mutual consent of the parties to the agreement.

## **XII. ENFORCEMENT:**

Enforcement of this Ordinance and any regulations enacted hereunder shall be by the District Grand Juror, District Agent or by any State prosecuting officer or other person authorized by law to enforce this Ordinance.

## **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. The Board may suspend or revoke any permit issued under this Ordinance for a violation of any provision of the Ordinance or any regulation adopted hereunder.
- c. Actions of employees or agents of a corporation or partnership shall be deemed to be an action by both the agent/employee and the corporation or partnership.

- d. 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.
- e. After notice and hearing, the Board may suspend or revoke or refuse to renew a permit or registration for non-compliance with this Ordinance or any regulations adopted hereunder. Upon conviction for a violation of this Ordinance, without notice or further hearing, the District Manager may suspend or revoke or refuse to renew a Person's permit or registration.

#### XIV. SEVERABILITY:

The invalidity of any provision or portion of any provision of this Ordinance shall not affect the validity of any other provision nor the validity of the Ordinance as a whole.

- XV. All regulations enacted prior to May 20, 1992 by the District Board are repealed with the exception of all regulations enacted by the Board on April 22, 1992 which are hereby specifically ratified by the Board.

Dated at Rutland, Vermont, this 3rd day of June, 1992.

This Ordinance was originally passed by a majority of the Board of Supervisors present and voting at a regularly scheduled Board of Supervisors meeting conducted on July 19, 1989. Pursuant to Title 24 V.S.A., Chapter 59, §1975, it became effective on September 19, 1989, 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 Ordinance was amended by a majority of the Board of Supervisors present and voting at a regularly scheduled Board of Supervisors meeting conducted on May 15, 1991. Pursuant to Title 24 V.S.A., Chapter 59, §1976, it became effective on July 15, 1991, 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.



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THE OPERA HOUSE  
67 MERCHANTS ROW  
RUTLAND, VERMONT  
05701-5915

## REGULATIONS GOVERNING DISPOSAL OF WASTE GENERATED IN RUTLAND COUNTY

Adopted pursuant to the authority granted in the Ordinance entitled "Rutland County Solid Waste District Ordinance Concerning the Separation, Recovery, Collection, Removal, Storage, Disposition of Garbage, Rubbish and other Solid Waste Including Recyclables and Compostables" as last Amended by act of the Rutland County Solid Waste District on June 3, 1992.

1. Pursuant to the Regulation adopting authority granted in Section II of the Ordinance, Application for Permits shall be in such a form as provided by the District Staff. A copy of an Applicant's valid Certificate of Insurance must be delivered to the District before the Permit shall be issued.
2. Pursuant to the Regulation adopting authority granted in Section II. of the Ordinance, all Persons owning or operating Facilities shall apply for a permit annually on or before January 1 on a form to be supplied by the District.
3. Pursuant to the Regulation adopting authority granted in II. §e. of the Ordinance, the District Staff shall provide each Hauler with two (2) stickers identifying the vehicle as one authorized to haul or transport District Solid Waste which shall be affixed to both the driver and passenger doors of such vehicle.

Stickers shall not be obstructed, removed or defaced and shall be maintained in a clean and visible fashion at all times.

4. Pursuant to the Regulation adopting authority granted in Section III. of the Ordinance, Facilities shall be designated by the District Manager on behalf of the Board after consultation with the Executive Board. A list of Facilities so designated shall be maintained in the District Office and shall be published quarterly to every Permit holder. Additions or deletions to the list shall be published by letter to every Permit holder of record within two (2) weeks of such action by the Manager.
5. Pursuant to the Regulation adopting authority granted in Section VI of the Ordinance: Municipalities and permittees under this Ordinance are encouraged to collect Recyclables and Compostables. Except for mandatory recycling in Rutland City or as otherwise provided by Member Town Ordinance, no mandatory separating is required at this time.

6. Pursuant to the Regulation adopting authority granted to the Board in Section IX of the Ordinance: The report of Tonnage required by Section X of the Ordinance together with the surcharge levied by the District under Article IX shall be delivered by the 15th day after the close of each month during which a delivery took place on forms to be provided by the District. Weight Slips provided by the District shall constitute manifests of waste being delivered by the Hauler and shall be carried by the Hauler until disposal.

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