

## **REGULATION OF WASTE BY DUMPNG IN THE TOWN OF GLOVER**

SECTION 1. Authority. This ordinance is enacted pursuant to the authority granted to the Town of Glover to promote the public health, safety, welfare, and convenience by 24 V.S.A. #2291 (12) and (14). This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

SECTION 2. Purpose. It is the purpose of this ordinance to regulate the disposal of solid waste in the Town of Glover in order to protect the public health, safety and welfare, and to promote the responsible use of resources and to protect the environment. It is the purpose of this ordinance to regulate the throwing, depositing and dumping of refuse, including junk motor vehicles, which is deemed to be a public nuisance.

SECTION 3. Definitions.

- a. The definitions set forth in 10 V.S.A. #6602 are hereby incorporated into this ordinance.
- b. "Person" shall mean an individual, corporation, partnership, association, and any other incorporated or unincorporated organization or group.
- c. "Junk" shall mean old or scrap ferrous or non-ferrous metals, and other old or scrap material, including but not limited to rope, rages, batteries, glass, bottles, crockery, cans, plastic, paper, rubber debris, waste, garbage and trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof. Any of the above items actively used in connection with a bona fide agricultural operation are excluded from this definition.
- d. "Junk motor vehicle" shall mean a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered and uninspected for a period of 90 days from the date of discovery.

SECTION 4. Throwing, Depositing and Dumping Refuse.

- a. A person shall not throw, place, deposit, dump, cause or permit to be thrown, placed, deposited or dumped solid waste, hazardous waste, junk, junk motor vehicles, refuse of whatever nature, or any noxious thing on lands of others or within 300 feet of the land of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on or within view of a public body of water or public highway. It shall be prima facie evidence that a person who is identifiable from examination of refuse that is illegally dumped is the person who violated this ordinance. Similarly, if the throwing, placing, depositing or dumping was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, depositing or dumping was done by the driver of the motor vehicle. Solid waste from mining, quarrying, farming or silviculture operations are exempt from the restrictions set forth above concerning distance of 300 feet and visibly from a public highway or public body of water.
- b. The throwing, placing, depositing or dumping of refuse, junk, junk motor vehicles or other waste material, including solid waste and hazardous waste, is prohibited in the Town of Glover, except at a facility approved for collection of such waste under the provisions of 10 V.S.A. Chapter 159, or 24 V.S.A. Chapter 61, Subchapter 10. A person owning or occupying land shall not throw, place, deposit or dump refuse, junk, junk motor vehicles or other waste on said land, nor shall any person allow waste materials to be stored, stockpiled or to otherwise remain on land owned or occupied by them. This

provision shall not prohibit the temporary storage of waste material in a container designed to prevent the release of such material.

SECTION 5. Penalties.

- a. Waiver fee from municipal complaint (paid by a violator who admits or does not contest the violation): An issuing municipal official is authorized to recover civil penalties in the following amount, or as established by the Judicial Bureau, for each violation of this ordinance: 1<sup>st</sup> offense (\$50.00); 2<sup>nd</sup> offense (\$100.00); 3<sup>rd</sup> offense (\$150.00); 4<sup>th</sup> offense (\$200.00); 5<sup>th</sup> and subsequent offenses (\$300.00).
- b. Civil penalty for ordinance violation: An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation of this ordinance: 1<sup>st</sup> offense (\$100.00); 2<sup>nd</sup> offense (\$200.00); 3<sup>rd</sup> offense (\$300.00); 4<sup>th</sup> offense (\$400.00); 5<sup>th</sup> and subsequent offenses (\$500.00).

SECTION 6. Severability. If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

SECTION 7. Notice. This ordinance shall be entered into the minutes of the town records and shall be posted in at least 5 conspicuous places in town. A concise summary (or the entire ordinance) shall be published in (newspaper of record) within 14 days of its adoption, accompanied by information as to where the full text of it may be examined, the right of voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

SECTION 8. Effective Date. This ordinance shall take effect 60 days following adoption by the select board, unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24 V.S.A. #1973.

Adopted this 15<sup>th</sup> day of March, 2006.

Attest:

Town of Glover Select Board

Topher Waring  
Nicholas M. Ecker-Racz  
Keone Maher