

REGULATION OF SOLID WASTE BY OPEN BURNING OR INCINERATION IN 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 (14) Title 24 Part 2, Chapter 61, Subchapter 11, Section 2291 and 24 V.S.A. #1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. #2201(a)(2) (Title 24, Chapter 61, Subchapter 8, Section 2202(a)). This ordinance shall be a civil ordinance.

Section 2. Definitions.

- a. The definitions set forth in 10 V.S.A. #6602 are hereby incorporated into this ordinance.
- b. "Construction/Demolition Debris" means materials resulting from construction, demolition, or renovation of buildings, roads, bridges and other structures.
- c. "Incineration" means the burning of solid waste in a closed container, such as a furnace, stove, incinerator or similar device.
- d. "Hazardous Waste" means waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive or flammable ingredients.
- e. "Natural Wood" means any of the following, provided such material has not been treated or injected with preservatives or oil, or has, at any time been painted, stained or glued: trees, brush, logs, and stumps, posts, rails, lumber or slabs dressed for use, pallets, and skids.
- f. "Non-woody Vegetation" means leaves, grass, yard trimmings, and other organic materials.
- g. "Open Burning" means the burning of solid waste in the open or in an open container, where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.
- h. "Recyclable" means any type of refuse designated by the Town of Glover to be separated for recycling.

Section 4. Open Burning and Incineration. Unless a permit is obtained pursuant to this ordinance the disposal of solid waste through open burning or incineration is prohibited in the Town of Glover. A Burn Permit shall be obtained from the Town Fire Warden prior to the open burning of solid waste. The applicant shall establish that no hazardous or nuisance situations will be created by the open burning, and the application is for open burning that is permitted under this ordinance. The Permit will specify the date, time, and location of the burning, and the specific materials that will be burned. Such a permit shall be issued only for the following types of materials: natural wood and non-woody vegetation resulting from yard or property maintenance, logging and clearing operations, agricultural improvements, forest or wildlife management, or for festive celebrations; solid or liquid fuels, construction or demolition materials and commercial wastes as pallets and skids, or structures for bona fide fire training, provided that materials other than natural wood are removed to the greatest extent possible prior to the burn, after provision of the required notice to the Vermont Department of Environmental Conservation. Failure to meet the conditions of the Burn Permit will render the permit invalid and subject the permittee to enforcement pursuant to this ordinance.

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. The provisions of this ordinance shall not apply to the burning of waste oil in a furnace to produce heat or prepare food, or boil maple sap or cedar oil, so long as the person operating the furnace has the requisite State of Vermont permits for the operation of an approved furnace.

Section 5. Penalties and Civil Enforcement. This ordinance is a civil ordinance and enforcement shall be brought in the Judicial Bureau in accordance with 24 V.S.A. #1974a et seq.

Waiver fee from municipal complaint (paid by a violator who admits or does not contest the violation):

An issuing municipal official (Select Board member, Town Health Officer, Town Attorney, Town Constable, County Sheriff, or Vt. State law enforcement officer) is authorized to recover civil penalties in the following amount, or as established by the Judicial Bureau, for each violation of this ordinance: 1st offense (\$50.00); 2nd offense (\$100.00); 3rd offense (\$150.00); 4th offense (\$200.00); 5th and subsequent offenses (\$300.00).

Civil Penalty for ordinance violation: An issuing municipal official or law enforcement officer is authorized to recover civil penalties in the following amounts for each violation of this ordinance: 1st offense (\$100.00); 2nd offense (\$200.00); 3rd offense (\$300.00); 4th offense (\$400.00); 5th 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 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 the adoption by the Selectboard, unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24 V.S.A. #1973.

Adopted this 15th day of March, 2006

Town of Glover Selectboard

Attest: _____

Topher Waring
Nicholas Ecker-Racz
Keone Maher