

TOWN OF DERBY

ORDINANCE REGULATING THE
DISPOSAL OF REFUSE

WHEREAS, the Town of Derby, hereinafter sometimes referenced as DERBY, has, by virtue of the authority granted to it pursuant to the provisions of 24 V.S.A. §§ 1971 and 2202a(a), the power to adopt, amend, repeal and enforce ordinances, and the power to manage and regulate the disposal of refuse within its boundaries;

NOW THEREFORE, DERBY, pursuant to the authority set forth above and the provisions of Title 24, Chapter 61 of the Vermont Statutes Annotated hereby adopts a Civil Ordinance entitled TOWN OF DERBY, CIVIL ORDINANCE REGULATING THE DISPOSAL OF REFUSE.

Article I. DEFINITIONS

As used in this ordinance, the following terms shall have the meanings ascribed to them by this Article:

AIR CONTAMINANTS shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

EMISSION shall mean a release into the outdoor atmosphere of air contaminants.

FIRE WARDEN shall mean the person appointed to office as defined under Vermont statute 10 V.S.A. §2641.

GARBAGE shall mean animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

INCINERATION shall mean the burning of combustible refuse in an enclosed outdoor container.

OPEN FIRE or BURNING shall mean burning that takes place other than in commercial or industrial or residential cooking systems, or burning authorized by a specific permit.

REFUSE shall mean all solid or liquid wastes, including garbage, rubbish, street cleanings, demolition debris, dead animals, furniture, appliances, solid market and industrial wastes, and vehicles or parts thereof.

RUBBISH shall mean both combustible and noncombustible wastes, such as paper, cardboard, tin cans, lawn and garden debris, wood, glass, bedding, crockery, and similar materials.

Article II. ILLEGAL DUMPING

- (a) It shall be unlawful for any person, business, or corporation to enter any Town of Derby Recycling facility when said facility is not open; nor shall they deposit, dump, or leave refuse of any kind in any such facility except while open.
- (b) It shall be unlawful for any person, business, or corporation to deposit, dump, or leave refuse in any privately owned or maintained disposal container other than their own, nor on any other private property, without the consent of the owner.
- (c) It shall be unlawful to deposit in a municipally owned or maintained disposal container any refuse other than that created or originating in any public buildings/grounds/highways.

Article III. OPEN FIRES AND INCINERATORS

- (a) Except as provided by this article, the burning of any refuse, either by open fire or incineration, in the Town of Derby is prohibited.
- (b) A specific written permit may be granted by the Fire Warden or his designee for the open burning of yard and garden debris including trees, stumps, brush, untreated wood, lawn clippings, and leaves; provided the Fire Warden 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 Derby. Permits which are issued under the provisions of this ordinance shall be for a specified date and time, location and only for specified materials. The Selectboard of the Town of Derby reserve the right to establish a fee for the issuance of such permits.

Article IV. PENALTIES FOR VIOLATION

An Issuing Municipal Official shall have the authority to levy and collect a Wavier fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the Wavier fee. Offenses shall be counted on a calendar year basis. Penalty and waiver fees are as follows:

First offense	\$500.00, waiver fee \$300.00
Second offense and each subsequent Offense	\$800.00, waiver fee \$500.00

In addition to the penalty or waiver fee the offender shall pay for all cost associated with removal of refuse dumped illegally.

Article V. ENFORCEMENT

This is a civil ordinance and shall be enforced by the constable/sheriff/police officer or any person(s) duly appointed by the Selectboard as an Issuing Municipal Official through the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59.

Article VI. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

Article VII. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Derby Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the effective date of this ordinance.

November 7, 2016
Town of Derby Selectboard

If you have any questions or comments regarding this Ordinance you should contact:

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A petition for a vote on the question of disapproving this ordinance shall be signed by not less than five percent of the qualified voters of the Town of Derby and presented to the Selectboard or Town Clerk on or before December 21, 2016.