

Town Of Huntington

Civil Ordinance

Regulating the Burning and Disposal of Solid Wastes

TOWN OF HUNTINGTON NOTICE
On October 28th, the Huntington Selectboard amended the Town's Civil Ordinance Regulating the Burning and Disposal of Solid Wastes. Pursuant to Title 24, Section 1973 & Section 1974, a petition for a vote on the question of disapproving an ordinance shall be signed by not less than five (5) percent of the municipality and presented to the clerk of the municipality within forty-four (44) days following the date of adoption/amenendment of the ordinance by the legislative body.

The following is a summary of the contents of the ordinance:

- ARTICLE 1 Definitions
- ARTICLE 2 Illegal Dumping
- ARTICLE 3 Open Fires and Incineration
- ARTICLE 4 Penalties and Civil Enforcement
- ARTICLE 5 Designation of Enforcement Personnel
- ARTICLE 6 Repeal of Inconsistent Provisions
- ARTICLE 7 Severability
- ARTICLE 8 Effective Date

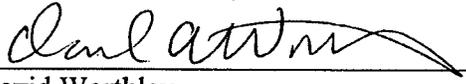
This full text may be viewed at the Town Office during regular business hours. Questions may be directed to the Town Administrator, 4850 Main Rd., Huntington, MS 38822.

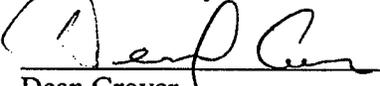
November 1, 2001

Town of Huntington

Civil Ordinance Regulating the Burning and disposal of Solid Wastes


Richard W. Moulton, Jr.


David Worthley


Dean Grover


Peter Keating


Robert Zimmerman

Selectboard of the Town of Huntington

Adopted this 29th day of October, 2001.

Received for Record

This 30th day of October, 2001

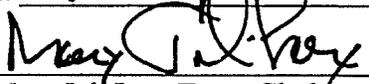
at 7:25 pm.

Mary Jul Lax, Town Clerk

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Town Of Huntington
Civil Ordinance Regulating the Burning and Disposal of Solid Wastes

PURSUANT to the provisions of Title 24 V.S.A. 1971 and 24 V.S.A. 2202a(a) and such other general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Huntington that the following Orders relative to the Burning and Disposal of Solid Wastes, is adopted for the Town of Huntington, Vermont.

It is the intent of this Order to protect public health and safety and to promote the responsible use of resources and the protection of the environment in the Town of Huntington, Vermont.

Article I
Definitions

- (a) "Air contaminants" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
- (b) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.
- (c) "Collection" means an amount of material (solid waste) accumulated in one place.
- (d) "Emission" means a release into the outdoor atmosphere of air contaminants.
- (e) "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.
- (f) "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- (g) "Natural wood" means any of the following, provided such material has not been chemically treated with preservatives, paint or oil:
 - 1) trees, including logs, boles, trunks, branches, limbs and stumps;
 - 2) lumber, including timber, logs, or slabs dressed for use;
 - 3) pallets and skidsThis definition does not include processed wood products such as plywood, particle board, fiber board, and press board.
- (h) "Nuisance" means something offensive or annoying to individuals or to the community.

- (i) "Open fire" means burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney, or other enclosure.
- (j) "Person" means any individual, partnership, company, corporation, association, incorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the state, federal agency, or any other legal of commercial entity.
- (k) "Recyclable" means any type of refuse designated by the town of Huntington Selectboard or by the local solid waste management district to be separated for recycling.
- (l) "Solid Waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and another discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining or agricultural operation and from community activities but does not include animal manure and absorbent bedding used for soil enrichment or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, 10 V.S.A. Chapter 47. For the purposes of this ordinance, solid waste shall also include marketable recyclable.
- (m) "Solid Waste Facility" means any site or structure used for treating, storing, processing, recycling or disposing of solid waste which has been certified to receive solid waste by the Vermont Agency of Natural Resources under 10 V.S.A. Ch. 159. A facility may consist of a single or multiple treatment, storage, recycling or disposal units.

Article II
Illegal Dumping

- (a) It shall be unlawful to dispose of any hazardous waste except for in a facility certified or approved by the State of Vermont to accept such hazardous wastes.
- (b) It shall be unlawful to deposit, dump, dispose of, or allow the disposal of, any solid waste on any land or into any water, public or private, including, but not limited to, municipally or state owned lands and waters except as follows:
 - 1) The composting of organic material if authorized by the Waste Management Ordinance for Chittenden Solid Waste District, provided no nuisance is caused;
 - 2) Open burning or incineration as allowed by Article III.

- 3) The disposal of solid waste in a privately owned or maintained disposal container with the express consent of the owner of the container.
 - 4) Disposal of other materials as approved by the Vermont Department of Environmental Conservation, or the Huntington Selectboard, or the Chittenden Solid Waste Management District.
- (c) Further, it shall be unlawful to deposit, dump, or leave solid waste in any publicly owned or maintained waste container other than solid waste created or originating in public buildings or on their grounds or highways or generated during the use of said public buildings, grounds or highways.
- (d) Nothing in this article shall be interpreted as affecting the operation or use of a licensed junkyard as defined in 24 V.S.A. section 2241-2291 or a solid waste disposal facility certified under 10 V.S.A. Chapter 159.
- (e) Any person who violates the prohibitions contained in this document shall upon notification by enforcement officer immediately remove the solid waste so deposited or left. Each day including the day of the prohibited act, during which the solid waste is not removed, shall constitute a separate violation of this ordinance. The violator shall furnish documentation as to the satisfactory disposal of said material. The enforcement officer shall issue a report relative to the satisfactory deposition of the matter.

Article III Open Fires and Incineration

- (a) Except as provided by this article, the burning of any solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Huntington unless the practice has been approved by the Department of Environmental Conservation.
- (b) To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the Fire Warden for the following types of open burning:
- 1) The open burning of leaves, brush, garden wastes, slash, slabwood and other such natural wood wastes resulting from property maintenance, logging operations and clearing operations.
 - 2) The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.

- 3) After providing notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide training provided that materials other than natural wood are removed from any structures to the greatest extent possible prior to the training.
 - 4) With the prior approval of the Department of Environmental Conservation burning authorized by the Selectboard as necessary for the protection of public health or to thwart a hazard.
 - 5) Burning of natural-wood demolition of construction materials and natural-wood commercial waste such as pallets or skids, provided such burning is approved by the Department of Environmental Conservation.
 - 6) The open burning of natural wood by the Town of Huntington in accordance with 10 V.S.A. Section 565.
- (c) The Fire Warden shall not issue a permit unless he/she 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 Huntington. Permits which are issued under the provisions of this ordinance shall be for a specified date, time, and location, and only for specified materials.
- (d) The provision of this ordinance shall not apply to the burning of natural wood or any accepted fuel in a furnace to produce heat or for the purpose of preparing food.

Article IV Penalties and Civil Enforcement

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. Sec, 1974a including but no limited to:

- a) The penalty for violation of any of this ordinance shall be that set by the Schedule of Fines for Burning Ordinance as established by Resolution of the Selectboard.
- b) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the Vermont Traffic and Municipal Ordinance Bureau. If the penalty for all continuing violations is greater than \$500.00, injunctive relief, other than as provided in subsection (c), is sought, the action shall be brought in superior court.
- c) The Board of Health of the Town of Huntington after consideration may order that the ordinance violation cease.

- d) When a Municipal Ticket is issued for violations relating to hazardous materials as defined in Article I, Section (e), a record of such ticket shall be entered into the Huntington Land Records under the property owner's name(s).

**Article V
Designation of Enforcement Personnel**

For the purpose of this ordinance, the Selectboard may designate any combination of the following persons as enforcement officers: members of the Selectboard, their appointed representative to the Chittenden Solid Waste Management District, Fire Warden, Town Health Officer, Town Attorney, Constable and law enforcement officials.

**Article VI
Repeal of Inconsistent Provisions**

All ordinance or parts of ordinances, resolutions, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Article VII
Severability**

This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is held unconstitutional or otherwise invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Article VIII
Effective Date**

This ordinance shall become effective sixty (60) days after the adoption by the Select Board unless a petition, signed by not less than five (5) percent of the voters of the Town of Huntington, is presented to the Town Clerk, within the forty-four (44) days, requesting a vote on the question of disapproving this ordinance.

This ordinance shall be entered into the Town of Huntington's records and shall be posted in at least five conspicuous places in Town. A concise summary of it shall be published in the Burlington Free Press, a newspaper of general circulation, within 14 days of its adoption accompanied by information as to where the full text of it may be examined, the right of the voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

Town of Huntington

4930 Main Road
Huntington, VT 05462-9712
802-434-4779
townhunt@accessvt.com

RESOLUTION

October 29, 2001

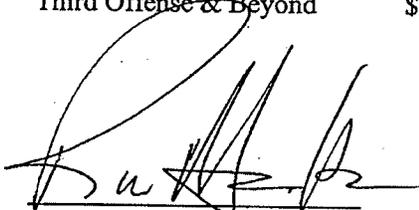
The Select Board Members of the Town of Huntington, Vermont, a municipality in the County of Chittenden, resolved at their regularly scheduled meeting on November 5, 2001, to amend the Burning Ordinance Fees for clarification and set them as follows effective this date:

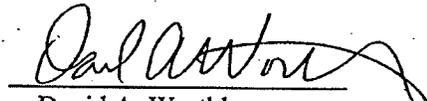
Permit to Burn \$0.00
A record of each such permit to be kept on record with the Town Administrator

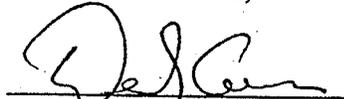
Fine for Burning Compliant Material without a permit: \$ 30.00

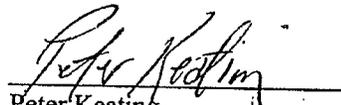
Burning Non Compliant Material—Municipal Tickets shall be issued and fines assessed as follows

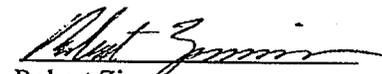
First Offense:	\$200.00	Waiver Fee:	\$100.00
Second Offense	\$400.00	Waiver Fee:	\$200.00
Third Offense & Beyond	\$500.00	Waiver Fee:	\$250.00


Richard W. Moulton, Jr.

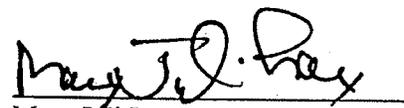

David A. Worthley


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Received for recording
the 29th day of October, 2001.


Mary Juli Lax
Huntington Town Clerk