

BARNET SOLID WASTE TRANSFER STATION ORDINANCE

The Selectmen of the Town of Barnet hereby ordain:

PREAMBLE: It is the purpose of this ordinance to establish acceptable procedures and required fees for disposal of solid waste in accordance with sound environmental and health practices through a Town transfer station (the "Transfer Station") to be located within the Town of Barnet.

Section 1. DEFINITIONS:

The terms used in this ordinance are defined as follows:

BULKY WASTE (bulkies) - Includes all non-metallic household and commercial furniture and appliances. Such wastes would include mattresses, box springs, sofas, large chairs, bureaus, desks, sinks, toilets or tubs.

CONSTRUCTION & DEMOLITION DEBRIS (C&D) - Includes all sizable volumes of wastes resulting from the construction or demolition of buildings, bridges, roads or as a result of land clearing activities. Such wastes would include woody wastes such as stumps, brush, pallets, building materials, or other wastes such as roofing material, concrete and mortar, and contaminated soils.

HAZARDOUS WASTE - Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including but not limited, to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Board of Selectmen may cause, or contribute to, an increase in mortality or morbidity, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation or concentration in human and animal tissue, and other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters. All special nuclear, source, or by-products material is also included within the overall Town definition of a hazardous waste.

MIXED SOLID WASTES (M&W) - All waste materials generated by residential, commercial/industrial or institutional activities but not including, sludge and septage, tires, construction and demolition debris, appliances, furniture, or waste oil and auto batteries.

PERMITTED WASTES - Includes Bulky Wastes, Construction and Demolition Debris, Mixed Solid Wastes, Scrap Metal, and Tires.

SCRAP METAL (scrap) - Includes any ferrous or non-ferrous metals which have had all wood, glass, or rubber parts removed. These would include commercial or residential appliances, bicycles, wire, cable, roofing tin, buckets, cook-ware, car or farm equipment parts, or cast iron. Not included would be vehicles or large pieces of farm equipment.

TIRES - Includes all rubber tires for automobiles, trucks, or farm equipment.

Section 2. PROVISIONS:

No person, firm, corporation or partnership shall solicit the collection of garbage, refuse, or other waste materials on a regular collection or route basis within the Town of Barnet with the intent to deposit material in the Transfer Station.

Section 3. REGULATIONS:

The Board of Selectmen shall promulgate regulations on the safe and sanitary operation of the Transfer Station, consistent with this ordinance.

Section 4. PERMITS & FEES:

A. Permit Requirements

All users of the Transfer Station shall apply for a permit to use said facility on a form provided by the Town. The form shall include the name and address of the person or firm applying for the permit, and the license plate number of the vehicle on which the sticker shall be applied. A determination as to whether the applicant is a resident and/or a property owner shall be made by the Town Clerk or the Town Clerk's designated representative.

No person, firm, corporation or partnership shall be allowed to deposit any solid waste at the Transfer Station without first obtaining a permit and an appropriate sticker.

The Board of Selectmen or their designated representative, in special cases, may issue a temporary permit for disposal of solid waste from a single household of Barnet residents. No sticker will be required for a temporary permit.

B. Use Fees

Use fees shall be as established from time to time by the Board of Selectmen. Schedules of such fees shall be filed in the office of the Town Clerk and posted in the office of the Town Clerk and at the Transfer Station. The decision of the Transfer Station Supervisor or the Supervisor's designated representative will be final in all fee determinations.

C. Payment of Use Fees

No person, firm, corporation or partnership shall deposit any solid waste in the Transfer Station without prior payment of a use fee for each load or portion of a load deposited on a single entry to the Transfer Station according to the schedule established pursuant to paragraph B of this section.

Section 5. SEPARATION OF SOLID WASTE AT TRANSFER STATION:

No person shall deposit any solid waste in the Transfer Station unless the material has been separated according to the direction of the Transfer Station Supervisor or the Supervisor's designated representative.

No person shall deposit solid waste at the Transfer Station except in such locations as directed by the Supervisor or the Supervisor's designated representative.

Section 6. ORIGIN OF SOLID WASTE:

No solid waste whatsoever may be deposited in the Transfer Station unless the solid waste originated within the geographical limits of the Town of Barnet. Penalties for violations of this section shall be imposed as set forth under Section 10.

Section 7. EXEMPTION:

The Town of Barnet and the Barnet School District are exempt from the payment of permit and user fees.

Section 8. PROHIBITED ACTS:

No burning, salvaging, discharging of firearms, soliciting of business, advertising or any other similar activity shall be permitted within the Transfer Station area except by specific approval by the Board of Selectmen or their designated representative.

No hazardous waste shall be deposited at the Transfer Station.

No loads of solid waste larger than two yards may be deposited in the Transfer Station, but must instead be taken directly to the Landfill.

Section 9. DAYS AND HOURS OF OPERATION:

The Transfer Station shall be open for disposal of solid waste at hours promulgated by the Board of Selectmen.

Section 10. VIOLATIONS AND PENALTIES:

In addition to any other provision contained herein, no person shall deposit solid waste when the Transfer Station is closed; no person shall deposit solid waste at the Transfer Station that is not within the definition of solid waste and permitted categories as defined in this ordinance; no person shall deposit waste without a permit or identifying sticker as required by this ordinance; no person shall deposit waste not originating within the Town of Barnet; no person shall deposit waste contrary to any provision of this ordinance.

Any person, firm, corporation or partnership found in violation of this ordinance, or any regulations adopted hereunder shall be directed to

leave the Transfer Station by the attendant on duty; failure to leave when so directed shall constitute a separate violation of this ordinance. If improper or unauthorized waste has already been placed in the Transfer Station, the offending party shall remove such waste at the offending party's expense. The Board of Selectmen or their authorized representative may rescind any permit issued to a violator for a period not to exceed 30 days for the first offense, 90 days for the second offense and for the greater of either 180 days or the remainder of the permit period for the third offense. A person who violates this ordinance or any regulation adopted hereunder may be fined or imprisoned, but no fine may exceed \$500.00, nor may any term of imprisonment exceed one year. In the case of a continuing violation, each day the violation continues shall constitute a separate violation. New or renewal permits shall not be issued to any person or firm with an outstanding indebtedness pursuant to this ordinance.

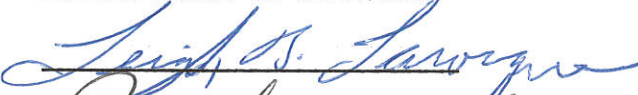

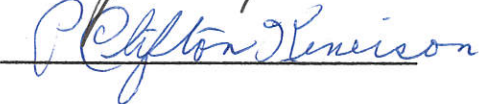
Section 11. EFFECTIVE DATE:

This ordinance shall be entered in the Selectmen's minutes, shall be posted in at least five (5) conspicuous places within the Town and a summary thereof published in both the Caledonian Record newspaper circulating in this area, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

All initial permits issued for the Town Transfer Station shall be for the remainder of 1991 and shall not expire until midnight, December 31, 1991. Thereafter, all annual permits shall be issued for the period beginning January 1st through December 31st.

This Ordinance is hereby adopted by the Board of Selectmen of the Town of Barnet on this 2nd day of July, 1991, in accordance with Title 24 VSA Section 2203a and Title 24 VSA Section 1971-1976 and shall, unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days from said date.

BARNET BOARD OF SELECTMEN

ATTEST:



William E. Hoar, Town Clerk