TOWN OF SHAFTSBURY

MUNICIPAL OFFICES AT COLE HALL

WWW.SHAFTSBURY.NET

P. O. BOX 409
61 BUCK HILL ROAD
SHAFTSBURY, VT 05262-0409
FAX 802-442-0955

TOWN OF SHAFTSBURY

ORDINANCE ADOPTED APRIL 6, 2015

SIXTY (60) DAY REVIEW PERIOD FROM APRIL 6, 2015

MUNICIPAL SOLID WASTE VARIABLE RATE PRICING AND HAULER REGISTRATION AND REPORTING ORDINANCE.

ORDINANCE CAN BE READ HERE OR AT SHAFTSBURYVT.GOV.

Contact David Kiernan
Shaftsbury Town Administrator
administrator@shaftsburyvt.gov
802-442-4043

A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five percent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

TOWN OF SHAFTSBURY

Municipal Solid Waste Variable Rate Pricing and Hauler Registration and Reporting Ordinance

Article I: PURPOSE

This ordinance is enacted to implement a variable rate pricing system to decrease the disposal of solid waste, increase recycling and composting, increase the diversion and reuse of valuable materials in the solid waste stream and otherwise encourage the responsible use of resources and the protection of the environment, and to provide for equitable and fair pricing for solid waste services.

Article II: Statutory Authority

The authority for this ordinance is granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a (a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries. 24 V.S.A. § 2202a (d) requires municipalities implement a variable rate pricing system by no later than July 1, 2015.

Article III: DEFINITIONS

a. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop off municipal solid waste by both solid waste haulers and solid waste facilities such as transfer stations where drop off of municipal solid waste is permitted.

b. "Facility" shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of municipal solid waste. A Facility may consist of a one or more treatment, storage, recycling, or disposal operations.

c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within the Town of Shaftsbury.

d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.

e. "Mandatory Recyclables" include those listed in the Universal Recycling Law such as paper, cardboard, glass, specified plastics and metal.

f. "Organic Materials" include food scraps, leaf and yard waste and other materials that can be diverted from landfills through composting, diverted for agricultural use or treated using anaerobic digestion.

g. "Recycling Methodology" means the method of collection used by the Hauler, i.e., single stream/dual stream, type of containers, truck type, and processing facility.

h. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article IV: VARIABLE RATE PRICING

Haulers and Facilities that provide Collection and/or drop-off disposal services for MSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the MSW they produce, which is a pricing system commonly referred to as Variable Rate Pricing.

Each Hauler and Facility shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers. These may be based on a price per pound or a price for each 30-gallon bag or 30-gallon container that is collected or disposed of by a resident. Each larger unit of MSW, such as a 64-gallon container or a 50-gallon bag, shall carry an increased price.

The provisions of this subsection shall not be construed to prohibit any Hauler or Facility from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A Hauler or Facility may refuse to collect or allow disposal of any bag or container which is overloaded or which contains a MSW greater than the rated or specified volume or weight of such bag or container, or shall account for and bill the customer for the Collection of such excess MSW.

Article V: FLAT FEE

In addition to the unit-based price charged per unit of MSW, Haulers and Facilities may, but are not required to, charge a flat fee to residential customers for the purpose of covering operational costs for collecting, transporting, and disposing of MSW.

In the event that a Hauler or Facility elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the unit-based price to maintain transparency.

Nothing herein shall prevent or prohibit a Hauler or Facility from charging additional fees for the Collection of materials such as food and yard residuals or bulky items; except however, that no Hauler or Facility may charge a separate line item fee on a bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with state statutes. A Hauler or Facility may incorporate the collection cost of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste.

Article VI: FILING OF PRICING SYSTEM

The Hauler or Facility shall file and submit evidence of their variable rate pricing system, including a breakdown of any and all fees including any flat fees, to the Town of Shaftsbury along with their registration.

Article VII: REGISTRATION AND REPORTING

Each hauler shall register with the Town annually by December 31st and that registration will be valid for the next calendar year. When registering, the hauler may be required to provide contact information, towns served, type of vehicle, vehicle identification number, license plate number for each vehicle, and the types of services offered including their Recycling Methodology and pay a registration fee as specified on the registration form. Haulers and Facilities shall report on the quantities of municipal solid waste, organics and mandated recyclables collected in the Town for each preceding quarter on April 15th, July 15th, October 15th and January 15th of each year on forms to be provided by the Town.

Article VIII: PENALTIES AND CIVIL ENFORCMENT

a. 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.

b. The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning – demanding Variable rate pricing)

	Civil Penalty	Waiver Fee
2nd offense:	$100.00	$50.00
3rd offense:	$250.00	$125.00
4th and subsequent offenses:	$500.00	$300.00

The waiver fee is paid by a violator who admits or does not contest the violation.

Article IX: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board hereby designates the Sheriff Department with law enforcement authority for this ordinance under Vermont law.

Article X: REPEAL OF INCONSISTENT PROVISIONS

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

Article XI: 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 adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Article XII: EFFECTIVE DATE

This ordinance shall become effective 60 days after the adoption date shown below.

Adopted this 6 day of April, 2015

Select Board Chair

Select Board

Select Board

Select Board

Select Board

Select Board

Select Board

Select Board

Attest, Town of _____ Town Clerk