

**TOWN OF BETHEL, VT
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NOTICE OF ADOPTION OF ORDINANCE REGULATING CONTROL OF
GARBAGE, TRASH, LITTER, AND SOLID WASTE**

On July 27, 2020, the Selectboard of the Town of Bethel, VT, adopted the Ordinance Regulating Control Of Garbage, Trash, Litter, And Solid Waste pursuant to 24 V.S.A. § 1971-1976, and 2291. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this ordinance and of the citizens' right to petition for a vote to disapprove these amendments.

The ordinance contains an introduction and the following sections: Section 1: Definitions, Section 2: Duty of Owners and Occupants, Section 3: Enforcement, Section 4: Penalties, Section 5: Severability, Section 6: Equitable Remedies, Section 7: Appeal of Notice of Violation or Penalty, Section 8: Effective Date.

The full text of the Ordinance may be examined at the Bethel Town office at 134 South Main Street on our website at www.townofbethelvt.com, and may be examined during regular office hours. **CITIZENS' RIGHT TO PETITION FOR VOTE** Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove ordinance amendments adopted by the Selectboard. To exercise this right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the amendments signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the adopted Ordinance Regulating Control Of Garbage, Trash, Litter, And Solid Waste shall become effective sixty (60) days from the date of said adoption. Additional information pertaining to this Ordinance may be obtained by contacting Therese Kirby, Town Manger at 134 South Main Street or by calling 234-9340 during regular office hours.

TOWN OF BETHEL
ORDINANCE REGULATING CONTROL OF GARBAGE, TRASH, LITTER, AND
SOLID WASTE

Whereas, the Town of Bethel, has, by authority granted in 24 V.S.A. §§ 1971-1976, and 2291, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate outdoor storage of garbage, trash, litter, and solid waste within its boundaries:

Now, therefore, to protect the public health, safety, and wellbeing, and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Bethel hereby adopts this ordinance to regulate outdoor storage of garbage, trash, litter, and solid waste, but excluding duly authorized junkyards by the State of Vermont. (see 24 V.S.A. §§ 2261-2264)

Section 1: DEFINITIONS

The following words and terms, when used in this Ordinance, shall for the purpose of this Ordinance, have the following meanings ascribed to them:

1. **Abandon** means to leave without claimed ownership for 30 days or more.
2. **Abatement Cost** means the town's cost for labor, equipment, and supplies for, or the contract price of, and any charges to, the town, with respect to the removal and disposal of garbage or trash, and the like, from a property.
3. **Compost** is a mixture that consists of largely decayed organic matter and is used for fertilizing and conditioning soil. Such materials that are compostable, and not to be included in general garbage disposal, include decaying leaves, grass clippings, fruit and vegetable scraps, animal manure, finely shredded newspaper, coffee grounds, egg shells, small twigs and branches, etc..
4. **Dispose** means to discharge, deposit, inject, dump, spill, leak or place any solid waste into, or on, any land or water so that such solid waste, or any constituent of it, may enter the environment either by water or air.
5. **Garbage** is readily putrescible discarded materials composed of animal and/or other combustible or slowly decaying materials. Garbage also means all solid waste products having the character of solids rather than liquids that are composed wholly, or partially, of materials such as trash, rubbish, litter, residues from clean-up of spills or contaminations, or all other discarded materials.
6. **Litter** means any man-made material that is thrown, discarded of in a matter that may create a danger to public health and safety, or degrades the health of the environment or the visual aesthetic of the town. Litter includes garbage, newspapers, magazines, plastic or paper containers, cigarette butts, bagged dog feces, empty bottles or cans, or any other discarded object likely to injure any person, create a traffic hazard, or degrade the environment.
7. **Person** means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.
8. **Receptacle** means a container that is specifically designed, constructed, and placed for use as a temporary depository for garbage of any kind (example: garbage can or garbage dumpster).

Long-term storage of garbage, bagged or otherwise, in a shed, garage, or on a porch does not qualify as a proper garbage receptacle.

9. **Solid Waste or Waste** means any garbage or other discarded material which includes, but is not limited to, household furniture and appliances, clothes, and such. Definition does not include solid or dissolved materials in domestic sewage, solid, or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials. Tires of any kind that are inspection worthy are not considered garbage but must be stored so as not to create a health hazard. Non-inspectable tires are not considered to be solid waste in this ordinance and must be disposed of properly. *Tires that are used in a bona fide agricultural operation are excluded from this definition.*
10. **Traveled Way** means any portion of a public highway designed for the movement of motor vehicles, including but not limited to, shoulders, parking or rest areas, and observation areas which are immediately adjacent and contiguous to the traveled portion of any roadway.

Section 2: DUTY OF OWNERS AND OCCUPANTS

- (a) **General Requirement:** It shall be the responsibility of each owner, agent, occupant, or leasor to keep his or her property free of accumulating and/or improperly stored garbage, trash, litter and solid waste. The owner, agent, occupant, or leasor of any property shall be responsible for removing above said materials accumulating on said property.
- (b) **Garbage Storage:** No owner, agent, occupant, or leasor of any property shall store or accumulate for more than 30 days garbage, trash, litter, or solid waste on the exterior of said property outside of a proper garbage receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of said materials (proper garbage receptacles do not include porches, sheds, garages, or the like), except that this requirement shall not apply to an area designated and approved by the Town of Bethel as a permitted disposal site. It is unlawful to store garbage, trash, litter, or solid waste in such a way as to create offensive, foul odors, or to attract unwanted scavenging animals-large or small-insects, rodents, and the like, that shall be reasonably construed as effecting the health, welfare, or property value of neighbors, or the public at large.
- (c) **Maintenance of Compostable Materials:** As per State of Vermont ACT 148: Universal Recycling & Composting Law, no compostable materials are to be disposed of as garbage. Any compostable material may be collected and maintained on personal property. Materials shall be contained in such a way so as to not attract nuisance animals, insects, or rodents that shall be harmful to neighbors or the public at large. All compostable materials may be taken to the Bethel/Royalton Transfer Station, separate of any garbage, trash, litter, or solid waste, and put into compostable containers provided on site.
- (d) **Litter Prevention & Control in Adjacent and Surrounding Areas:** It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of garbage, trash, litter, or solid waste. These areas include, but are not limited to, public and private sidewalks, roads, traveled ways, grounds, parking lots, loading and unloading areas, and all vacant lots that are owned or leased by such establishment or institution. Removal of any garbage, trash, litter, or solid waste shall be performed in accordance with this Ordinance.

(e) **Operation of a Junkyard:** It is the responsibility of an owner of a junkyard within the Town of Bethel to obtain a certificate of approval for the location of the junkyard, and to obtain a license to operate, establish, or maintain a junkyard from the State of Vermont per 24 V.S.A. §§ 2261-2264 per Town of Bethel Unified Bylaw.

(f) **Section 3: ENFORCEMENT:**

The Town Manager shall be responsible for the administration of this Ordinance and shall have the authority to enforce compliance through the use of civil and criminal penalties as authorized by this Ordinance. Furthermore, any law enforcement officer shall have the authority to enforce all sections of this Ordinance, under the guidance of the Town Manager.

(a) An enforcement action shall commence within 45 days against any person in violation of this ordinance who receives a written notice from the above administrators. Any person who violates Section 2 of this Ordinance shall be fined not less than \$5, nor more than \$50 each day the violation exists pursuant to 24 V.S.A. §§ 2282. If it is not feasible to have all the garbage, trash, litter, or solid waste removed within the 45-day grace period, the owner has the right to meet with the Town Manager to establish a plan to have all the items removed.

Section 4: PENALTIES:

Noncompliance with the removal of litter, garbage, or solid waste in the specified time frame, permits the Town of Bethel, or an agent of the Town, to remove the materials from the property. The owner of the property will then be billed the cost of removal, plus a 5% penalty, and interest of 1% per month on the unpaid balance. This amount will constitute a lien on the property, on parity with liens for unpaid taxes until the claim has been satisfied. The Town may seek other penalties or actions such as necessary to enforce this Ordinance, including but not limited to, enforcement as a civil matter, which may be enforced in the Vermont Judicial Bureau or in Windsor County Superior Court, at the election of the Town of Bethel Select Board.

(a). Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$500.00 per violation may be imposed for violation on this Ordinance, except for violations of Section 2 subsection d.

(b). Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town Manager or Select Board may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$500.00 per violation may be imposed for violation of this ordinance. A civil action may be initiated if the violation has not been corrected in accordance with this Ordinance, other than those in Section 2 subsection e.

Section 5: 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.

Section 6: EQUITABLE REMEDIES

In addition to the penalty provided in the Ordinance, the Town Manager may initiate injunction, mandamus, abatement, or any other appropriate action to prevent, enjoin, abate, or remove a violation of any of the provisions of this Ordinance.

Section 7: APPEAL OF NOTICE OF VIOLATION OR PENALTY

Any person aggrieved by a Notice of Violation may appeal such Notice of Violation to the Town of Bethel Select Board within fifteen (15) days of service of the Notice of Violation. The notice of an appeal shall be in writing and shall set forth a brief statement of the basis of the appeal. Within thirty (30) days of service of the notice of appeal, the Select Board shall hold a hearing on the appeal. The Select Board shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Town Manager, or agent of the Town's order, and may contain such additional requirements as the Select Board deems necessary and appropriate to implement the purpose of this Ordinance.

Section 8: EFFECTIVE DATE:

This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A. §§ 1973, that statute shall govern the taking effect of this Ordinance.



Christopher Jarvis, Chair



Paul Vallee



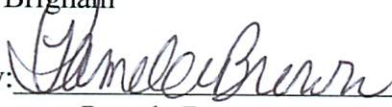
Lindley Brainard



David Eddy



Maurice Brigham

Attest by: 

Pamela Brown, Town Clerk

Date: July 27, 2020