

**TOWN OF CANAAN
ORDINANCE REGULATING
THE COLLECTION AND DISPOSAL OF SOLID WASTE**

**ARTICLE I
PURPOSE**

To protect the health, safety and welfare of the citizens of Canaan and to promote the conservation of natural resources and the wise use of the environment, the Board of Selectman of the Town of Canaan hereby adopt this ordinance to regulate the separation, recovery, collection, removal, storage and disposition of solid waste, including recyclables, in the Town of Canaan, Vermont.

**ARTICLE II
DEFINITIONS**

- A. "Air Contaminates" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
- B. "Authorization" by the Town of Canaan means authorized pursuant to a legal; contract or other written authorization entered into by the Town of Canaan and a private third person defined herein.
- C. "Emissions" shall mean a release into the outdoor atmosphere of air contaminates.
- D. "Fire Warden" shall mean the person appointed to office as defined under Vermont Statutes V.S.A. 10, Section 2641.
- E. "Incineration" shall mean the burning of solid waste in an enclosed outdoor container.
- F. "Open Fire Burning" shall mean burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without the passing through a stack, chimney or other enclosures.
- G. "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- H. "Recyclable" shall mean recyclable materials as specifically identified in regulations promulgated by the Board of Selectmen.
- I. "Solid Waste" shall mean any solid waste as defined in Title 10 V.S.A. Section 6602.
- J. "Illegal Dumping" shall mean the dumping of solid wastes in unauthorized locations that are not supplied with town approved containers.

**ARTICLE III
AUTHORITY**

In accordance with Title 10, Chapter 159 V.S.A., the collection, removal and disposal of all solid waste within the limits of the Town of Canaan shall be regulated by the Board of Selectman of the Town of Canaan which will have the power to establish the time,

method and routes of services, the providers of service and such other regulations as said Board shall promulgate for the orderly provision of such service and the general health, safety, and welfare of the Town inhabitants.

ARTICLE IV COLLECTION

The Board of Selectman is authorized to employ or make contracts with individual persons for the separation, recovery, collection, removal, storage, or disposition of solid waste, including but not limited to, the efficiency of scale, past performances of a contractor, stability of operation, and need of competition. The Board of Selectman may adopt regulations regulating the preparation of solid waste for collection.

All collections and haulers of solid waste in the Town of Canaan shall register with the Town of Canaan and such registration shall constitute authorization to collect solid wastes and recyclables. The Board of Selectman may set a registration fee.

ARTICLE V PUBLIC SAFETY

No person having the custody of residential, industrial or business premises from which solid waste, including recyclables, is collected for disposal in the Town of Canaan shall permit or cause any solid waste, including recyclables, within their control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, other than yard waste, may not be deposited or otherwise left out of doors unless it has been placed in a the proper container as defined by regulations promulgated pursuant to this ordinance. Household hazardous wastes may only be disposed of in accordance with the regulation adopted by the Board of Selectmen from time to time.

ARTICLE VI ILLEGAL DUMPING

Section 1.

It shall be unlawful for any person, business, or corporation to enter any Town of Canaan solid waste facility when said facility or adjacent thereto, whenever said facility is closed.

Section 2.

It shall be unlawful for any person to deposit, dump or leave solid waste in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.

Section 3.

It shall be unlawful to deposit in a municipality owned or maintained disposal container any solid waste other than that created or originated in any public buildings/grounds/ highways or the person of anyone using said public buildings/grounds/ highways.

Section 4.

It shall be unlawful to deposit solid wastes at the Canaan Stump Dump other than trees, brush, stumps, yard and garden organic materials. Clean construction materials such as unpainted lumber. No painted materials, veneer or particle board.

**ARTICLE VII
OPEN FIRES AND INCINERATORS**

Section 1.

Except as provided by this article, the burning of any solid waste, either by open fire or incineration in the Town of Canaan is prohibited.

Section 2.

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 hazards will be created by such burning and the emission of air contaminants will not create a danger to the health and property of citizens of the Town of Canaan.

**ARTICLE VIII
SEPARATION OF RECYCLABLES**

Section 1.

Except as hereinafter provided, recyclables from all residences, businesses, corporations, apartments, institutions or industries within the Town of Canaan shall be kept separate from other solid waste, either delivered to a private or Town collections facility, or placed at the street curb or designated area, as defined in regulations adopted pursuant to this ordinance. Recyclables placed at the curb shall be placed in a manner designated by regulation as established by the Board of Selectman for collection on collection day as set forth under a schedule determined by the Selectman.

Section 2.

In accordance with regulations adopted pursuant to this ordinance, any person within the Town of Canaan may properly dispose of recyclables at private collection facilities or at collection areas maintained by the Town of Canaan or its designated agent for that purpose. Recyclables shall be separated according to standards that shall be promulgated as regulations pursuant to this ordinance by the Board of Selectmen.

Section 3.

Placement requirements may be waived for reasons of age, infirmity or handicap.

**ARTICLE IX
COLLECTION BY UNAUTHORIZED PERSON**

It shall be a violation of this ordinance for any person not authorized by the Town of Canaan to collect or pick up or cause to be collected or picked up any solid waste,

including recyclables. Any and each such collection shall constitute a separate and distinct offense punishable as hereinafter provided.

ARTICLE X PENALTIES & ENFORCEMENT

Section 1.

Any person violating any provision of this ordinance or the regulations enacted hereunder shall be fined not more than \$100.00 for each offense.

Section 2.

The Town of Canaan, or its designated agent reserves the right to refuse to collect solid waste or to refuse to allow disposal at any facility operated by the Town or for the benefit of the Town where this ordinance or the regulations promulgated hereunder are ignored or violated. The Town of Canaan further reserves the right to terminate the authorization of any hauler who violates this ordinance or the regulations promulgated hereunder.

Section 3.

The Town of Canaan or its designated agent will conduct random checks at pick up points and Transfer Station to ensure compliance with the ordinance. The Transfer Station will be manned at all times that it is opened to receive solid waste and recyclable materials.

Section 4.

The Town may refuse upon violation of Article VIII of this ordinance, to pick up solid waste or recyclables until such time as the provisions of this article are complied with.

Section 5.

Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a separate offense.

Section 6.

The Town of Canaan may, upon the violation of any provision of this ordinance, maintain an action to enjoin the violation of these ordinances, or any regulations adopted to implement the same, but the election of the Town to proceed with an application or petition for an injunction shall not prevent a criminal prosecution for the violation of this ordinance. Expenses incurred by such action shall be recovered by the person whose legal duty it was to comply with these ordinances.

ARTICLE XI
INCONSISTENT REPEAL

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

ARTICLE XII
SEVERABILITY

This ordinance and the various parts, sentences, sections and clauses thereof, 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 XIII
EFFECTIVE DATE

This ordinance shall take effect (40) days from the adoption by the Selectmen.

Adopted: *12/7/09*

Selectmen:

Vern Crawford

Vernon A. Crawford

Gregory D Noyes

Gregory D. Noyes

Mary Lou Lovering

Mary Lou Lovering