

17

**TOWN OF WOLCOTT
SOLID WASTE ORDINANCE REGARDING ILLEGAL DUMPING**

Authority: 24 V.S.A. 2291 (12), 2297 - 2297b

Section 1. Illegal Dumping

No person, corporation or business may dispose of any solid waste at any location or locations within the geographical limits of the Town of Wolcott, except as provided in the Lamolille Regional Solid Waste Management District's Solid Waste Plan.

Section 2. Definitions

- a. **DISPOSE** means to discharge, deposit, inject, dump, pour, spill, leak or place any solid waste into or on any land or water such that solid waste or any constituent thereof may enter the environment, be emitted into the air, or discharged into any ground or surface waters.
- b. **RESPONDENT** means any person alleged to have violated a solid waste ordinance.
- c. **SOLID WASTE** means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations 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 as defined in 10 V.S.A. Chapter 47.

Section 3. Penalties

The Selectboard may issue and enforce a solid waste order in accordance with 24 V.S.A. 2297 (a). A solid waste order shall include:

- (1) a statement that the respondent has the right to request a hearing before the legislative body on the proposed order and the procedures for requesting the hearing;
- (2) a statement that the respondent has the right to request a hearing before the environmental law division after the order has become final and a description of the procedures for requesting a hearing before the environmental law division;
- (3) a statement that filing a request for hearing before the environmental law division will stop penalties from accruing in the case of a continuing violation;

(4) if applicable, a directive that the respondent take action necessary to achieve compliance with the ordinance, to abate hazards created as a result of non compliance, or to restore the environment to the conditions existing before the violation;

(5) if applicable, a civil penalty of not more than \$500.00 for each violation and in the case of a continuing violation, not more than \$100.00 for each succeeding day.

Adopted by the Wolcott Selectboard on March 28, 1994 and becomes effective on May 27, 1994.