

TOWN OF PITTSFORD CIVIL ORDINANCE REGULATING THE BURNING AND DISPOSAL OF SOLID WASTES

WHEREAS, the Town of Pittsford, Vermont has, by virtue of authority granted in 24 V.S.A. 1971 and 24 V.S.A. 2202a(a), the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate solid waste disposal, with its boundaries;

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Pittsford Selectboard hereby amends and readopts this ordinance to regulate the collection, burning and disposal of solid waste in the Town of Pittsford.

ARTICLE 1: DEFINITIONS

- a) "Air contaminants" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
- b) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, burning, or placing of any solid waste or any constituent thereof that may enter the environment or be emitted into the air or discharged into any ground or surface waters.
- c) "Emission" means a release into the outdoor atmosphere of air contaminants.
- d) "Incineration" means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator, or similar device.
- e) "Hazardous waste" means waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations, including, but not limited to, waste that contains toxic, corrosive, reactive, explosive or flammable ingredients.
- f) "Open burning" means burning of solid waste in an open fire where the products of combustion are emitted into the atmosphere without passing through a stack, chimney, or other enclosure.
- g) "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the state, federal agency or other legal or commercial entity.
- h) "Recyclable" means any type of refuse designated by Pittsford Selectboard to be separated for recycling.
- i) "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 residential and 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, 10 V.S.A. Chapter 47. For the purposes of this ordinance, solid waste shall also include marketable recyclables.

ARTICLE III: OPEN BURNING AND INCINERATION

- a) Except as provided by this article, the burning of any solid waste either by open fire or incineration is prohibited in the Town of Pittsford unless the practice has been approved by the Department of Environmental Conservation ("DEC")
- b) To the extent allowed by the Vermont Air Pollution Control Regulations, a specific permit may be granted by the Fire Warden or Deputy Fire Warden for the following -except in the Village Residential and Village Commercial Zones (VC 1 and VC 2), as stated in subsection (e) of this article:
 - b1) The open burning of leaves, brush, garden wastes, tree cuttings, slash and slab wood resulting from property maintenance, or logging and clearing operations.
 - b2) The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.
 - b3) After providing notice to the DEC, the burning of solid or liquid fuels Or structures for bona fide training provided that materials other than natural wood are removed from structures to the greatest extent possible prior to the training.
 - b4) With the prior approval of the DEC, burning authorized by the Selectmen as necessary for public health protection or to thwart a hazard.
 - b5) Burning of natural-wood, demolition or construction materials and natural-wood commercial wastes, provided such burning is approved by the DEC.
 - b6) Open burning of natural wood by the Town of Pittsford under 10 V.S.A. Section 565.
 - b7) All open burning will be extinguished by 7:00 PM.
- c) The responsible official may refuse to issue a permit if the official has reason to believe a hazardous condition will be created by such burning. Permits, issued under the provisions of this ordinance shall be for a specified date, time and location, and only for specified materials. The Selectboard may establish a fee for the issuance of such permits.
- d) The provisions of this ordinance shall not apply to the burning of natural wood or virgin fuel in a furnace to produce heat or prepare food.
- e) No open burning or open fires of any kind shall be allowed, nor shall a permit be issued for any such fires, within the Village Residential (VR) and Village Commercial (VC 1 and VC 2) Zones, as delineated on the current Pittsford Zoning Map, except as follows.
 - e1) The use of campfires, outdoor grills and fireplaces for recreation or preparing food is allowed without a permit in the above zones, provided that no solid waste is burned, and that such burning does not create a nuisance or damage to properties in the area.

- b3) Each day the violation continues, including the day of citation, shall constitute a separate violation. A civil penalty of not more than \$500.00 may be imposed for each violation of the ordinance.
- b4) Violation notice for a first offense involving a burn barrel will include permission to dispose of the empty barrel at the Pittsford Solid Waste Facility without charge. Subsequent offenses will require prompt disposal of the barrel at the owner's expense.
- c) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the Judicial Bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief other than as provided in this section is sought, the action shall be brought in Superior Court.
- d) The Judicial Bureau hearing officer, on application of the Town of Pittsford, may order that the ordinance violation cease.

ARTICLE V: DESIGNATION OF ENFORCEMENT PERSONNEL

For purposes of this ordinance, the Selectboard may designate any of the following persons as enforcement officers: a member of the Selectboard, the Town Health Officer, Town Agent, Town Attorney, Constables, Animal Control Officer, or other law enforcement officials.

ARTICLE VI: 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 VII: 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 VIII: EFFECTIVE DATE

This ordinance shall become effective sixty (60) days after the adoption date shown below. Passed and adopted by the Selectmen of the Town of Pittsford, State of Vermont, on the 21st day of December, 2005, by the following vote:

Ayes: 5

Nays: 0

BOARD OF SELECTMEN:

Thomas "Hank" Pelkey, Chairman

Allen Hitchcock, Vice Chairman

Larry Pomainville, Jr., Selectman

David Markowski, Selectman



W. Joseph Gagnon, Selectman

AMENDMENT

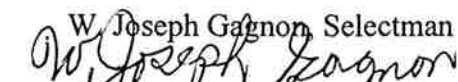
Adopted amendments on November 20, 2007 by the Pittsford Select Board to the Open Burning Ordinance originally adopted on December 21, 2005. The amendments in effect January 19, 2008.

Ayes: 4
Nays: 0

BOARD OF SELECTMEN:


Thomas "Hank" Pelkey, Chairman

Allen Hitchcock, Vice-Chairman

Absent:
David Markowski, Selectman

W. Joseph Gagnon, Selectman

Thomas Hooker, Selectman
