

## Notice Amending Pay-as-you-throw ordinance for the Town of Sunderland

### Town of Sunderland, Vermont Adoption of Pay-as-You-Throw-Ordinance

The Town of Sunderland, in Bennington County, Vermont, has amended the ordinance to implement variable rate pricing, also known as “pay-as-you-throw.”

Article I states that the purpose of the ordinance is to decrease the disposal of solid waste, increase recycling and composting and increase the diversion and reuse of materials that would otherwise be sent to landfills.

Article II lists the statutory authority of the ordinance as Title 24, Chapter 59, Section 1971 and Title 24, Chapter 61, Sub chapter 8, Section 2202a of the Vermont Statutes. Municipalities were required to adopt variable rate pricing under Title 24, Chapter 61, Sub chapter 8, Section 2202a (d).

Article III provides definitions related to the management of solid waste.

Article IV requires haulers and facilities to charge residential customers for managing municipal solid waste based on either weight or volume.

Article V provides for haulers and facilities to charge a flat fee for operational costs for collecting, transporting and disposing of municipal solid waste as well as fees for materials such as food and yard residuals or bulky items. Haulers and facilities may not charge for mandated recyclables after July 1, 2015.

Article VI requires haulers and facilities to file and submit evidence of their pricing system including a breakdown of all fees.

Article VII provides for registration of haulers with the Town of Sunderland and information that may be required for registration. **The requirements for and reporting on quantities of municipal solid waste, organics and mandated recyclables collected on a quarterly basis is repealed.**

Article VIII lists penalties and enforcement mechanisms for this ordinance.

Article IX designates the town attorney, Bennington County Solid Waste Alliance attorney, or any duly authorized law enforcement officer may act as an issuing municipal official and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau in accordance with 24 V.S.A Chapter 59.

Article XI provides for severability so that if a part of this ordinance is found invalid, the remainder will not be affected.

Article XII states the ordinance will become effective 60 days from the adoption of October 2, 2017

A copy of the ordinance may be obtained from

Rose Keough Town Clerk Town Of Sunderland Vt.  
Sunderland Municipal Building  
104 Mountain View Road  
Sunderland, Vt. 05250  
Phone: 802-375-6106 – During Municipal Building office hours.  
Sunderland Website: [www.sunderlandvt.org](http://www.sunderlandvt.org) Act 148 page

Or

Michael S. Batcher, Bennington County Regional Commission, 111 South St., Suite 203,  
Bennington, VT 05201, (802) 442-0713 x2, email: [mbatcher@bcrcvt.org](mailto:mbatcher@bcrcvt.org).

Or from the Bennington County Solid Waste Alliance website at [www.bcswavt.org](http://www.bcswavt.org)

Voters of the Town of Sunderland must submit a petition for a vote disapproving the proposed amendment to Steven Bendix, Selectman, Town of Sunderland by whatever date is 44 days after adoption if they feel this amendment should not be adopted. Otherwise the ordinance will become effective on whatever date is 60 days after adoption.

# **Title 24 : Municipal And County Government**

## **Chapter 059 : Adoption And Enforcement Of Ordinances And Rules**

### **• § 1973. Permissive referendum**

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent 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.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

(d) Not less than two copies of the ordinance or rule shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the ordinance or rule in the warning by title.

(e) If a petition for an annual or a special meeting is duly submitted in accordance with this section, to determine whether an ordinance or rule shall be disapproved by the voters of the municipality, the ordinance or rule shall take effect on the conclusion of the meeting, or at such later date as is specified in the ordinance or rule, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the ordinance or rule in which event it shall not take effect. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 12, eff. March 11, 1971.)

### **Information and Selectboard contact pertaining to ordinance adoption.**

Sunderland Website [www.sunderlandvt.org](http://www.sunderlandvt.org) Act 148 page.

Selectboard Representative – [Steven Bendix](#)

Email: [town@sunderlandvt.org](mailto:town@sunderlandvt.org)

Sunderland Municipal Building

104 Mountain View Road.

Sunderland, Vt. 05250

Phone: 802-375-6106 - During Sunderland Municipal Building office hours.

## TOWN OF SUNDERLAND VT.

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

#### Article I: PURPOSE

This ordinance is enacted to implement a variable pricing system to decrease the disposal of solid waste, increase recycling and composting rates, 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, Sub chapter 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 Sunderland Vt.
- 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 Sunderland Vt. along with their registration.

**Article VII: REGISTRATION AND REPORTING**

Each hauler shall register with the Town Sunderland Vt. annually by December 31<sup>st</sup> 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.

**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)

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
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 with law enforcement authority for this ordinance under Vermont law. The town attorney, Bennington County Solid Waste Alliance attorney, or any duly authorized law enforcement officer may act as an issuing municipal official and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau in accordance with 24 V.S.A Chapter 59

**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**

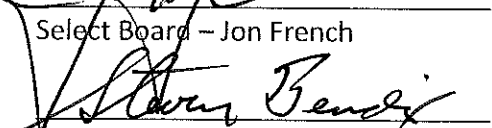
This ordinance shall become effective 60 days after the adoption date shown below.

Adopted this 2<sup>nd</sup> day of October 2017.

  
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Select Board Chair – Mark Hyde

  
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Select Board – Rik Timmerman

  
\_\_\_\_\_  
Select Board – Jon French

  
\_\_\_\_\_  
Select Board – Steven Bendix

\_\_\_\_\_  
Select Board - Vacant

  
\_\_\_\_\_  
Attest, Town of Sunderland Vt. Town Clerk