

TOWN OF MIDDLEBURY  
ORDINANCE REGULATING THE  
COLLECTION AND DISPOSAL OF SOLID WASTE

**ARTICLE I**

**PURPOSE**

Section 101

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

**ARTICLE II**

**DEFINITIONS**

Section 201.

"Air Contaminants" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

Section 202.

"Authorization" by the Town of Middlebury means authorized pursuant to a legal contract or other written authorization entered into by the Town of Middlebury and a private third person as defined herein.

Section 203.

"Emission" shall mean a release into the outdoor atmosphere of air contaminants.

Section 204.

"Fire Warden" shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.

1901

Section 205.

"Incineration" shall mean the burning of solid waste in an enclosed outdoor container.

Section 206.

"Open Fire Burning" shall mean burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.

Section 207.

"Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Section 208.

"Recyclable" shall mean recyclable material as specifically identified in regulations promulgated by the Board of Selectmen.

"Solid Waste" shall mean any solid waste as defined in Title 10 V.S.A. section 6602.



**ARTICLE VII  
OPEN FIRES AND INCINERATORS**

~~Section 702.~~

~~The open burning of yard and garden debris including trees, stumps, brush, lawn clippings and leaves is allowed with written permission from the Fire Warden or his/her designee under the following terms and conditions:~~

- ~~a. Open burning shall be permitted only during the period November 1, through the third Sunday of April. During said period the open burning shall be permitted between the hours of 8:00 a.m. and 4:00 p.m. The Fire Warden or his/her designee shall have the discretion to permit open burning at other times and dates for special circumstances including periods of adverse weather conditions or the lack of availability of alternate disposal options.~~
- ~~b. The open burning shall be permitted on private property with the consent of the owner or person in charge of the property.~~
- ~~c. With the permission of both the Director of Public Works and the Fire Warden, open burning is allowed on public rights of way except upon sidewalks, roadways, traffic lanes, parking areas, alleys and all paved areas.~~
- ~~d. In evaluating whether an open burning permit shall be permitted the Fire Warden shall consider:~~
  - ~~1. Potential hazardous conditions that could result if such burning was permitted.~~
  - ~~2. The emission of air contaminants which have the potential of creating a nuisance and/or danger to the health and property of the citizens.~~

3. ~~The proximity of any structure to where the burning will take place.~~
4. ~~Availability of Resource Park or other disposal alternatives.~~

#### ~~Section 703.~~

~~Burning for the purpose of weed abatement; disease, forest fire and pest prevention or control; and for the purpose of agricultural, forestry or wildlife habitat management is permitted with the consent of the Fire Warden. Such activities shall not be subject to the constraints specified in Section 702. a. They will however be subject to Sections 702. b, c, & d.~~

#### ~~Section 704.~~

~~All open burning permits shall be subject to the following:~~

- ~~a. Any fire resulting from permitted open burning shall be attended by a competent person until such fire is extinguished.~~
- ~~b. Permits which are issued under the provisions of this ordinance shall be a specified date, time and location and only for specified materials.~~
- ~~c. The Selectmen of the Town reserve the right to establish a fee for the issuance of such permits.~~
- ~~d. Should the fire resulting from a permitted open burning get out of control, the Fire Chief or his designee may determine that the fire needs to be extinguished by the Fire Department. Should this take place, the permittee shall be responsible for the reimbursement of such costs.~~

### **ARTICLE VIII-VII SEPARATION OF RECYCLABLES**

Section ~~801.~~ 701.

Following sections renumbered accordingly...