

# **SOUTHERN WINDSOR/WINDHAM COUNTIES SOLID WASTE MANAGEMENT DISTRICT VARIABLE RATE PRICING ORDINANCE**

WHEREAS, the **SOUTHERN WINDSOR/WINDHAM COUNTIES SOLID WASTE MANAGEMENT DISTRICT** (hereinafter “DISTRICT”) has, by virtue of the authority granted in 24 V.S.A. § 1971, and 24 V.S.A. § 2202a (a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its district towns; and

WHEREAS, in accordance with 24 V.S.A. § 2202a (d), which requires municipalities to implement a variable rate pricing system by no later than July 1, 2015; the DISTRICT is implementing and requiring variable rate pricing charges for Residential Solid Waste (hereinafter “RSW”) collection from residential customers for disposal based on the volume or weight of the waste collected. This requirement to implement applies to all solid waste haulers and facilities that accept and collect RSW from residential customers.

NOW, THEREFORE, the DISTRICT Board of Supervisors hereby adopts this ordinance requiring Variable Rate Pricing charges for the collection of RSW within the DISTRICT.

## Article I: PURPOSE; TITLE

Purpose. This ordinance is enacted to encourage the responsible use of resources and the protection of the environment.

Title. This ordinance shall be known and may be cited as the: **VARIABLE RATE PRICING ORDINANCE**

## Article II: DEFINITIONS

- a. “Collection” shall mean the pickup or acceptance of solid waste by both solid waste haulers and solid waste facilities such as transfer stations.
- b. “Facility” shall mean any site or structure used for treating, storing, processing, recycling, transferring or disposal of residential solid waste. A Facility may consist of a single or several treatment, storage, recycling, or disposal locations.
- c. “Hauler” shall mean any person or business collecting, transporting, or delivering solid waste generated within a given area, including property caretakers.
- d. “Mandated recyclables” In accordance with 10 VSA§ 6602 shall mean the following:
  - Metal: aluminum and steel cans, aluminum foil and pie plates
  - Glass: bottles and jars from foods and beverages
  - Plastics: #1 and #2 (PET and HDPE resin types) containers
  - Paper: corrugated cardboard, white and colored paper, newspaper, magazines, paper mail and envelopes, boxboard, and paper bags
- e. “Residential Solid Waste” (hereinafter “RSW”), means household waste materials generated in a residential setting.
- e. “Variable Rate Pricing” (or “Unit Based Pricing”) means a fee structure that charges for RSW Collection based on its volume or weight.

### Article III: VARIABLE RATE PRICING

Haulers and Facilities (hereinafter “SERVICE PROVIDERS”) that provide collection and/or drop-off disposal services for RSW to residential customers shall charge these customers for this service on the basis of the volume or weight of the RSW they produce

Each SERVICE PROVIDER shall establish a variable rate pricing system for the Collection/drop-off disposal of each unit of RSW generated from residential customers.

SERVICE PROVIDERS who use a municipal facility or transfer station for solid waste disposal must comply with that facility’s Variable Rate Pricing method.

The provisions of this subsection shall not be construed to prohibit any SERVICE PROVIDER from establishing rules and regulations regarding the safe maximum weight of bags or containers of municipal solid waste materials. A service Provider may refuse to collect, RSW or may collect and bill the customer for excess RSW.

### Article IV: FLAT FEE

In addition to the variable rate price charged per unit of RSW, SERVICE PROVIDERS 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 RSW, leaf and yard waste and organic matter (food scraps).

In the event that a SERVICE PROVIDER elects to establish a flat fee, all bills for services provided to residential customers shall clearly show both the flat fee and the Variable Rate Price to maintain transparency.

Nothing herein shall prevent or prohibit a SERVICE PROVIDER from charging additional fees for the collection of materials such as food and yard residuals or bulky items. No SERVICE PROVIDER may charge a separate line item fee on its bill to a residential customer for the Collection of mandated recyclables after July 1, 2015, in accordance with Vermont state statutes. A SERVICE PROVIDER may incorporate the collection cost of mandated recyclables into the cost of the collection of RSW.

### Article V: LICENSING OF HAULERS

Any Hauler operating within the DISTRICT shall file an annual license application with the DISTRICT with the appropriate fee based on the number of vehicles. The license application shall be submitted on a form provided by the DISTRICT before May 31 of each year and shall include the following information.

- A current valid copy of their Vermont Waste Transportation Vehicle Report (WTVR).
- A description of their system for collection of mandated recyclables.
- The service area of the Hauler.
- The appropriate fees as described below.
  - \$10 for each increment of 10 vehicles that will collect RSW within the DISTRICT plus \$2 per vehicle.

Once an application is approved the Hauler will be provided decals to be displayed on each of the Haulers vehicles collecting RSW within the DISTRICT. Any vehicle collecting RSW within the DISTRICT without a valid decal is in violation of this ordinance.

Article VI: PENALTIES AND CIVIL ENFORCEMENT

- a. This 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 (verbal warning – demanding Variable rate pricing)

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
2 <sup>nd</sup> offense	\$100	\$50
3 <sup>rd</sup> offense	\$250	\$125
4 <sup>th</sup> offense	\$500	\$300
5 <sup>th</sup> offense	Revocation of license and written report to the State	

Any Hauler who has had their license revoked may apply for a new license by paying their fines and submitting evidence of their variable rate pricing system, and proof of their recycling methodology including a copy of the WTVR, for reinstatement to dispose of waste.

Article VII: DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance the DISTRICT Board of Supervisors may designate as enforcement personnel any employee of the DISTRICT and any official with law enforcement authority under Vermont law.

Article VIII: 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 IX: 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 X: EFFECTIVE DATE

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015 by the District Board of Supervisors.

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Chair, District Board of Supervisors

Attest: \_\_\_\_\_  
Clerk, District Board of Supervisors