

**Town of St. Albans**  
**Disposal of Solid Waste through Open Burning and Incineration**  
**Ordinance**

**Section 1 - Authority**

This ordinance is adopted by the Selectboard of the Town of St Albans under authority of 24 V.S.A., 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. 2202a(a) (Title 24, Chapter 61, Subchapter 8, Section 2202a).

**Section 2 – Purpose**

This ordinance is enacted to promote the health, safety and general welfare of the inhabitants of the Town of St Albans and to prohibit solid waste disposal practices that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

**Section 3 – Definitions**

For the purpose of this ordinance, the following words and/or phrases shall apply:

- A. “Construction/Demolition Debris” means materials resulting from construction, demolition, or renovation of buildings, roads, bridges and other structures in the Town of St Albans.
- B. “Incineration” means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator or similar device.
- C. “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.
- D. “Natural Wood” means any of the following, provided such material has not been treated or injected with preservatives or oil, or has, at any time, been painted, stained or glued.
  - 1. trees and brush, including logs, boles, trunks, branches, limbs, roots, and stumps;
  - 2. lumber, including timber, logs, dimensional lumber or slabs dressed for use;
  - 3. Pallets and skids

This definition does not include processed wood products such as plywood, particle board, fiber board, and press board.

- E. “Non-woody vegetation” means leaves, grass, yard trimmings, and other organic materials.

- F. "Open burning" means the burning of solid waste in the open or in an open container, including, but not limited to, a brush pile or a burn barrel, where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.
- G. "Recyclable" means any type of refuse designated by the Town of St Albans or by the local solid waste contractors to be separated for recycling.
- H. "Solid Waste" means any garbage, refuse, hazardous waste or other solid materials generated by normal residential, commercial, industrial, and community activities. This definition does not include natural wood and non-woody vegetation, as defined in this ordinance. For the purposes of this ordinance, non-solid wastes including, but not limited to, seepage, sludge and animal manure are excluded from the definition of solid waste.
- I. "Camp Fire" means any open fire of only materials defined in this section under D, subsection 2 and contained within a 3 foot diameter pit or ring with a flame emitting no higher than 3 feet.

**Section 4 – Open Burning and Incinerating**

The Town of St. Albans is a member of the Northwest VT. Solid Waste Management District (NWSWD). As a member, NWSWD holds annual collection days for residents to dispose of hazardous waste, and provides residents with access to solid waste disposal at their facility.

- A. Unless a permit is obtained pursuant to this ordinance the disposal of solid waste through open burning or incineration is prohibited in the Town of St Albans.
- B. Prior to the open burning of solid waste, a Burn Permit shall be obtained from the Town Manager’s Office. Such a permit may only be issued for the following types of open burning:
  - 1. The open burning of natural wood and non-woody vegetation resulting from yard or property maintenance, logging and clearing operations, agricultural improvements, forest or wildlife management, or for festive celebrations.
  - 2. After providing the required notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for the bona fide fire training provided that materials other than natural wood are removed to the greatest extent possible prior to the training.
  - 3. The open burning of construction or demolition materials and commercial wastes, such as pallets and skids, is permitted provided such burning is approved by the Vermont Department of Environmental Conservation.

4. With the prior approval of the Department of Environmental Conservation, burning authorized by the Selectboard of the Town of St. Albans for the protection of public health or to thwart a hazard.

The open burning of natural wood and non-woody vegetation at a designated within the municipality by the Town of St. Albans in accordance with 10 V.S.A. Section 565 .

Any other open burning is prohibited by this ordinance including, but not limited to, the burning of hazardous wastes and recyclable materials.

- C. To obtain a Burn Permit, the applicant shall establish that no hazardous or nuisance situations will be created by open burning at the time the permit is issued and that the application is for open burning that is permitted under this ordinance. Burn Permits must provide for the specific date, time and location of the burning, contact name and number of the permittee doing the burning, and indicate the specific materials that the permittee is authorized to burn. Failure to meet the conditions of the permit, once it has been issued, will render the permit invalid and subject the permittee to enforcement pursuant to this ordinance.
- D. The provisions of this ordinance shall not apply to the burning of natural wood or any virgin fuel in a furnace to produce heat or for the purpose of preparing food.
- E. A Burn Permit is not required for any camp fires as described in Section 3 I.

### **Section 5 – Penalties and Civil Enforcement**

A. This ordinance is a civil ordinance and enforcement shall follow the procedures set forth in 24 V.S.A., Section 1974a.

B. The penalties for violating this ordinance are as follows:

1 <sup>st</sup> offense: Notice of Violation (written warning, demand to cease burning.)	
2 <sup>nd</sup> offense:	\$100.00 fine
3 <sup>rd</sup> offense:	\$250.00 fine
4 <sup>th</sup> and subsequent offenses	\$500.00 fine

### **Section 6 – Designation of Enforcement Personnel**

For the purposes of this ordinance, the Selectboard may designate any combination of the following persons as enforcement personnel: members of the Selectboard, the Town Health Officer, the Town Attorney, the Town constable, any official with law enforcement authority under Vermont law or any such other person as delegated by the Selectboard.

**Section 7 – 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.

**Section 8 - Severability**

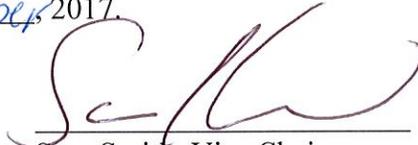
This ordinance and its various parts, sentences, sections, and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Section 9 – Effective Date**

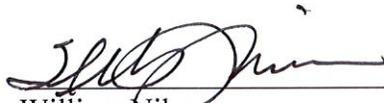
This ordinance shall become effective 60 days after its adoption by the Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

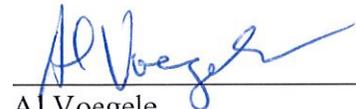
Adopted this 6<sup>th</sup> day of November 2017.

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Bruce Cheeseman, Chair

  
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Sam Smith, Vice Chair

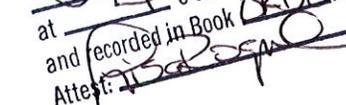
  
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Brendan Deso

  
\_\_\_\_\_  
William Nihan

  
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Al Voegele

Attested by:   
Anna Bourdon, Town Clerk

Date: November 6, 2017

ST. ALBANS TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD / DISCHARGE  
at 5:10 o'clock 8 minutes 2018 A.D.  
and recorded in Book 148-151 Pages 148-151  
Attest:  Asst. Town Clerk