PITTSFIELD TOWN CLERK'S OFFICE
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ATTEST [signature] TOWN CLERK

TOWN OF Pittsfield, *VT*
CIVIL ORDINANCE

VARIABLE RATE PRICING BY VOLUME OR WEIGHT FOR MUNICIPAL SOLID WASTE COLLECTION

WHEREAS, the [Town(s) of Pittsfield, VT] has, by virtue of the authority granted in 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), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries; and

WHEREAS, in accordance with 24 V.S.A. § 2202a (d) of Act 148, Vermont's Universal Recycling law, which requires municipalities implement a variable rate pricing system by no later than July 1, 2015; the [Town(s) of Pittsfield is implementing and requiring variable rate pricing charges for municipal solid waste (hereinafter "MSW") 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 MSW from residential customers.

WHEREAS, Variable rate pricing systems have been shown to be one of the most effective mechanisms for decreasing the disposal of solid waste, increasing recycling and composting rates, and increasing the diversion and reuse of valuable materials from the solid waste stream. Further Variable rate pricing is more equitable or fair pricing for solid waste by charging based on the number of units of solid waste a residential customer produces.

NOW, THEREFORE, to encourage the responsible use of resources and the protection of the environment, the *Town of Pittsfield, VT* here by adopts this ordinance requiring Variable rate pricing charges for collection of MSW from residential customers in the *town of Pittsfield, VT.*

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 "Ordinance Requiring Variable rate pricing."

Article II: 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 single or several treatment, storage, recycling, or disposal locations.
c. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within a given area.
d. "Municipal Solid Waste" hereinafter referred to as "MSW," means combined household, commercial, and industrial waste materials generated in a given area.
e. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its weight or volume.

Article III: VARIABLE RATE PRICING

Haulers and Facilities (hereinafter "Service Providers") 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 Service Provider shall establish a unit-based price to be charged for the Collection/drop-off disposal of each unit of MSW from residential customers; for example, 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 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 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 IV: FLAT FEE

In addition to the unit-based price charged per unit of MSW, 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 MSW.

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 unit-based 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; except however, that no Service Provider 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 Service Provider may incorporate the cost of 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 V: FILING OF PRICING SYSTEM
The Service Provider 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 White River Alliance Solid Waste District or shall file such evidence along with their license application.

Article VI: 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)

	Civil Penalty	Waiver Fee
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 VII: 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(s) 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 ~~7th~~ day of ~~April~~, 20~~15~~.

2nd day of June, 2015

Jerry Dougherty

Selectboard ~~OR Board~~ Member if from a District Board of Supervisors

Selectboard OR Board Member if from a District Board of Supervisors

Selectboard OR Board Member if from a District Board of Supervisors

Attest: Patricia S Hoskins