

REFUSE DISPOSAL ORDINANCE  
TOWN OF CLARENDON

1. Purpose and Authority

For the purpose of promoting the public health, safety, welfare and convenience, and following the intent of the Resolution adopted at the Clarendon Town Meeting on March 5, 1974, the Town of Clarendon through its Board of Selectmen adopts this Ordinance under its powers, as provided by law, to regulate or prohibit the storage or dumping of refuse, to define what constitutes a public nuisance and provide procedures and take action for its abatement or removal, and to provide for penalties for ordinance violations.

2. Definitions

- open dump: A refuse disposal area where refuse is deposited without compaction and/or without compacted cover at the end of each day's use.
- operate: Establish, erect, construct, maintain, carry on, manage, own, lease, oversee; any of the foregoing, either directly or indirectly, by agent or otherwise.
- person: Any municipal or other corporation; any individual or group, partnership, association or firm of any nature whatsoever.
- public nuisance: A refuse disposal area operated in violation of State law or regulation or of this Ordinance, shall be presumed to be a public nuisance; the presumption shall not be rebuttable solely on the basis of the number of persons affected by the nuisance.
- refuse: All putrescible and non-putrescible waste including garbage, rubbish, trash, ashes and everything else commonly referred to as refuse.
- refuse disposal area: Land used for storage, dumping or disposal of refuse by any means, including any dump or sanitary landfill area.

*adapted Sept. 9, 1974*  
*Effective Date Nov. 9, 1974*

3. Compliance with State Law and Regulations

No person shall operate a refuse disposal area within the Town of Clarendon (a) without first having received the express technical approval of the State of Vermont agency having jurisdiction over such matters; and (b) unless all State of Vermont agency regulations pertinent to refuse disposal areas are complied with fully and continuously.

4. Certain Activities Prohibited

Although the requirements of Paragraph 3 are fulfilled,

- (a) no person shall operate an open dump within the Town of Clarendon; nor operate a refuse disposal area in a manner in which burning of refuse may occur; nor operate a refuse disposal area in any "floodway" or "flood hazard area" as defined by State law (see 10 V.S.A. § 752 - Added 1973, No. 263 (Adj. Sess.) § 2, eff. 30 days from April 16, 1974); and
- (b) no refuse originating outside of the Town of Clarendon shall be deposited in any refuse disposal area or on any real property within the Town of Clarendon by any person.

5. Enforcement

(a) A person who violates this ordinance shall be fined not less than \$100.00; each week the violation continues shall constitute a separate offense.

(b) A prosecution under Subparagraph (a) of this Paragraph shall not preclude enforcement, by or on behalf of the Town of Clarendon, of any civil remedy the Town may have to abate or enjoin any violation of this ordinance.

(c) Whenever a refuse disposal area located within the Town of Clarendon is alleged to be a public nuisance, any resident of the Town of Clarendon may bring an action on behalf of the Town of Clarendon to abate such nuisance and to enjoin the person or persons operating the same and any or all persons owning any legal or equitable interest in the place from further operating or permitting the same either directly or indirectly. This provision shall not be construed to prevent any resident from enforcing, in the same or another action, any private right the resident has as a result of the nuisance.

*Board of Selectmen  
Town of Clarendon  
September 9, 1974*