

TOWN OF MORGAN VERMONT

CIVIL ORDINANCE

VARIABLE RATE PRICING BY VOLUME

FOR MUNICIPAL SOLID WASTE COLLECTION

WHEREAS, the Town of Morgan, 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 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 of Morgan is implementing and requiring variable rate pricing charges for municipal solid waste (hereinafter "MSW") collection from residential customers based on the volume of the waste collected. This requirement 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 protection of the environment, the Selectboard of the Town of Morgan hereby adopts this ordinance requiring Variable rate pricing charges for collection of MSW from residential customers in the Town of Morgan, Vermont.

Article I: PURPOSE; TITLE

Purpose. This ordinance is enacted to encourage 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 or unit based pricing."

Article II: DEFINITIONS

1. "Collection" shall mean the gathering, pickup, acceptance, and allowance to drop 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.
2. "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.
3. "Hauler" shall mean any person that collects, transports, or delivers solid waste generated within a given area.
4. "MUNICIPAL SOLID WASTE" hereinafter referred to as 'MSW', means combined household, commercial, and industrial waste materials generated in a given area.
5. "Variable rate pricing" means a fee structure that charges for MSW Collection based on its volume.

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 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 35 Gal, 50 Gal, or 64 Gal. container shall carry an increased charge. All units must carry the Town of Morgan logo.

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.

ATTACHMENT 'A'

Fee structure for unit based (30 gal)

The charge for the MSW bag disposal [**30 Gallon**] size

will be **\$2.50/bag** and is subject to adjustment by the Select Board

ATTACHMENT 'B'

Residential items that will be banned from trash disposal:

Effective **July 1, 2015: Recyclables including:**

- Aluminum and steel cans
- Aluminum foil and aluminum pie pans
- Glass bottles and jars from foods and beverages
- PET and HDPE plastic bottles and jugs
- Corrugated cardboard
- White and mixed paper
- Newspaper, magazines, catalogues, paper mail, and envelopes
- Box board
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Article III: FLAT FEE

In addition to the unit-based price charged per bag 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.

At this time it is not anticipated that the Selectboard will levy a flat fee for collection and disposal of MSW. Charges for operations, transportation and disposal of MSW that are in excess of revenue from per bag charges shall be levied as a tax based on the grand list as is presently done.

Nothing herein shall prevent or prohibit a Service Provider from charging additional fees for the Collection of materials such as food and yard materials 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 the state statutes. A Service Provider may incorporate the cost of the Collection cost of mandated recyclables into the cost of Collection of solid waste and may adjust the charge for the Collection of solid waste.

Article IV: FILING OF PRICING SYSTEM

A 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 Town of Morgan or shall file such evidence along with their license application.

Article V: PENALTIES AND CIVIL ENFORCEMENT

1. 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.

The penalties for violating this ordinance are as follows:

1st offense: Notice of Violation (written warning-demanding Variable rate pricing)

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
2 nd offense:	\$100.00	\$50.00
3 rd offense:	\$250.00	\$125.00
4 th and subsequent offenses	\$500.00	\$300.00

4.

The waiver fee is paid by a violator who admits or does not contest the violation.

Article VI: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provision of this ordinance are hereby repealed to the extent of such inconsistency.

Article VII: SEVERABILITY

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

Article VIII: EFFECTIVE DATE

This ordinance shall become effective July 1st, 2015

Adopted this date __11th____ day of May, 2015

Selectboard _____ Chair

Selectboard _____

Selectboard _____