

**Office of the Commissioner  
103 South Main Street  
Building 1 South  
Waterbury, VT 05671-0401  
(802) 241-3800**

October, 1995

Dear Town Officials:

Several towns have approached the Department of Environmental Conservation (DEC) and the Vermont League of Cities and Towns (VLCT) over the past year with an interest in adopting a local ordinance limiting the illegal dumping and burning of refuse. The practice of illegal dumping and burning has become common in some towns and is a source of annoyance and health complaints by citizens. There are a variety of ordinances, proposed and adopted, which vary greatly in their thoroughness. Because of the concern expressed by the public and the time and effort required for towns to develop an ordinance, the DEC felt it prudent to draft a model ordinance which would be both comprehensive and straight forward. We have attached this model ordinance for your consideration. VLCT and DEC attorneys have reviewed this model ordinance and we believe that this is an appropriate type of ordinance for towns to adopt. Please note that this is not meant to be a comprehensive solid waste management ordinance such as some towns have already adopted, but a simple ordinance that addresses minor solid waste disposal violations. Towns can use this ordinance as a starting point to develop their own ordinance suited to the specific needs of their town.

As you know, the Vermont Legislature passed a law during the 1994 session that could greatly facilitate the enforcement of local ordinances prohibiting the disposal of trash by illegal burning and dumping. This law, codified at 23 V.S.A. 2301, expands the traffic bureau to the "Traffic and Municipal Ordinance Bureau" and allows municipalities to handle the enforcement of municipal ordinance violations in a manner similar to the handling of traffic violations. Several towns have already adopted ordinances prohibiting the illegal disposal of refuse with this new legislation in mind.

In structuring an ordinance for your own town you may consider adding a schedule of penalties for first offenses and for repeat violations. The maximum total penalty for the enforcement of civil ordinance violations in the Traffic and Municipal Ordinance Bureau is \$500. Some towns may want to further restrict burning by limiting the burning of natural wood such as brush, leaves and garden wastes in more densely populated villages or residential areas. Please note that in Article V concerning the designation of enforcement personnel, towns have a great deal of flexibility as to whom they designate to enforce the ordinance and write the tickets. For more information on the use of the Municipal Ordinance Bureau you should contact the Vermont League of Cities and Towns in Montpelier at (802) 229-9111.

We are pleased to be working together to protect the health of our citizens and their right to breath clean air. Should you have questions regarding this model ordinance or open burning in general, please contact the Air Pollution Control Division in this Agency at 241-3840. Should you have questions regarding solid waste disposal you should contact the Solid Waste Management Division at 241-3444. As always, you may also contact the Vermont League of Cities and Towns at 1-800-649-7915. Any comments or feedback would also be appreciated.

Sincerely,

William C. Brierley, Commissioner  
Department of Environmental Conservation

Sincerely,

Karen Horn, Director of Membership  
Vermont League of Cities and Towns

WCB/KH/ple

enclosure

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