

VILLAGE OF LUDLOW, VERMONT
GARBAGE AND RUBBISH ORDINANCE

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ARTICLE 1. AUTHORITY AND PURPOSE OF ORDINANCE

- 1.01 The Board of Trustees of the Village of Ludlow do hereby adopt the following ordinance pursuant to Vermont Statutes Annotated, Title 24, Sections 1971, 1972 and 1974 to provide for the weekly pickup of garbage and rubbish at the residential dwelling units located on the public streets of the Village of Ludlow.

ARTICLE 2. DEFINITIONS

As used in this ordinance, the following terms shall have the respective meanings here assigned to them:

- 2.01 RESIDENCE shall mean and include a detached single family structure designed or intended primarily for occupancy by one (1) person or by one (1) family. Each trailer, mobile or manufactured home, regardless of whether the site is owned, leased or rented by the occupant, shall be included. Residence shall include duplex, triples or multi-dwelling structures, regardless of ownership or configuration.
- 2.02 DWELLING shall mean that portion of a multi-unit residence designed or intended primarily for occupancy by one (1) person or by one (1) family.
- 2.03 CONTRACTOR shall mean the agent contracted by the Village of Ludlow Board of Trustees to collect and remove all garbage and rubbish once weekly from the collection place at each residential dwelling unit.
- 2.04 GARBAGE shall mean all organic waste whether animal, fish, fowl, fruit or vegetable matter produced or resulting from the use and storage of food for human or animal consumption, sewerage from any source is specifically excluded.

- 2.05 RUBBISH shall mean domestic solid combustible and incombustible waste, including brush, leaves, grass, garden waste, waste wood, printed matter, paper, pasteboard, rags, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, packaging, crockery, glass, ashes, cinders, floor sweeping, mineral or metallic substances, and any and all other waste materials not included in the definition of garbage, construction debris or hazardous waste.
- 2.06 CONSTRUCTION DEBRIS shall mean waste building materials resulting from construction, remodeling, repair or demolition operations; except that occasional residential construction debris placed in a container for collection shall be treated as rubbish.
- 2.07 CONTAINER shall mean and include any plastic, metal or fiberglass receptacle of not less than twenty (20) and no more than thirty-five (35) gallons capacity and weighing no more than fifty (50) pounds when full, furnished with a top or lid and two handles; it shall also mean plastic bags, which when full shall not exceed forty (40) pounds gross weight and which shall have sufficient wall strength to maintain physical integrity when lifted by the top. Bags shall be securely tied at the top and secured within a container and away from animals if holding organic matter. Container shall also mean a recycling collection bin selected and furnished by the Contractor.
- 2.08 RECYCLABLES shall mean at a minimum those guaranteed materials or commodities identified in the Contractor's Proposal for Curbside Recycling Program, plus any additional commodities or materials which the Contractor may choose to add to the recycling program during the life of the contract.
- 2.09 COLLECTION PLACE shall mean the location where garbage, rubbish and recyclables are placed prior to scheduled collection it shall be outside each residence or dwelling at the street edge, curb, gutter or rear edge of the sidewalk or at a properly constructed storage area acceptable to the Contractor and readily accessible to Contractor's personnel; apartment building; service for the infirmed or disabled will be at the convenience of the resident and treated as an exception.

ARTICLE 3. REGULATIONS

- 3.01 No rubbish, trash or garbage shall be set out to be picked up at any time prior to 6:00 A.M. on the day of collection.
- 3.02 Service is provided by a contractor who shall collect and remove once weekly all garbage, rubbish from the collection place at each residential

dwelling unit each Monday, except when a national holiday falls on Monday, in which case it will be collected on Tuesday.

- 3.03 It shall be a violation of this ordinance for any person to deposit, dump, or otherwise dispose of garbage or rubbish in any privately owned or maintained container other than their own.
- 3.04 No person shall set out or receive garbage or rubbish except that which is generated by and within the immediate property.

ARTICLE 4. ENFORCEMENT AND PENALTIES

- 4.01 This ordinance is designated as a Civil Ordinance, pursuant to 24 VSA 1971 (b). This ordinance may be enforced by any municipal official, by issuing a Municipal Complaint under 24 VSA 1977 (a).
- 4.02 The violation of this ordinance shall be a misdemeanor and a fine not exceeding \$100.00 per day may be assessed for each offense.

ARTICLE 5. SEVERABILITY

- 5.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.
- 5.02 The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 6. PUBLICATION AND EFFECTIVE DATE

The foregoing ordinance is hereby adopted by the Board of Trustees of the Village of Ludlow, Vermont, this eighth day of November, 1971.

ARTICLE 6 above is amended to read:

- 6.01 No section of this Ordinance shall be construed to supersede or replace any Vermont statute.
- 6.02 This Ordinance shall be entered in the minutes of the Board of Trustees meeting, and posted in at least five (5) conspicuous places with the Village of Ludlow and published in a newspaper circulating in the

Village on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

- 6.03 This Ordinance shall become effective on June 2, 2008, sixty (60) days after the date of its adoption by the Village Board Trustees, unless a petition is filed with the Village Clerk by May 15, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Village Trustees, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the Ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby re-adopted by the Board of Trustees of the Village of Ludlow, Vermont on this 1st day of April, 2008.

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

Robert Gilmore, Chair
David Rose
James Fuller