



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Lee Perry
*DIVISION DIRECTOR
DPW MIANTENANCE DIVISION*

MEMORANDUM

To: Transportation, Energy, and Utilities Committee

From: Chapin Spencer, Director
Lee Perry, Division Director DPW Maintenance

Date: June 21, 2022

Re: Clarification and Changes to Chapter 14. Solid Waste – Article I. In Regard to Solid Waste Requirements, and Regulation of Recycling Cart Toter Size For Residential Properties.

Request

The Department of Public Works, and the City Attorney's Office respectfully request that the attached amendments to City Ordinance Chapter 14. Solid Waste, Article I. Solid Waste Requirements, and Regulation of Recycling Toter Size for Residential Properties.

Background

The City of Burlington currently collects recycling from residential properties, using covered wheeled, recycling carts supplied and available for purchase through the City. The carts available, for purchase, come in sizes that range from 35 gallon \$10.00, 65 gallon \$20.00, and 95 gallon \$25.00 wheeled, covered carts to meet the individuals needs based on the amount of recycling produced. Still in use throughout the City however, are the blue rectangular bins that originated from the recycling programs inception in 1992. Since that time there has been the introduction of wheeled, covered, carts that are equipped with lifting hardware that allows our recycling drivers to lift and empty with mechanical devises that come equipped on our trucks. Using the carts, not only improves efficiencies, but also saves on injuries to drivers, and the amount of debris that is blown from the uncovered blue bins that are still in use. This blown material is now non-recyclable material that is lost from the system, and becomes litter that is destined for the landfill.

We understand from previous feedback from City Councilors, any efforts to further increase the prevalence of toters would be welcome. As a result, the Administration has allocated \$500,000.00, within DPW's proposed FY'23 Recycling budget to provide every residential property, with a City approved wheeled recycling cart (~7,600 carts). The carts will be provided to residents at the current rate charged by DPW, to align with costs of carts that have been sold prior this effort. The change in

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ordinance, and the purchase of these carts would allow DPW to remove from service the remaining blue bin's, and replace with wheeled, covered carts.

Proposed Ordinance Changes

DPW has worked with the City Attorney's Office to propose changes to the Burlington Code of Ordinances, Chapter 14 (Solid Waste), the purpose of which is to provide clarity and update solid waste and recycling requirements regarding the separation, storage, and collection of recyclables and solid waste. Please see the attached proposed change (Attachment A).

Also, it is the advice of the City Attorney's Office that if the proposed ordinance change is brought to the City Council, it should be accompanied by a resolution formally rescinding the defunct 1991 waste regulations that are still on the books because these have the potential to create confusion in the record as they partially conflict with current and to-be-updated sections of the Code of Ordinances regarding solid waste.

Proposed Timeline

For planning purposes, here is a preliminary timeline indicating the window when we will need to get Ordinance changes to advance this effort.

- Late June 2022: Send out RFP for various size recycling carts based on popular sizes, size of property, and establish manufacturing completion, and delivery date from a July 1 order. May need to be delivered in two shipments based on storage space available.
- July 2022: Send proposed ordinance changes for Chapter 14 Solid Waste for either adoption or referral to Ordinance Committee.
- September 2022: Desired time of Council approving ordinance changes for Chapter 14 Solid Waste if referred to Ordinance Committee.
- October 2022: Work with Public Works Information Manager to do outreach and advertising for purchase of carts.
- October 2022: Ordinance requirements in effect and staff will coordinate sale and delivery of carts to residents. This may require recruiting additional seasonal staff to help with delivery.

Given the proposed direction would require residents to purchase toters and to stop using bins, we want to make sure the Transportation, Energy, and Utilities Committee, is in general alignment on this direction prior to DPW staff advancing Ordinance changes to the full City Council. We are sharing the draft Ordinance language for your review and initial feedback.

If you have any questions please reach out to Lee Perry lperry@burlingtonvt.gov

Attachment:

- A. Proposed Ordinance Change re. Solid Waste Requirements and Regulation of Recycling Cart Toter Size for Residential Properties.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Dept. of Public Works;
Dept. of Permitting & Inspection
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

First reading: _____
Referred to: _____

An Ordinance in Relation to

Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

CHAPTER 14. SOLID WASTE—
ARTICLE I. IN GENERAL—
UPDATE OF SOLID WASTE & RECYCLING
REQUIREMENTS RE SEPARATION, STORAGE, AND
COLLECTION

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 14. Solid Waste, Article I. In General of the Code of Ordinances of the City of Burlington be and
2 hereby is amended to read as follows:

Commented [TD1]: Note: I have included all portions of Chp.14, Art.1 (§§14-1—14-18) to provide context during initial amendment conversations. Any unaltered sections will not appear in the draft that goes to Council and the Ordinance Committee.

4 14-1 Purpose.

5 The purpose of these provisions (sections 14-1 through 14-10) is to protect the health and welfare of the
6 citizens of Burlington, to promote energy and resource conservation and to protect the environment. The city
7 council hereby adopts these provisions to regulate the separation, recovery, collection, removal, storage and
8 disposition of solid waste, including recyclables, in the city.

Commented [TD2R1]: Also, this should be accompanied by a resolution nullifying the 1991 regulations which conflict with the ordinances and are still on the books.

10 14-2 Definitions.

11 The following definitions shall apply to this article:

- 13 - Authorization by the City of Burlington: Authorized pursuant to a legal contract or other written
14 authorization entered into by the city and a private third person as defined herein.
- 16 - Curbside: an area adjacent to the street, curb, or roadside ditch, but in no case greater than ten
17 (10) feet from the curb or roadside nor directly on the traveled portion of any road or sidewalk.
- 19 - Designated area: an area selected for placement of solid waste for collection, which must be
20 readily accessible at all times by a conventional solid waste collection vehicle and not directly on
21 the traveled portion of any public road or sidewalk. An area may be so designated through mutual
22 agreement between a person and their hauler. However, the location of a designated area shall not
23 violate any applicable local or municipal ordinance.

Commented [TD3]: Added bullets.

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- 24
- 25 - Hazardous waste: any waste or combination of wastes of a solid, liquid, contained gaseous, or
- 26 semi-solid form, including those that are toxic, corrosive, ignitable, reactive, strong sensitizers, or
- 27 that generate pressure through decomposition, heat, or other means, that in the judgment of the
- 28 Secretary may cause or contribute to an increase in mortality or an increase in serious irreversible
- 29 or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence
- 30 and degradability in nature, and its potential for assimilation, or concentration in tissue, and other
- 31 factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of
- 32 persons or other living organisms, or any matter that may have an unusually destructive effect on
- 33 water quality if discharged to ground or surface waters of the State. All special nuclear, source, or
- 34 by-product material, as defined by the Atomic Energy Act of 1954 as subsequently amended and
- 35 codified in 42 U.S.C. § 2014, is specifically excluded from this definition.
- 36
- 37 - Hauler: any person who collects, transfers, or transports solid waste generated within Chittenden
- 38 solid waste District borders for compensation, including any operator of a vehicle or trailer, or a
- 39 container on or attached to such vehicle or trailer, to collect solid waste from self-haulers.
- 40
- 41 - Household hazardous waste: any waste from households that would be subject to regulation as
- 42 hazardous wastes if it were not from households.
- 43
- 44 - *Person:* Any person, firm, partnership, association, corporation, company or organization of any
- 45 kind.
- 46
- 47 - *Recyclable:* ~~Recyclable material as specifically identified in regulations promulgated pursuant to~~
- 48 ~~these provisions)~~ Solid waste which may be reclaimed or processed so that it may be used in the
- 49 production of materials or products.
- 50
- 51 - *Self-hauler:* any person who transports and delivers his or her own solid waste or solid waste
- 52 from other individuals within a member municipality for no compensation.
- 53
- 54 - *Solid waste:* Any solid waste as defined in Title 10 V.S.A. section 6602.

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55

56 **14-3 Solid waste regulation.**

57 In accordance with section 48(VI) of the City Charter, the collection, removal and disposal of all solid waste,
58 including recyclables, within the limits of the city shall be regulated by the city council. ~~Such regulations as
59 are necessary and appropriate to effectuate the aims of this chapter shall be proposed by the public works
60 commission for approval by the city council.~~

61

62 **14-4 Collection.**

63 (a) The city council is authorized to employ or make contracts with individual persons for the separation,
64 recovery, collection, removal, storage or disposition of solid waste, including recyclables. Contracts will be
65 reviewed and awarded by the city council and/or the public works commission consistent with current city
66 policy. Contracts which are awarded pursuant to this authority shall be advertised or otherwise put to
67 competitive bid as required by city policy. Contracts may be rejected or awarded at the sole discretion of the
68 city for any reasons which it deems appropriate, including, but not limited to, the efficiency of scale, past
69 performance, stability of operation and need for competition.

70

71 (b) All collectors and haulers of solid waste and recyclables in the city shall register with the department of
72 public works and such registration shall constitute authorization to collect and dispose of solid waste and
73 recyclables. Registrants may be required to provide information necessary to assure the proper handling of
74 such materials. The public works commission, with city council approval, may establish other requirements,
75 including a registration fee, necessary to carry out these provisions.

76

77 (c) Those businesses, landlords or institutions that elect to implement their own collection or disposal
78 programs may do so only with the approval of the public works commission and shall register with the
79 department of public works, which shall have the authority to monitor such programs for compliance with
80 ~~regulations adopted pursuant to these provisions~~ any provision of this chapter.

81

82 (d) The department of public works may establish, and modify as necessary, a schedule for the collection of
83 recyclables by the city from residential properties.

84

Commented [TD4]: Authority for DPW to set collection schedule:
City Charter, Article 19. Powers Of City Council § 48 Enumerated, Subsection (63)(d) The public works director shall have the special and immediate care and practical supervision of the public works department, its personnel and its facilities and equipment, subject to the authority of the mayor as chief executive officer and the orders and ordinances of the city council.

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14-5 Public safety.

~~No person having the custody or control of residential, industrial or business premises in the city from which solid waste, including recyclables, is collected shall permit or cause any solid waste, including recyclables, within their control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, other than yard waste, may not be deposited or otherwise left out of doors unless it has been placed in the proper container as defined by regulations promulgated pursuant to this article. All containers must be kept covered with a tightly fitting lid. The public works commission shall promulgate regulations, subject to approval by the city council and consistent with health and zoning regulations, to ensure the public health and safety, including aesthetic concerns, regarding the placement and screening of waste containers. Household hazardous wastes may only be disposed of in accordance with regulations adopted pursuant to this article.~~

Commented [TD5]: Moved below for clarity to reader.

14-6 Illegal dumping.

(a) It shall be unlawful for any person, business or corporation to enter any city solid waste facility when such facility is not open; nor shall they deposit, dump or leave solid waste of any kind in any such facility or adjacent thereto, whenever the facility is open without the express permission of the authorized operator of said facility.

(b) It shall be unlawful for any person to deposit, dump or leave solid waste in any privately owned or maintained disposal container other than their own, nor any other private property, without the consent of the owner.

(c) It shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public buildings, grounds, highways or on the person of anyone using such public buildings, grounds or highways without the express permission of the city department having control over such container.

14-7 Open fires and incinerators.

The burning or incineration of any solid waste or recyclables in the city is prohibited. No exemptions from this prohibition shall be made except that after review by the fire department, the city council may grant an

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115 exception due to extraordinary circumstances to maintain or protect the public good or for a special event in
116 the city. Provided further, that this section shall not be applicable to fire department training sessions,
117 campfires which are regulated by the parks department or to residential outside cooking units.

118

119 **14-8 Solid waste in proper container; separation and storage of recyclables.**

120 (a) No person having the custody or control of residential, industrial or business premises in the city from
121 which solid waste, including recyclables, is collected shall permit or cause any solid waste, including
122 recyclables, within their control to become a hazard to public travel, health or safety or to become a nuisance
123 of any sort. Solid waste, other than yard waste, and household hazardous wastes may not be deposited or
124 otherwise left out-of-doors unless it has been placed in the proper container.

125

126 ~~(a)~~ (b) Except as hereinafter provided, recyclables from all residences shall be kept separate from other
127 solid waste in a covered wheeled recycling container with a minimum capacity of thirty-five (35) gallons
128 either provided or approved by the department of public works (“toters”), except as provided for in Section
129 18-111 of this Code of Ordinances, and either delivered to a collection facility or placed at the Curbside or
130 designated area for pickup as defined in regulations adopted pursuant to this article and on file with the city
131 clerk.

132

133 ~~(b)~~ (c) Businesses, institutions and industries located within the city shall separate recyclables from all
134 other solid waste ~~in accordance with regulations adopted pursuant to this article.~~ Once separated, such
135 materials shall be placed in city-approved containers and in clearly marked designated areas ~~as described in~~
136 ~~the regulations.~~

137

138 ~~(c)~~ (d) ~~In accordance with regulations adopted pursuant to this article, any~~ Any person within the city may
139 properly dispose of recyclables at private collection facilities or at collection areas maintained by the city or
140 its designated agent for that purpose.

141

142 ~~(d)~~ (e) Placement requirements may be waived by the department of public works if for reasons of age,
143 infirmity or handicap or disability a resident is unable to comply.

144

Commented [TD6]: New language added for DPW's uniform recycling toters initiative.

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145 Cross reference—Minimum Housing Standards Ordinance of the City of Burlington, § 18-111.

146

147 **14-9 Collection by unauthorized person.**

148 It shall be a violation of this article for any person not authorized by or registered with the city to collect or
149 pickup or cause to be collected or picked up for profit or for disposal outside of city authorized disposal sites
150 any solid waste, including recyclables. Any and each such collection shall constitute a separate and distinct
151 offensive punishable as hereinafter provided.

152

153 **14-10 Penalties and enforcement.**

154 (a) ~~Any person violating any provision of this chapter or the regulations enacted hereunder~~ A violation of
155 any provision of this chapter shall constitute a civil offense enforceable under section 1-9 of this Code of
156 Ordinances. Each day that a violation is continued shall constitute a separate offense.

157

158 (b) The city, or its designated agent, reserves the right to refuse to collect solid waste or to refuse to allow
159 disposal at any facility operated by the city or for the benefit of the city where ~~these the provisions or the~~
160 ~~regulations promulgated hereunder~~ of this chapter are ignored or violated. The city further reserves the right
161 to terminate the authorization of any hauler who violates ~~these the provisions or the regulations promulgated~~
162 ~~hereunder~~ of this chapter.

163

164 (c) Unless otherwise provided for herein, each day that a violation shall continue or exist shall constitute a
165 separate offense.

166

167 (d) The city may, upon the violation of any provision of ~~these provisions this chapter, maintain an action to~~
168 ~~enjoin the violation of these provisions, or any regulations adopted to implement the same, but the election of~~
169 ~~the city to proceed with an application or petition for an injunction shall not prevent a criminal prosecution~~
170 ~~for the violation of these provisions~~ bring an action for injunctive relief in addition to or in lieu of any fine
171 imposed under 1-9 of this Code of Ordinances.

172

173 (e) Expenses incurred by such action ~~taken by the city~~ shall be recovered ~~by~~ against the person whose legal
174 duty it was to comply with these provisions.

Commented [TD7]: Changed to civil offense, because as previously written, under 1-9 this a violation of this chapter is by default a *criminal* offense. This is ultimately up to City Council to endorse or reject.

Commented [TD8]: The original language is flawed because it implies that injunctive relief and a civil fine cannot be simultaneously pursued.

Commented [TD9R8]: Regarding the striking of “criminal prosecution” language, see above comment referencing 14-10(a) and whether violations of this chapter should be criminal or civil.

Commented [TD10]: Broke out sentence into a new section for ‘responsibility of incurred costs’ because this is separate topic.

Commented [TD11]: Original language implies that the violator is the one who ‘recovers’ any attorney fees, etc. The violator should have to *pay* the costs, not recover them.

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175

176 Cross reference—General penalty; continuing violations, § 1-9.

177

178 **14-11 Inconsistent repeal.**

179 All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the
180 provisions of the ordinance from which this article was derived are hereby repealed to the extent of such
181 inconsistency.

182

183 **14-12 Severability.**

184 The ordinance from which this article derives and the various parts, sentences, sections and clauses thereof
185 are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby
186 provided that the remainder of this article shall not be affected thereby.

187

188 **14-13 Effective date.**

189 The provisions of this article shall become effective June 27, 1991.

190

191 **14-14 Solid waste generation tax.**

192 (I) GENERAL PROVISIONS:

193

194 (a) Title. This section may be cited as the "Solid Waste Generation Tax Ordinance."

195

196 (b) Purpose and authority. This section is enacted to raise revenue for recycling purposes under
197 authority of the Charter of the City of Burlington, Act No. 298, Acts of 1949, as amended, Sections
198 48VI and 49.

199

200 (II) TAXES IMPOSED:

201

202 (a) There is hereby imposed a tax upon the collection and removal of solid waste and the disposal
203 of same by persons or agencies registered with the City of Burlington under Section 14-4(b) or
204 licensed by any other government entity to collect or haul solid waste from within Burlington.

Commented [TD12]: Correction of typo.

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205

206 (b) The tax shall be imposed upon solid waste haulers and collectors at the rate per month per
207 residential dwelling unit served in Burlington set forth in the city's budget or as established by
208 resolution of the city council. The amounts of tax charged are not refundable.

209

210 (c) Compliance required. It shall be unlawful for any person to transact or carry on any solid waste
211 collecting or hauling business, occupation or activity within Burlington subject to the provisions of
212 this section without complying with all applicable provisions herein.

213

214 (III) DEFINITIONS:

215

216 In addition to the definitions set out in section 14-2, for the purposes of this section the following terms,
217 phrases, words and their derivations shall have the meanings given herein:

218

219 (a) Council means the city council of the City of Burlington, Vermont.

220

221 (b) Monthly period means such period which shall begin on the first day of each calendar month
222 and includes the last day of each calendar month.

223

224 (c) Residential dwelling unit shall mean a room or group of rooms located within a dwelling and
225 forming a single habitable unit with facilities which are used or intended to be used for living,
226 sleeping, cooking and eating.

227

228 (d) Successor means any person who shall, through direct or mense conveyance, purchase or
229 succeed to the business, or portion thereof, or the whole or any part of the stocks, goods, wares or
230 merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or
231 otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be
232 deemed a successor to any contractor defaulting in the performance of any contract as to which such
233 person is a surety or guarantor.

234

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235 (e) Sworn statement shall mean an affidavit sworn to before a person authorized to take oaths or a
236 declaration or certification made under penalty of perjury or an accounting of gross receipts of
237 business done as required to be filed under this section.

238
239 (f) Taxpayer includes any individual, group of individuals, corporation, partnership or association
240 required to pay a tax under this section, or any person who engages in any occupation for which tax is
241 imposed by this section.

242
243 (g) Treasurer means the treasurer of the City of Burlington or his/her designated representative.

244
245 (h) Uncollectible account means an account held by a hauler or collector for provision of collection
246 services to residential dwelling unit(s) which has become delinquent and the hauler or collector has
247 cancelled that account.

248
249 (IV) TAX—WHEN DUE:

250
251 (a) Application for tax identification number; required information; issuance; failure to file deemed
252 violation. Every taxpayer subject to the provisions of this section shall file within fifteen (15) days of
253 the effective date hereof an application with the department of public works for an identification
254 number. This application shall contain the legal name of the taxpayer, any trade name(s) employed,
255 the address, principal place of business, phone number, authorized agent for service of process, the
256 number of Burlington residential dwelling units served by the taxpayer in the preceding month and
257 any other information required by the department of public works ~~solid waste regulations~~. Upon
258 receipt of a complete application, the department shall issue to each taxpayer an identification
259 number. Failure of a taxpayer, or anyone reasonably likely to be a taxpayer as herein defined at the
260 time that levy of the taxes herein commences, to file for an identification number shall be a violation.

261
262 (b) Remittance. The tax imposed by this section shall be due and payable commencing October 31,
263 1993, in monthly installments and remittance therefor shall be made on or before the last day of the
264 month next succeeding the end of the monthly period in which the tax accrued. The remittance shall

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265 be made as provided in this section and shall be accompanied by a return on a form to be provided
266 and prescribed by the city treasurer. The taxpayer shall be required to make a sworn statement that
267 the information therein given is complete and true and that the taxpayer knows the same to be so.

268
269 (c) Assessment of tax upon failure to file return. If a person fails to file a return or a complete return
270 under oath when required to do so by this section, the treasurer or department of public works shall
271 fix his [their] liability using any information in their possession for the period in respect to which
272 such person has failed to file a return and shall assess the amount of tax due including applicable
273 penalties.

274
275 (d) When delinquent. The tax shall be considered delinquent on the day after it becomes due and
276 payable pursuant to subsection (b) above.

277
278 (e) Statement of balance due; limitation. If it is determined that a taxpayer has failed to pay any tax,
279 penalty or portion thereof due under this section, the taxpayer shall be mailed a statement showing
280 the balance due and shall add thereto a thirteen dollar (\$13.00) late penalty payment or interest at the
281 rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall
282 be subject to interest at a rate of twelve (12) percent per year from the date of underpayment. Such
283 interest shall accrue until the date of payment. Within five (5) days from the date the statement is
284 mailed, the taxpayer shall pay such balance and all interest due thereon. No such demand shall be
285 made more than four (4) years after the close of the fiscal year in which the same accrued, except:

286
287 (1) As against a taxpayer who has been guilty of fraud or misrepresentation of material
288 facts; or

289
290 (2) Where a taxpayer has executed a written waiver of such limitation.

291
292 (f) Closing returns for businesses closing or changing ownership. In the event any business subject
293 to the tax defined herein closes or changes ownership, such business shall file a closing return with
294 the department of public works and pay the tax due within thirty (30) days from the time of closing or

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295 changing or ownership of such business. A closing return shall be construed delinquent if not filed
296 within the specified time. In the event a business referenced above fails to file a closing return, it
297 shall be the responsibility of the successor to file the return and pay any taxes and penalties due
298 thereunder.

299

300 (g) Notification upon change of type of business or activities. It shall be the responsibility of the
301 taxpayer to advise the department of public works of any change in the type of business or the
302 activities carried on or other required information.

303

304 (h) Extension. For good cause and for not more than ninety (90) days the time for paying any sum,
305 or a portion thereof, required to be paid hereunder may be extended by the department of public
306 works. The extension may be granted at any time, provided a written request therefor is filed with the
307 city treasurer prior to the delinquency date. Interest at the rate herein stated shall accrue during the
308 period of extension.

309

310 (V) PAYMENT OF TAX:

311

312 At the time the return is required to be filed under this section, the tax shall be paid to the department of
313 public works by bank draft, certified check, cashier's check, personal check or money order, or in cash. If
314 payment is made by draft or check, the tax shall not be deemed paid unless the check or draft is honored by
315 the usual course of business; nor shall the acceptance of any sum by the treasurer be an acquittance or
316 discharge of the tax due unless the amount of the payment is in full and actual amount due. The return shall
317 be presented to the department of public works who shall endorse thereon the date and amount of the
318 payment received by him and forthwith file the return in the office of the city treasurer.

319

320 (VI) EXAMINATION OF RECORDS:

321

322 (a) The director of public works or his/her designee is hereby authorized to request, examine, audit
323 and inspect such books and records of any taxpayer as may be relevant or necessary to verify or
324 ascertain the amount of the tax due.

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325

326 (b) All persons engaged in occupations subject to the provisions of this section are hereby required
327 to permit examination of such books and records for the purpose aforesaid.

328

329 (VII) INFORMATION CONFIDENTIAL:

330

331 (a) Financial information furnished or secured pursuant to this section shall be deemed confidential
332 in character and shall not be subject to public inspection and shall be kept so that the contents thereof
333 shall not become known except to the persons charged with the administration and enforcement of
334 this section.

335

336 (b) No officer, administrator or employee of the City of Burlington shall in any manner reveal the
337 contents of any part or portion of the contents of any confidential information except as otherwise
338 provided in this section, or in a legal action to enforce the provisions of this section, or pursuant to a
339 court order.

340

341 (VIII) RECONSIDERATION AND APPEAL:

342

343 (a) Any person aggrieved by any decision of the director of public works with respect to the
344 assessment of any tax or penalty by the director of public works, or any person aggrieved by the
345 refusal of the director of public works to make a refund requested under paragraph (I), may petition
346 the director of public works for a reconsideration within sixty (60) days after notice shall have been
347 given such person. If a petition for reconsideration is not filed within such period, the amount of the
348 assessment or the refusal to refund shall become final. If a petition is filed within such period, the
349 director of public works shall reconsider the earlier action within twenty (20) days and, if the
350 petitioner so requested in the petition, shall grant such petitioner an oral hearing and shall give the
351 petitioner ten (10) days' notice of the time and place thereof. The director shall issue a final
352 determination in writing to the petitioner within ten (10) days of the petition or the close of the
353 hearing, whichever is later.

354

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355 (b) An appeal from any decision of the treasurer [director] issued under subsection (a) above shall
356 be taken to the Chittenden Superior Court under V.R.C.P. 75

357

358 (c) If an appeal is not taken in strict conformance to this paragraph (VIII), the decision of the
359 director shall be final. The remedies provided by this paragraph (VIII) shall be the exclusive remedies
360 of a taxpayer with respect to any decision taken under this section. Upon failure to petition or appeal
361 as provided under this section, the taxpayer shall be bound by such decision and shall not thereafter
362 contest, either directly or indirectly, such decision in any proceeding, including, without limitation,
363 any proceeding brought to enforce any provision of this section.

364

365 (IX) CREDITS AND REFUNDS:

366

367 (a) If a solid waste hauler or collector makes a payment of this tax based in whole or in part upon
368 services provided to residential dwelling units and such unit(s) have become uncollectible accounts,
369 the hauler or collector shall be entitled to a credit for any portion of taxes which were paid on such
370 uncollectible account(s).

371

372 (b) In the event of overpayment of any tax due under this section, the director of public works, or
373 his/her authorized agent, upon written application by the taxpayer for a refund or credit filed within
374 two (2) years after the date of such overpayment, may offset the amount of such overpayment against
375 the taxpayer's existing tax liability under this section or certify the request for refund for the purpose
376 of processing a cash payment to such taxpayer. Refund of overpayment as authorized in this
377 paragraph (IX) shall be approved by the city council.

378

379 (c) No refund or credit may be allowed with respect to any payments made to the city more than
380 two (2) years before the date of such application. Provided, however, where a taxpayer makes
381 application for a refund or credit of any overpayment made more than two (2) years before the date of
382 such application and such taxpayer has an outstanding tax deficiency, the amount of the refund or
383 credit which would otherwise be allowable for the portion of the assessment period preceding the
384 two-year period shall be offset against any such deficiency.

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385

386 (X) FAILURE TO COMPLY; FALSE RETURNS OR STATEMENTS; LICENSE SUSPENSION OR
387 REVOCATION OF AUTHORIZATION TO COLLECT AND HAUL SOLID WASTE:

388

389 It shall be unlawful for any person subject to the provisions of this section to fail or refuse to do any act
390 required by this section. It shall also be a violation of this section for any person to make any false or
391 fraudulent application, or return, or any false statement or any representation in or in connection with any
392 such application or return, or to aid or abet another in any attempt to evade payment of the tax, or any part
393 thereof. Any such violation shall be grounds for administrative suspension or revocation of authorization to
394 collect and haul solid waste from within the city and for other penalties and enforcement as provided in
395 section 14-10.

396

397 (XI) COLLECTION OF DELINQUENT TAX:

398

399 Any tax due and unpaid and delinquent under this section, and all penalties thereon, may be collected by
400 civil action, which remedy shall be in addition to any and all existing remedies provided by section 14-10.

401

402 (XII) TAX AS A DEBT:

403

404 The amount of the tax and penalty imposed by the provisions of this section shall be deemed a debt to the
405 city.

406

407 (XIII) REMEDIES CUMULATIVE:

408

409 (a) All remedies prescribed in this section shall be cumulative and the use of one or more remedies
410 by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions
411 thereof.

412

413 (b) The conviction and punishment of any person for violation of this section shall not excuse or
414 exempt such person from the payment of any tax due or unpaid at the time of such conviction.

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415

416 ~~(XIV) — ADMINISTRATIVE RULES AND REGULATIONS:~~

417

418 ~~The public works commission with concurrence of the city council shall have the power and it shall be its~~
419 ~~duty from time to time to adopt, publish and enforce rules and regulations for the purpose of carrying out the~~
420 ~~provisions of this section and it shall be unlawful to violate or fail to comply with any such rule or~~
421 ~~regulation.~~

422

423 ~~14-15 — 14-18 Reserved.~~

424

425 14-15 Hazardous wastes and household hazardous wastes.

426 Hazardous wastes and Household hazardous wastes shall only be disposed of either at specific locations
427 designated by the Chittenden Solid Waste District or by pick up by mobile household hazardous waste
428 collection initiatives designated by Chittenden Solid Waste District.

429

430 14-16—14-18 Reserved.

431

432

433

434 * Material stricken out deleted.

435 ** Material underlined added.

436

437

438

439 tm/TD/Ordinances 2022/Chapter 14. Solid Waste—Article I. In General—Update Of Solid Waste & Recycling Requirements Re Separation,

440 Storage, And Collection

441 x/x/2022

Commented [TD13]: Added new language for due Household hazardous wastes.

