



**ARTICLE I. PURPOSE**

The purpose of this ordinance is to regulate the method of landfill operations and the kinds of usable fill that alter the topography; that effectuate changes in the slope of land or influence the natural flow of surface or subsurface waters; or that fill depressions, of whatever kind, cellar holes or raise the topographic level of an area, within the City of Winooski.

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Statutory Cross-Reference: 24 V.S.A. § 2202a.

**ARTICLE III. GENERAL PROVISIONS**

**SECTION 11.01. DEFINITIONS**

As used in this chapter the following shall be defined to mean:

**COMBUSTIBLE SUBSTANCE** shall mean all waste substances capable of incineration or burning, but excluding explosive or highly flammable material.

**FILL OPERATIONS** shall mean those operations which involve landfill or topographic changes to effectuate alterations in the slope of land, that influence the natural flow of surface or subsurface waters, that fill ruts or ravines, that fill cellar holes left after structure demolition, that fill depressions

of whatever kind, or that add fill to raise the topographic level of an area.

LIFT shall mean a layer of fill which shall be composed entirely of non-decayable fill that has an accumulated depth of four (4) feet.

NON-DECAYABLE FILL shall mean fill that is in the nature of stone, sand, brick, or dirt that will not decrease per unit volume due to decay, erosion, disintegration or emulsion.

POTENTIALLY DECAYABLE FILL shall mean fill that may, in the course of ordinary erosion and emulsion, decay, erode, or disintegrate so as to cause a settling of the fill area. Such fill shall include wood refuse and wood by-products, stumpage, scrap building materials or other substances capable of decay or disintegration per unit volume.

REFUSE shall include all waste substances including combustible and noncombustible wastes.

## **SECTION 11.02. PROCEDURE**

- A. Prior to any person commencing any fill operation, as defined by this chapter, application shall be made to the director of public works, the building inspector, and the director of code enforcement (or designees) with the appropriate fee for a permit to conduct said fill operations. The appropriate forms will be available at City Hall.
- B. Applications so filed shall contain a description of:
  - 1. The plat of land on which the disposal of refuse is proposed, including soil conditions;
  - 2. The sequence and plan of operation;
  - 3. Type and capacity of equipment to be used for operations;
  - 4. Fire prevention and control plans;
  - 5. Nuisance and vermin control program;
  - 6. Dust control plan to utilize water in settling dust and airborne particulate, and removal of any refuse left on city streets because of fill operations;
  - 7. Existing topography and watercourses, together with a diagram and written statement explaining proposed location and extent of earth work and fill operations. Where the installation of piping is necessary to route a natural waterflow because of fill operations, provision shall be made for:
    - a) Adequate bed supply for piping;
    - b) Adequate size of piping based on estimation of water basin or area runoff; and

- c) Other information as required those city officials to whom application is made, which may include:
  - (1) Profiles indicating final depth of the fill.
  - (2) Successive layers of fill and earth cover to arrive at final grade.
  - (3) Drainage plan for finished area.
  - (4) Such other information as may be required by the municipality or officials of the city to whom application is made.
- C. Applicants must receive zoning approval prior to any permit being issued.
- D. Approval may be given to an application made pursuant to the terms of this chapter.
- E. In the case of a permit denial, written explanation shall be given to the applying individual(s) as to the reason for permit denial. Reapplication may be made for such permit after modification to conform the proposed operations to the terms of this chapter.

**SECTION 11.03. SITE FILL OPERATIONS**

- A. The following procedures and guidelines shall be observed in any fill operations, as defined by this chapter, conducted within the City of Winooski:
  - 1. The filling of cellar holes left after structure demolition shall be done only with dirt, sand, brick, stone or other noncombustible substance that would pose no health hazard or future danger because of settling or decay. The use of lumber, scrap, building materials, stumpage or other fill composed of wood, shall be prohibited in fill operations of cellar holes within city limits under the terms of this chapter.
  - 2. Where potentially decayable fill, as defined in this chapter, is used as fill material, the following guidelines for site fill operations shall apply:
    - a. Such fill shall be mixed with an equal volume of dirt, sand, stone or brick or other non-decayable fill, or similar substance of a compacted nature that will not decay or disintegrate.
    - b. Fill will be spread in individual layers or cells that do not exceed a lift of four (4) feet prior to compaction. After each cell is spread, each layer will be thoroughly compacted by equipment of sufficient weight and capacity to carry out all necessary operations to the satisfaction of the city and additional non-decayable fill will be added to raise the lift to four (4) feet.
    - c. There shall be no more than five (5) compacted layers of cells which may be placed one on top of another.
    - d. A final cover shall be applied to any fill herein mentioned that comprises the last and final lift for a particular fill operation. Such final cover shall consist of compacted soil to a minimum accumulated depth of two (2) feet.

**SECTION 11.04. ENFORCEMENT**

The director of public works, building inspector, or director of code enforcement (or designees) of the city are hereby empowered to take such action as may be necessary to secure compliance with this chapter.

**SECTION 11.05. REVOCATION OF PERMIT**

Any permit issued under the provisions of this chapter may be revoked by the city for any violation of any law or ordinance pertaining to the operation or maintenance of such fill operation.

**ARTICLE IV. PENALTIES**

Unless otherwise stated, any violation of this chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

Statutory Cross-Reference: 24 VSA § 1974a.

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