



Town of Georgia

Memorandum

To: Cheryl Letourneau, Town of Georgia Selectboard

From: Kollene Caspers

The **Stump Dump Ordinance** was enacted to manage and regulate the stump dump with standards for preservation. Given the Stump Dump was eliminated prior to the completion of Laura's Woods subdivision in September, 1987, it is hereby requested the Stump Dump Ordinance be repealed according to State of Vermont Statute Title 24 Chapter 059.

The Stump Dump was located on Waller Road, in the area where Laura's Woods subdivision is now in existence. The 84 homes in Laura's Woods were completed in 1987, whereas the Stump Dump business had been eliminated and the area filled in for development. There has been no other Stump Dump location identified in the Town of Georgia in the 36 years since the original Stump Dump was closed.

To repeal the Stump Dump ordinance, a petition shall be signed by not less than five percent of the qualified voters of the Town and presented to the Selectboard. The notice of ordinance repeal must be put on the Selectboard agenda, and posted in at least 5 conspicuous locations. A summary of the Stump Dump ordinance must be circulated in one newspaper no more than 14 days before the meeting. The repeal of the ordinance or rule shall take effect upon the conclusion of the meeting.

Attachments include:

1. Stump Dump Ordinance
2. 24 V.S.A. §1976- Amendments and repeals
3. 24 V.S.A. §1972- Procedure
4. 24 V.S.A. §1973- Permissive Referendum
5. Laura's Wood HOA Declaration of Covenants, page 2

STUMP DUMP ORDINANCE

PREAMBLE: It is the intent of this ordinance to manage and regulate the stump dump in order to preserve and perpetuate the stump dump area in a manner consistent with environmental health standards and to preserve the longevity of available landfill.

THE SELECTMEN OF THE TOWN OF GEORGIA HEREBY ORDAIN:

- Section 1: No material whatever may be deposited in the stump dump unless same originated within the Town of Georgia.
- Section 2: Residents and property owners or businesses of the Town of Georgia may transport their own waste materials (wood, leaves, furniture, appliances) to the stump dump and deposit them therein.
- Section 3: No burning, salvaging, discharging of firearms, soliciting of business, advertising or any other activity shall be permitted with the stump dump area except by specific approval of the Town.
- Section 4: Any person, firm, corporation, or partnership violating this ordinance or willfully failing to deposit in the proper location or according to the direction of the attendant at the stump dump may have any permit suspended or revoked, and may be ordered from the stump dump by the attendant on duty, and failure to leave when so ordered shall constitute a violation of this ordinance. Any such violation may be additionally punishable by a fine of not more than fifty dollars for each violation.
- Section 5: The violation of any section of this ordinance shall be punishable by a fine of Fifty (\$50.00) Dollars for each violation.

This Ordinance shall become effective upon passage.

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 059 : Adoption And Enforcement Of Ordinances And Rules

(Cite as: 24 V.S.A. § 1976)

§ 1976. Amendments and repeals

An ordinance or rule adopted in accordance with the procedures provided for in this chapter may be amended or repealed in accordance with the procedure herein set forth relating to adoption of ordinances and rules, and the provisions of this chapter, including the right of petition and referendum contained in section 1973 of this title, shall apply to the amendment or repeal of an ordinance or rule adopted under this chapter as well as to its enactment. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970.)

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 059 : Adoption And Enforcement Of Ordinances And Rules

(Cite as: 24 V.S.A. § 1972)

§ 1972. Procedure

(a)(1) The legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.

(2) Unless a petition is filed in accordance with section 1973 of this title, the ordinance or rule shall become effective 60 days after the date of its adoption, or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body. If a petition is filed in accordance with section 1973 of this title, the taking effect of the ordinance or rule shall be governed by subsection 1973(e) of this title.

(b) All ordinances and rules adopted by a municipality shall be recorded in the records of the municipality.

(c) The procedure herein provided shall apply to the adoption of any ordinance or rule by a municipality unless another procedure is provided by charter, special law, or particular statute. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 11, eff. March 11, 1971; 1979, No. 180 (Adj. Sess.), § 1, eff. May 5, 1980; 2011, No. 155 (Adj. Sess.), § 7.)

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 059 : Adoption And Enforcement Of Ordinances And Rules

(Cite as: 24 V.S.A. § 1973)

§ 1973. Permissive referendum

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

(d) Not less than two copies of the ordinance or rule shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the ordinance or rule in the warning by title.

(e) If a petition for an annual or a special meeting is duly submitted in accordance with this section, to determine whether an ordinance or rule shall be disapproved by the voters of the municipality, the ordinance or rule shall take effect on the conclusion of the meeting, or at such later date as is specified in the ordinance or rule, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the ordinance or rule in which event it shall not take effect. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 12, eff. March 11, 1971.)

1. Land Use Permit Number EC-6-1256 issued September 30, 1987, by the State of Vermont Agency of Environmental Conservation and of record in Book 66 on Page 300 of the Town of Georgia Land Records shall apply and be binding on the Developer and subsequent owners of the eighty-four (84) lots.

2. The Developer and all assigns and successors in interest shall install and maintain water-conserving plumbing fixtures in all residences, including, but not limited to, -

Fixtures	Maximum Flow Rate
Showers	2 G.P.M.
Lavatories	2 G.P.M.
Kitchen Sinks	2 G.P.M.
Toilet	13.5 Gal/Blust

3. All heated structures erected on the lots shall be constructed within energy conservation guidelines -

Foundations	R-10 Perimeter
Walls	R-19
Ceilings	R-38
Windows	Doubleglazed

and other guidelines as may be imposed by municipal or state authorities. The two major roads in the subdivision are orientated in an East - West direction, which provides good solar access to the homes along these roads.

The Vermont Statutes Online

EXAMPLE ONLY

→ not following state law

Title 24 Appendix : Municipal Charters

Chapter 127 : Town Of Middlebury

Subchapter 001 : Powers Of The Town Of Middlebury

(Cite as: 24 App. V.S.A. ch. 127, § 108)

§ 108. Referendum

(a) All Town ordinances, except as specified in section 110 of this charter, may be repealed by vote of the Town as follows: A petition signed by not less than 10 percent of the registered voters shall be filed with the Town Clerk requesting a vote on the question of repealing the ordinance. The Selectboard shall call a special Town meeting to be held within 60 days of the date of filing the petition, to vote on whether the ordinance shall be repealed. The ordinance shall be repealed only if at least 15 percent of the registered voters vote and a majority of that number vote for repeal.

(b) Within 40 days after passage of an ordinance, five percent of the registered voters shall constitute sufficient signatures for a referendum petition, and all other procedures of subsection (a) of this section shall apply.