CODE OF CIVIL ORDINANCES

TOWN OF ST. JOHNSBURY, VERMONT

Published by the Order of the Board of Selectmen

TOWN OF ST. JOHNSBURY CODE OF ORDINANCES

Published by Order of the Board of Selectmen, St. Johnsbury, VT

PREFACE

The Code of Ordinances in this booklet represents the complete re-codification of the ordinances of the Town of St. Johnsbury, Vermont adopted November 9, 1992 of a general and permanent nature. This booklet has been revised and re-formatted, and includes amendments adopted by the Select Board since the original re-codification.

Source materials used in the preparation of the Code also include the 1966 Code and Ordinances subsequently adopted by the Board of Selectmen. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catch lined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the second section of Chapter 2 is numbered 2-2 and the second section of Chapter 3 is 3-2. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between section 4-1 and 4-2 is desired to be added, such new sections would be numbered 4-1.1, 4-1.2 and 4-1.3 respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 5 and 6, it will be designated as Chapter 5.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Indices

The indices have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within each index which stands as guideposts to direct the user to the particular item in which he is interested.

Loose-leaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the loose-leaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.
The following copies of the Code shall be maintained:

The Town Clerk
The Town Manager
The Police Chief
The Fire Chief
The Director of Public Works
The Planning Commission (7 copies)
The Developmental Review Board (5 copies)
The Town Attorney
The Town Website

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PART I - TOWN OF ST. JOHNSBURY CHARTER

HISTORY

Source

Comprehensive Revision 1957 No. 345 (rejected by voters), Amended 1965, No. 231 (approved by voters); Amended 1969, No. 154; Amended 1973, Local Referendum; Amended 1973, No. 274 (adj. Sess.); Amended 1997, No. M-7.

Historical Note

No. 345 of the Laws of 1957, which would have merged the town and the village of St. Johnsbury was defeated that year in a local referendum. No. 231 of the Laws of 1965, which amended the prior legislative initiative, was subsequently approved in a local referendum.

V.S.A. Title 24 Appendix: Municipal Charters

Chapter 151: TOWN OF ST. JOHNSBURY

§ 151-1. Merger of village and town

The village of St. Johnsbury and the town of St. Johnsbury are hereby consolidated and merged, and the village of St. Johnsbury shall, except as hereinafter provided, cease to exist as a political entity or body corporate.

§ 151-2. Assets transferred; liabilities; taxation; special services; downtown improvement district

(a) All assets of the village of St. Johnsbury on the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall become the property of the town of St. Johnsbury, except that those assets shall be subject to the debts of the village of St. Johnsbury to the extent provided by law on that date. The village of St. Johnsbury shall remain in existence so far as necessary to complete payment of its indebtedness and other obligations to which it was subject on that date. The taxpayers residing in the village of St. Johnsbury as it was bounded just prior to that date shall be subject to a tax on their grand list to be assessed annually by the selectmen of the town of St. Johnsbury in an amount sufficient to pay off any such indebtedness according to its terms.

(b) The taxpayers residing in the village of St. Johnsbury as it was bounded just prior to the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall be subject to a tax on their grand list to be assessed annually by the selectmen of the town of St. Johnsbury in an amount sufficient to pay off current expenses and indebtedness in continuing the present functions and additions thereto within that area which are not common to the town of St. Johnsbury.

(c) For the purpose of providing special services to a portion of the town, the warning for any annual or special meeting may contain appropriate articles under which the legal voters in that area may vote for such special services as they desire. The town shall furnish to each area such special services as are so voted, and the cost in each area, including the cost of all equipment, replacements, maintenance, salaries and other operating expenses, shall be paid by a tax on the grand list of each taxpayer therein for his ratable share thereof, to be assessed annually by the selectmen to be collected at the same time and in the same manner as the town votes to have its other taxes collected, and such tax assessed upon grand list shall be a lien thereon with the same priority as other taxes lawfully assessed thereon.

(d) In order to complete the payment of existing indebtedness of the village of St. Johnsbury and indebtedness that may be incurred from time to time for that area, the officers of the town of St. Johnsbury corresponding to those of the village of St. Johnsbury who had charge of the payment of such debt shall have authority to act as the duly authorized officers of the village of St. Johnsbury. The tax so assessed shall be collected at the same time and in the same manner as other town taxes.

(e) A special district to be known as the St. Johnsbury Downtown Improvement District (district) is created. The district shall be that area consisting of properties with frontage on either side of Railroad Street from Cross Street to Maple Street and seven additional properties on Eastern Avenue and Pearl Street. The district is more precisely shown on the Plan "St. Johnsbury Downtown Improvement District, Revised January 3, 1997" and recorded with the town clerk in the town of St. Johnsbury.

(1) Commission-Creation; Membership:

A St. Johnsbury Downtown Improvement District Commission (commission) is created consisting of seven members appointed by the Select Board. Five members shall be, at the time of appointment and during their terms, natural persons who are owners of property, managers, proprietors, operators, officers or directors of businesses located within the district who shall be appointed to serve for a term of five years and until their successors are appointed and qualified, except that the terms of the first five commissioners shall be from the date of appointment until one year, two years, three years, four years and five years after April 1, 1997 respectively. One member shall be a member at large who shall be, at the time of appointment and during his or her term, a legal resident of the town of St. Johnsbury, who shall be appointed to serve for the term of five years commencing the first day of April and until the member's successor is appointed and qualified. One member shall be a Select Board member, or an employee of the town of St. Johnsbury, who shall be appointed to serve for a term of one year commencing the first day of April and until the member's successor is appointed and qualified. The commission shall have a chair and vice-chair elected by the commission members. Any vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Commissioners may be removed by unanimous vote of the Select Board.

(2) Purposes and Powers:

The commission is created for the general purpose of maintaining and improving the economic, cultural and environmental vitality and quality of the town of St. Johnsbury and, in particular, the district created by this subsection; to promote the town and the district as a regional retail,

commercial and service center; and to serve as an advocate for orderly development of the district in order to encourage expansion of the retail, commercial and service base of the district and the town by attracting new business and investment.

The rights, powers and duties of the commission acting on its own authority or acting through the town of St. Johnsbury Select Board, as set forth in this section, shall be broadly construed to accomplish the purposes set forth within the district and shall include the following:

(A) to prepare a budget (the "budget") for the district in accordance with subdivision (1) of this subsection;

(B) to advertise and promote the district;

(C) to represent the interests of the district;

(D) to hire and remove personnel as provided for in the budget or as otherwise approved by the Select Board;

(E) to apply for available governmental grants in aid and economic and in kind incentives when approved by the Select Board;

(F) to receive and expend contributions, grants and income;

(G) to apply for an allocation of the state's private activity bond volume cap under Section 141 of the Internal Revenue Code of 1986, as amended, when approved by the Select Board;

(H) to expend funds as provided for in the budget or as otherwise approved by the Select Board;

(I) to manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided the district by the town as recommended to and approved by the Select Board;

(J) to acquire and dispose of property as recommended to and approved by the Select Board;

(K) to install and make public improvements as recommended to and approved by the Select Board;

(L) to cooperate with the town in the use, management and improvement of public parking facilities and to undertake such management or improvements and to regulate vehicular traffic within the district as recommended by the Select Board;

(M) to enter into contracts;

(N) to regulate, lease, license, establish rules and fees and otherwise manage the use of public spaces within the district;

(O) to plan for the orderly development of the district in cooperation with the town planning commission and as recommended to and approved by the Select Board;

(P) to do all other things necessary or convenient to carry out the purposes of this subsection except that the commission may not assume authority over any subject matter or activity under the jurisdiction of another town official, department or board as of the effective date of this subsection or contrary to any order or ordinance in effect as of such date other than to hire and remove personnel under contract or employed by the commission, unless and until the Select Board, by order, transfers such jurisdiction to the commission, notwithstanding section 8 of the charter, or amends the order or ordinance.

(3) Annual Budget:

Annually the commission shall submit to the Select Board for approval for the next fiscal year a capital and operating budget of revenues and expenditures which shall be used exclusively to repay debt on capital improvements in the district and to defray the expenses incurred by the commission in connection with the operation, maintenance and repair of the district. In the event the Select Board does not approve the budget as submitted, the Select Board shall return the budget forthwith to the commission with its recommendations for the commission's reconsideration. Appropriations other than from contributions, grants and income for the commission shall be raised through common area fees which shall be assessed and collected as tax on property as provided for in this subsection. The commission may, upon adoption of the annual budget and upon approval of the Select Board, borrow money in anticipation of common area fees.

(4) Common Area Fees:

(A) Common area fees are charges levied upon the owners of taxable properties located in the district, excepting such portions of properties used for owner occupied residential purposes.

(B) The district shall have the authority to assess common area fees for taxable real estate in the district based upon one of the following assessment methods:

> (i) A flat fee per taxable parcel identifiable on the grand list.
>
> (ii) A flat fee per taxable parcel plus a formula based on any one, or combination thereof, of square footages of commercial space, number of apartments, square footage of lot size, linear footage of frontage, number of parking spaces provided, number of parking spaces that would be needed to conform to the town's existing zoning bylaws for new construction, or any equation which raises fees adequate to meet an annual commission budget with a method that reasonably apportions costs to property owners in relation to the benefit that accrues to them.

The commission shall only raise common area fees sufficient to meet the budget regardless of the assessment method.

The common area fees shall be established by the commission upon approval of the commission budget by the Select Board and shall be assessed annually by the Select Board to be collected at the same time and in the same manner as the town votes to have its taxes collected, and such common area assessment shall be a lien thereon with the same priority as taxes lawfully assessed thereon.

(C) Consistent with the charter for the town of St. Johnsbury, and the laws of the United States and of this state, the commission, with the approval of the Select Board, may substitute any local option taxes permitted by law in lieu of common area fees that exist to meet the budget.

(D) Appeals: Persons aggrieved by any decision of the commission involving the assessment or levy of common area fees may appeal the decision to the Select Board by filing a written notice of appeal with the town clerk within 30 days of the date of such decision, and furnishing a copy of the notice of appeal to the commission. The Select Board shall set a date and place for a hearing on the appeal within 60 days of the filing of the notice of appeal. The Select Board shall give the appellant and the commission at least 15 days' notice prior to the hearing date. Any person entitled to take an appeal may appear and be heard in person or be represented by agent or attorney at such hearing. Any hearing held under this subsection may be adjourned by the Select Board from time to time, provided, however, that the date and place of adjourned hearing shall be announced at that hearing or 15 days' notice thereof is furnished to the appellant and the commission. The Select Board shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall within that period send the appellant, and the commission, by certified mail, a copy of the decision. An aggrieved person may appeal a decision of the Select Board to the Caledonia County Superior Court. The appeal shall be taken in such manner as the Supreme Court may by rule provide for appeals from state agencies governed by sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of appeal shall be sent by mail to the commission.

§ 151-2a. Taxation for bonds and notes

Notwithstanding subsection (b) of section 2 of this charter, all taxable property in the town of St. Johnsbury shall be subject to the levy of unlimited ad valorem taxes to pay bonds and notes authorized by the voters of the town for water purposes.

§ 151-3. Settlement of village affairs

The officers of the village of St. Johnsbury shall, prior to the date when Act No. 345 of the Acts of 1957, as amended, goes into effect, settle, so far as possible, the pecuniary affairs of the village of St. Johnsbury, and shall, except as hereinafter provided, on said date turn over and deliver to the clerk of the town of St. Johnsbury, all the records, books and documents of the village of St. Johnsbury, and to the proper officers of the said town all other property of the said village.

§ 151-4. Authority; annual meeting

(a) Said town shall have and is hereby granted the authority to exercise all powers relating to municipal affairs and no enumeration of powers in this charter shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit the authority of the legislature to alter, amend or repeal this charter; or to limit the right to hereafter pass general laws applicable alike to this and all other municipal corporations of the state; nor shall this grant of authority be deemed to limit the patronage or control of the state with respect to said town.

(b) The Town shall start its annual meeting at 7:30 o'clock in the afternoon of the day before the first Tuesday of March and may transact at that time any business not

involving voting by Australian ballot or voting required by law to be by ballot and to be held on the first Tuesday of March. Discussion shall be permitted at such meetings on all articles contained in the warning for the annual meeting. A meeting so started shall be adjourned until the following day.

§ 151-5. Powers

Under the general grant of authority contained in and conferred upon the town by section 4 of this charter, the town of St. Johnsbury may exercise the following powers and functions:

(1) To levy, assess and collect taxes, in order to carry out its powers, to appropriate and to borrow money, within the limits prescribed by the general laws; and to collect special assessments for benefits conferred.

(2) To furnish all local public services, including without limiting the generality of the foregoing a water system, electric light and power system, and a sewage system and disposal plant; to purchase, hire, construct, own, maintain, and operate or lease local public utilities subject to chapter 411 of V.S. 47; to acquire, by condemnation or otherwise, within or without the limits of said town, property necessary for any such purpose, subject to restrictions imposed by the general law for the protection of other communities.

(3) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To acquire by gift or purchase, sell, convey, lease, assign, maintain and service real and personal property as may be necessary or incidental to the exercise of its municipal powers, duties and functions and to exercise in connection therewith any incidental powers as may be necessary to preserve and maintain the value of any such property once lawfully acquired.

(5) To issue and sell bonds on the security of any such property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(6) To purchase or lease lands within or without the corporate limits of the town, to lay out or widen streets, highways, lanes, commons, alleys, and walks, to provide places of healthy recreation in summer or in winter such as a skating rink, a swimming pool, a playing field, a public park; to provide for tourist camping sites, and aviation landing field, and a municipal forest reserve; and for any municipal purposes whatever.

(7) To adopt and enforce within its limits local police, sanitary, zoning, town planning and other similar regulations, not in conflict with the laws of this State.

(8) To establish and maintain a fire department.

(9) To establish and maintain a police department, to provide for the appointment of police officers, who shall be sworn and who shall have the same powers as constables in the service of civil and criminal process, and such further special authority as may be provided in the bylaws or ordinances of said town enacted under authority of law. Such fire and police departments may be consolidated into one department if the town shall so vote.

(10) To appropriate annually money for the maintenance, care, improvement and support of Fairbanks Museum, so long as the same shall remain a nonprofit institution for the promotion of education.

§ 151-6. Fire district; process for abolition

The St. Johnsbury Center fire district No. 1 is abolished when a majority of the legal voters of said fire district present and voting on the question at a regular or special meeting of said fire district warned for said purpose so vote and shall thereupon cease to exist as a political entity and body corporate. All the property and funds of said fire district shall on such date be vested in the town of St. Johnsbury and the town of St. Johnsbury shall thereupon assume all indebtedness and obligations of said fire district unless said liabilities and obligations exceed said assets in which case said fire district shall continue to exist until such excess is paid unless the town of St. Johnsbury votes otherwise at a regular or special meeting warned for said purpose.

§ 151-7. Bylaws

In meetings duly warned for the purpose, the town of St. Johnsbury shall have power to make, alter, repeal or amend bylaws, which together with the ordinances and regulations adopted by the selectmen shall regulate its affairs, and shall carry into effect the provisions and intent of this charter.

§ 151-8. Ordinances and regulations

The selectmen of the town of St. Johnsbury consistent with the constitution and laws of the United States and of this State, shall have the power and authority to make, establish, impose, alter, amend or repeal ordinances and regulations and to enforce the same by fine, penalty, forfeiture, injunction, restraining order or any proper remedy, with respect to the inspection, regulation, licensing or suppression of the following affairs, establishments, employments, enterprises, uses, undertakings and businesses, viz:

(1) The sale and measurement of wood, coal, oil and all other fuels; hay scales; markets dealing in meat, fish, and foodstuffs; slaughterhouses; groceries; restaurants, lunch carts and other eating establishments; all places where beverages are manufactured, processed, bottled or sold; manufacturing establishments; saloons; taverns; innkeepers; hotels; motels; rooming houses; junk businesses; advertising billboards; overhanging signs and awnings; billiard rooms; pool rooms; bowling alleys; public halls; dance halls; theaters; moving picture houses; all places where tobacco, cigars and cigarettes are manufactured or sold; repair shops; brickyards; stone sheds; blacksmith shops; public garages; the transportation, storage and sale of propane gas, naphtha, gasoline, kerosene, fuel oil and

other inflammable oils; the breeding, raising and keeping of horses, cattle, swine, poultry, mink, foxes, furbearing and other domestic animals; coal sheds; wood yards; creameries, dairies; dyeing establishments; garbage plants; gas works; livery stables; skating rinks; sewers; cesspools; privies; cow stables, barns; wells; and public dumps; oil and gasoline storage tanks, and gasoline filling stations.

(2) Processions, parades, traveling showmen, shows, circuses, menageries, carnivals, clairvoyants, mendicants, fortune tellers, spiritualists, mediums, itinerant vendors, peddler, auctioneers, pawnbrokers, professional and amateur sports.

(3) The use of streets and highways; the regulation of traffic, both vehicular and pedestrian; taxicabs and all vehicles, exclusive of motor buses, used in the conveyance for hire of persons or goods; the parking, operation and speed of vehicles; guide posts, street signs, and street safety devices; milk and cream businesses and routes.

(4) Cruelty to animals; fast driving; the going at large of animals; and the keeping of bees.

(5) The erection of poles, and the placing of wires, cables, and pipes, subject to the provision of chapter 409 V.S. 47; the laying of water mains and sewers; the excavating of streets; the disposal of refuse, filth and animal carcasses; the throwing or dumping of ashes, waste paper, handbills, circulars, or rubbish of any sort; the planting, preservation, or destruction of shade trees.

(6) The transportation, manufacture, storage and sale of gunpowder, ashes, lime, matches, fireworks, explosives, acids, and other dangerous or combustible materials.

(7) The cleaning of public sidewalks and gutters, and the removal therefrom of snow, ice, litter, garbage, stands, tables, boxes and other materials encumbering or obstructing any public sidewalk, street or way.

(8) A building code; the construction, repair and alteration of chimneys, flues, stovepipes, furnaces, fireplaces and heating apparatus and plumbing facilities of all kinds.

(9) Nuisances, bawdyhouses, gaming houses; racing pools; gambling instruments of all kinds; noisome and offensive places and occupations, loafing, obscenity and ribaldry upon the town streets and highways; vagrancy; riots, disturbances, disorderly assemblies, and all breaches of the peace; pollution of the public water supply.

§ 151-9. Publication of bylaws and ordinances

The bylaw adopted by the town and the ordinances and regulations passed by the selectmen, whether enacted under the authority of general or special law, shall be published in a newspaper having general circulation in said town at least twenty days before the effective date thereof, and all such enactments shall thereupon be recorded at length by the town clerk in a book kept for that purpose in the office of the town clerk, and the town clerk's certificate that such bylaws, ordinances and regulations were duly adopted and passed at an annual meeting of said town or at a special meeting thereof lawfully called for that purpose or were duly enacted and adopted by the selectmen of the town under authority of law or under authority of a vote of the town shall be

prima facie evidence of such fact in any court in this state; and certified copies of said bylaws, ordinances and regulations and the clerk's certificates shall be received as evidence in all the courts of the State.

§ 151-10. Penalties

(a) Fines, penalties, and forfeitures up to and including two hundred dollars, for each breach of an ordinance, or bylaw, may be established by the selectmen, or by a properly warned town meeting. These fines, penalties, and forfeitures may be recovered in an action of tort brought in the name of the town, and in any such action a general complaint relying on the ordinance or the bylaw shall be sufficient. The process may issue either against the body or the property of the defendant, and if the defendant is found guilty, and if it is found by the court that the cause of action arose from his willful or malicious act or neglect, it shall so adjudge, and may further adjudge that he be confined in close jail, and may issue execution against his body with a certificate of such findings endorsed thereon; and such execution with such certificate thereon shall have the same effect as an execution issued on a judgment founded upon tort having a like certificate endorsed thereon.

(b) Any person refusing to comply with any town ordinance or bylaw, relating to his business may be enjoined by a proper action in chancery brought in the name of the town, from continuing such business in violation of such ordinance or bylaw, and in any such action a bill relying on the ordinance or bylaw shall be sufficient.

(c) Nothing in this section shall be construed to prevent the town from having and exercising such other powers as may be proper to enforce obedience to its ordinances and bylaws and to punish violations thereof.

§ 151-11. Prosecution of violations

All violations of ordinances or bylaws may be prosecuted in behalf of the town by its attorney, or police officers, or by any other duly authorized prosecuting officer, before the Caledonia District Court; and all fines, penalties or forfeitures recovered by the said town for violations of such ordinances or bylaws, shall be paid into the town treasury.

§ 151-12. Officers

The elective officers of the town shall be those authorized by the general laws of this State, except that notwithstanding the provisions of section 3509 of the Vermont Statutes, Revision of 1947, the listers shall be appointed annually by the selectmen, unless the town at an annual or special meeting duly warned for that purpose shall vote otherwise.

§ 151-12a. Compensation and fees

(a) The Select Board shall annually consider, and from time to time set, the compensation of the following officers:

(1) town manager;

(2) constable;

(3) members of the board of assessment.

(b) The town clerk and the Select Board shall jointly set the compensation of the town clerk each year. The town treasurer and the Select Board shall jointly set the compensation of the town treasurer each year. If the Select Board and the town clerk or town treasurer are unable to agree on the amount of either officer's compensation, that officer's compensation shall be set by vote of the town and the Select Board shall include an article or articles in the annual meeting warning to that effect. The article or articles shall be adopted or modified by the vote of the majority of those eligible to vote who are present at the meeting. The article or articles shall not be voted on by Australian ballot.

(c) The town manager, with the approval of the Select Board, shall set the compensation of all other town officers and employees.

§ 151-12b. Offices abolished

The office of fence viewer, inspector of lumber, shingles and wood, second constable, and weigher of coal are all hereby abolished. Except as otherwise provided in this chapter, the town manager or his or her designee shall exercise the powers, duties, and responsibilities of any of the offices abolished by this section in the event that the need should arise.

§ 151-13. Expiration of terms of selectmen upon merger

Upon such effective date of the merger of the village of St. Johnsbury and the town of St. Johnsbury the selectmen shall continue in office for the remainder of their respective terms and the other officers of the town of St. Johnsbury shall continue in office until the first Tuesday in March next following, and their successors shall have been elected or appointed; and the ordinances of the village of St. Johnsbury then in force shall remain of full force and effect, following the effective date of this act for a period of one year only, so far as such ordinances shall continue to be applicable and appropriate, except as repealed, amended, altered or modified by the selectmen of the town of St. Johnsbury, and as respects only that part of the town of St. Johnsbury comprised within the limits of the village of St. Johnsbury, as defined by No. 179 of the Acts of 1927.

§ 151-14. Authority to merge; expiration

The authority granted by this act to the village of St. Johnsbury and the town of St. Johnsbury to merge shall expire twenty years from the date of the passage and adoption of this act unless all of the municipalities mentioned herein shall have voted to adopt the provisions hereof within such period.

§ 151-15. Severability

If any provision of this act is for any reason held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end the provisions of this charter are declared to be severable.

§ 151-16. Preparation of budgets; Australian ballot

(a) The Select Board shall prepare an annual budget for the town, including a town annual budget and a former village district special services budget. The school director shall prepare an annual school district budget. The annual budgets, other articles providing for the appropriation of funds, and public questions shall be voted by Australian ballot.

(b) On any question wherein the vote is not specifically required to be by ballot, a ballot may be demanded by three voters at any meeting.

§ 151-17. Department of assessment

(a) Creation. There is hereby created a department of assessment headed by a person experienced in the appraisal of real estate, who shall be appointed by the town manager with the approval of the Select Board.

(b) Appraisal of property. The department of assessment shall appraise all real and personal property for the purpose of drawing up the grand list. Appraisals shall be reviewed periodically and updated. Technically qualified individuals or firms may be employed as needed.

(c) Powers. The department of assessment shall have the same powers, discharge the same duties, proceed in the same manner, and be subject to the same liabilities as those prescribed for listers or a board of listers under applicable provisions of Vermont law with respect to drawing up the grand list, except as otherwise provided in this chapter.

§ 151-18. Board of assessment

(a) Creation. There is hereby created a board of assessment composed of the three listers.

(b) Duties. The board of assessment shall exercise all powers and duties with respect to grievances, otherwise imposed upon the listers or a board of listers under the laws of the state of Vermont, except as otherwise provided in this chapter.

§ 151-19. Appeals

A person aggrieved by the final decision of the board of assessment under the provisions of section 18 of this chapter may appeal in writing under the provisions of chapter 131 of Title 32.

§ 151-20. Undesignated reserve fund

The Select Board may annually reserve any surplus in the essential services budget, not to exceed five percent (5%) of the budget, for the purpose of establishing an undesignated reserve fund. The reserve fund shall be kept in a separate account and invested as are other public funds and may be expended for purposes as may be authorized by a majority of the voters present and voting at an annual or special meeting duly warned.

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Year	Chapter	Section	Section this Charter
1957	345	1-18	1-18
1965	231	1	1
		2	13
		3	15
1973	274	1	4
		2	18
1997	345	2	

PART II ORDINANCE ADOPTING CODE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF ST. JOHNSBURY, VERMONT; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE SELECTMEN OF THE TOWN OF ST. JOHNSBURY AS FOLLOWS:

Section 1. The Code entitled "Code of Ordinances, Town of St. Johnsbury, Vermont" published by Municipal Code Corporation consisting of Chapters 1 through 13, each inclusive, is adopted.
Section 2. All ordinances of a general and permanent nature enacted on or before October 7, 1991, and not included in the Code or recognized and continued in force by reference therein, are repealed.
Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.
Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any Ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not exceeding two hundred dollars ($200.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.
Section 5. Additions or amendments to the Code when passed in the form as to indicate the intention of the Selectmen to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.
Section 6. Ordinances adopted after October 7, 1991 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.
Section 7. This ordinance shall become effective February 1, 1993.
Passed and adopted by the Selectmen this 9th day of November, 1992.
St. Johnsbury Selectmen:
Elwin Cross, Chairman
John Hall
Gretchen Hammer
Gabriel Handy
Bryon Quatrini
ATTEST:
Sandra P. Grenier
Town Clerk
Certificate of Adoption
I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Selectmen of the Town of St. Johnsbury held on the 9th day of November, 1992.
Sandra P. Grenier, Town Clerk

PART III - CODE OF ORDINANCES

Chapter I: GENERAL PROVISIONS

Sec. 1-1.How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Code of Ordinances, Town of St. Johnsbury, Vermont, and may be so cited.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of selectmen:

Board of selectmen. The words "board of selectmen" shall means and refer to the Board of Selectmen (interchangeable with Select Board) of the Town of Johnsbury, Vermont.

Charter. The word “Charter" shall mean the Charter of the Town of St. Johnsbury printed as Part I of this volume.

Code. The word “Code" shall mean this Code of Ordinances of the Town of St. Johnsbury, Vermont.

County. The term "county" shall mean the County of Caledonia, Vermont.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other town officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Highway. The term "highway" shall include any street, alley, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the town dedicated or devoted to public use.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or through a servant, agent or employee.

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words “affirm" and "affirmed."

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term “personal property" includes every species of property except real property.

Property. The word "property" shall include real, personal and mixed property.

Public place. The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, or open space adjacent thereto and any lake or stream.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The word "signature" or "subscription" includes a mark when the person cannot write.

State. The term "state" shall mean the State of Vermont.

Street. The word "street" shall embrace highways, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city.

Tenant, occupant. The words "tenant" and "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The word "town" shall mean the Town of St. Johnsbury, Vermont, and shall extend to and include its several boards, committees, commissions, officers, employees, etc.

V.S.A. The abbreviation "V.S.A." shall mean the latest edition or supplement of the Vermont Statutes Annotated.

Written and in writing. The words "written" and "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

Sec. 1-3. Catch lines of sections.

The catch lines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or reenacted.

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-5. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-6. Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code so far as they are the same as those of the Code of the Town of St. Johnsbury, 1966, and of ordinances existing at the time of adoption of this Code shall be considered as a continuation thereof and not new enactments.

Sec. 1-7. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinances adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Sec. 1-8. Effect of repeals.

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of repeal, for an offense committed under the provision repealed.

Sec. 1-9. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

(a) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code;

(b) Any ordinance promising or guaranteeing the payment of money for the town, or authorizing the issue of any bonds of the town, or any evidence of the town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the town;

(c) Any administrative ordinances of the town not in conflict or inconsistent with the provisions of this Code;

(d) Any right or franchise granted by any ordinance;

(e) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the town;

(f) Any appropriation ordinance;

(g) Any ordinance levying or imposing taxes;

(h) Any ordinances prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones;

(i) Any ordinance establishing and prescribing the street grades of any street in the town;

(j) Any ordinance providing for local improvements and assessing taxes therefor;

(k) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the town;

(l) Any ordinance establishing positions, classifying positions, setting salaries of town officers and employees or any personnel regulations;

(m) Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. These ordinances are on file in the town clerk's office.

Sec. 1-10. Effect of amendments to Code.

(a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the board of selectmen to make the same a part hereof, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood

and intended to include such additions and amendments.

(b) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.

(c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of Ordinances, Town of St. Johnsbury, Vermont, is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

(d) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Town of St. Johnsbury, Vermont, is hereby amended by adding a section to be numbered _____, which section reads as follows:..." The new section may then be set out in full as desired.

(e) All sections, divisions, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-11. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of selectmen. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of selectmen or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catch lines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," this division," etc., as the case may be, or to "sections _____ through _____." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-12. Severability of parts of Code

It is hereby declared to be the intention of the board of selectmen that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-13. General penalty.[1]

(a) Whenever in this Code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding two hundred dollars ($200.00). Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. Referrals to The Community Restorative Justice Center may be made for any violation of Code at the discretion of the enforcement officer.

(b) In case of the amendment by the board of selectmen of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection (a) shall apply to the section as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed therein.

[1] Charter reference – Penalty authorized §§10. State law references – Authority to establish penalty for violation or ordinance: 24 V.S.A. 2291; fines, 13 V.S.A. 7251.

Chapter 2: ADMINISTRATION[2]

Art. I In General §2-1--2-25
Art. II Board of Selectmen, §2-26--2-45
Art. III Officers and Employees, §2-46--2-6l
Div. 1. Generally, §2-46--2-60
Div. 2. Town Clerk, §2-61

ARTICLE I. IN GENERAL

Secs. 2-l--2-25. Reserved.

ARTICLE II. BOARD OF SELECTMEN[3]

Secs. 2-26. Meetings.

The board of selectmen shall meet regularly on such day as the selectmen by resolution may from time to time designate, to pass and to otherwise set upon ordinances and for the transaction of other business. The board of selectmen may hold special meetings for the passing of resolutions and the transaction of other business at such times and places within the corporate limits as they may agree upon.
(Code 1966, Ch. 1, §5)

Sec. 2-27. Ordinances and resolutions.

(a) All enactments by the board of selectmen for the government of the town shall be termed ordinances. Proceedings and decisions of a temporary nature shall be termed resolutions.

(b) The enacting clauses which shall be recited in each ordinance or resolution shall be:

(1) *Ordinances:* "Be it ordained by the Selectmen of the Town of St. Johnsbury as follows:"

(2) *Resolutions:* "Be it ordered by the Selectmen of the Town of St. Johnsbury as follows:"

(c) No ordinance or resolution or amendment, change or repeal of an ordinance or resolution

[2] **Cross references-**Administration of the housing code, §6-45 et seq.: housing board of review, §6-46; recreation board, §9-41 et seq.
[3] **State Law references-**Municipal officers, 24 V.S.A. 801 et seq.; board of selectmen, 24 V.S.A. 871 et seq.

shall be acted upon until it has been reduced to writing. No ordinance or resolution shall be passed except by a majority vote of the board of selectmen.

(d) No ordinance, amendment, change or repeal of an ordinance shall become effective until notice has been given by posting and by publication pursuant to the Charter. This provision shall not apply to by-laws adopted, amended or repealed pursuant to 24 V.S.A. Ch. 117.

(e) All ordinances enacted shall be published in suitable form for the use of all the officers of the town government and for general distribution.
(Code 1966, Ch. 1, § § 2,6,8)
Charter reference-Publication of ordinances,§9.

Secs. 2-28--2-45. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES[4]

DIVISION 1. GENERALLY

Sec. 2-46--2-60. Reserved.

DIVISION 2. TOWN CLERK[5]

Sec. 2-61. Duties.

The town clerk shall be clerk of the board of selectmen. The town clerk shall attend all meetings of the board of selectmen and make and keep a record thereof. The town clerk shall engross all ordinances and resolutions passed in the order of their passage, keeping separate books for the ordinances and separate books for resolutions which shall be marked "Ordinances of the Town of the Town of St. Johnsbury" and "Resolutions of the Town of St. Johnsbury." The books shall be kept in the office of the town clerk subject to the inspection of any person interested therein.
(Code 1966, Ch. 1, §8)

[4] **Charter reference-** Police Department, §5(i)
Cross references- Fire department, §5-26 et seq.; recreation board, §9-41 et seq.; recreation department, §9-61 et seq.
State law reference-Officers and employees, 24 V.S.A. 871 et seq.
[5] **State law reference-** Town clerk, 24 V.S.A. 1151 et seq.

Chapter 3: ANIMALS[6]

Art. I. In General, § § 3-1--3-25
Art. II. Dogs and Wolf Hybrids, § §3-26--3-50 Civil Ordinance
Art. III. Rabies Control, §3-51

ARTICLE I. IN GENERAL

SECTION 3-1. AUTHORITY.

This ordinance is adopted by the Select Board of the Town of St. Johnsbury under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10) and 2291 (14 & 15), and 24 V.S.A. Chapter 59.[7]

Secs. 3-2--3-25. Reserved.

ARTICLE II. DOGS AND WOLF HYBRIDS[8] - Civil Ordinance

SECTION 3-26. PURPOSE.

It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids, to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

SECTION 3-27. DEFINITIONS.

For purposes of this ordinance, the following words and/or phrases shall apply:

a) "**Dog**" means any member of the canine species including "wolf hybrids" which are defined as
   1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
   2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
   3. An animal that exhibits primary physical and/or behavioral wolf characteristics.
b) **"Leash"** means a strap or cord for restraining and guiding a dog or other domestic animal.

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[6] **Cross references-** Housing, Ch. 6; streets, sidewalks and other public places, Ch. 11.
State law references-Animals, 20 V.S.A. 3341 et seq.; dogs, 20 V.S.A. 354 et seq.; rabies control, 20 V.S.A. 4003 et seq.

[7] (Ord. of 6-l3-77, §1)
Cross reference- Definitions and rules of construction generally, §1-2.

[8] Approved June 11, 2012. No petitions were filed.

c) "**Owner**" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog. (Ord. of 6-13-77)

d) "**Running at large**" means that a dog or wolf hybrid **is not**:
   1. on a leash;
   2. in a vehicle;
   3. on the owner's property;
   4. on the property of another person with that person's permission; or
   5. hunting with the owner.

e) **"Nuisance dog"** means a dog whose behavior may include running at large, disturbing the quiet and comfort of others by persistent barking, or defecating in any public area or private property not that of the owner or keeper.

f) **"Aggressive Dog"** means a dog whose behavior may include growling, chasing, snarling, or jumping that causes any person to reasonably fear attack or bodily injury from such animal, while off the premises of the property of the owner or keeper of the animal.

g) "**Vicious dog**" means a dog that bites, nips, or attacks any person while off premises of the owner or keeper of the animal. The term shall also mean any animal that, while off premises of the owner, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

h) **"Authorized officer"** means a constable, police officer, animal control officer, humane officer or any other authorized agent of the Town.

SECTION 3-28. DISTURBANCES AND NUISANCES

a) No dog shall run at large in the town.[9]
b) No dog shall harass or attack other animals or people if off the premises of the owner or keeper.
c) A female dog in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
d) No person shall own, keep or harbor a dog that disturbs the quiet and comfort of others by frequent, habitual or persistent barking or howling.

SECTION 3-29. ANIMAL WASTE DISPOSAL

The owner or person in control of a dog that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

SECTION 3-30. COLLAR AND LICENSE

a) Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.[10]

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[9] (Ord. of 6-13-77, § §1,3(a)-(c))
State law reference- Authority to regulate, 20 V.S.A. 3549.

b) A dog that is found without a collar or harness and/or license may be immediately impounded. Sec. 3-29.
c) The license fee and the surcharge imposed upon dog licenses issued by the town for the purpose of funding the dog control program are on file in the town clerk's office. (Ord. of 2-12-79)

SECTION 3-31. HUMANE CARE OF DOGS

All dogs shall be furnished with clean and safe facilities and water sufficient to protect the animal and the public health. Any dog determined by the authorized officer to be without such clean and safe facilities and water may be impounded.
(Ord. of 6-13-77, §1(d))

SECTION 3-32. ENFORCEMENT

This is a civil ordinance and shall be enforced by an authorized officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

SECTION 3-33. VICIOUS DOGS

Vicious dogs may be controlled as outlined in 20 V.S.A. § 3545: Right to kill domestic pets or wolf hybrids generally; and Title 20 V.S.A. §§ 3546: Investigation of vicious domestic pets or wolf hybrid.

SECTION 3-34. IMPOUNDMENT AND/OR RESTRAINT

a) Any dog that is determined by the authorized officer to be a nuisance, aggressive, or vicious dog which presents an imminent danger to people or other animals shall be immediately impounded or the owner may be required to confine, muzzle or otherwise restrain such animal.
b) After the third or subsequent violation of any provision of this ordinance the offending dog may be impounded.

SECTION 3-35. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT

The officer who impounds a dog shall, within 24 hours, give notice to the owner, if known, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.

a) If an impounded dog has no license or other identification, the person who impounds it shall by the end of the next business day post a notice in the Town Clerk's office and place a notice or advertisement in a newspaper of general circulation. Said notices or advertisements shall describe the dog, where it was found, and state the deadline by which the dog must be claimed and any related fines or fees paid.

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[10] 20 V.S.A. 3581.(Ord. of 6-13-77, §2)
Cross reference- Licenses and business regulations, Ch.7.

b) Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and demonstrating that the dog has a current license. Remedial action may also be required of the owner, including, but not limited to, actions such as providing a collar and providing a plan for compliance with the provisions of this ordinance and with state law.
c) Unless the owner or person entitled to possession of the god claims the dog and complies with subsection C of this section within 7 days of notice provided pursuant to subsections A or B of this section, the impounding officer may transfer ownership rights to another person or dispose of the dog in a humane manner. When transferring ownership rights, the officer may charge a fee for the dog to recoup impoundment costs incurred after the required 7 day notice period has lapsed.
d) Notwithstanding the above, if a dog is impounded because a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provision of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

SECTION 3-36. INVESTIGATION OF VICIOUS DOGS RELATING TO NON-PROVOKED ATTACKS ON HUMANS

a) When a domestic pet or wolf-hybrid has bitten a person while the animal is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation.

b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

d) The procedures provided in this section shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

SECTION 3-37. PENALTIES AND COSTS

Any violations of Article II of Chapter 3 in the Town Ordinances are subject to the following penalties and costs:

First offense:	$50.00	$25.00 Waiver penalty
Second offense:	$150.00	$50.00 Waiver penalty
Third offense:	$200.00	$100.00 Waiver penalty
Fourth and subsequent offense:	$250.00 & Impoundment & Impoundment costs	$125.00 Waiver penalty & Impoundment Costs

(The waiver penalty applies when an alleged violator pays the fine without contesting the violation.)

Impoundment & impoundment costs may also be applicable to first, second, or third offenses. Impoundment costs shall be set annually by the Select Board.

SECTION 3-38. OTHER LAWS.

This ordinance is in addition to all other Ordinances of the Town of St. Johnsbury, and all applicable laws of the State of Vermont.

SECTION 3-39. SEVERABILITY.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 3-40. EFFECTIVE DATE.

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Secs. 3-41--3-50. Reserved.

ARTICLE III. RABIES CONTROL

Sec. 3-51. QUARANTINE.[11]

(a) Whenever it becomes necessary in the judgment of the health officer of the town to safeguard the public from the spread of the disease of hydrophobia (rabies), such health officer shall issue a proclamation ordering and requiring every owner of a dog to confine it securely at all times upon the premises of the owner unless such dog is wearing a muzzle of sufficient strength to prevent its biting any person or other animal.

(b) Upon the posting of such order or proclamation in three (3) public places within the town, any un-muzzled dog running at large during the period of such proclamation may be seized and impounded. All dogs seized, if noticeably infected with rabies, shall be killed forthwith by the health officer or the town manager or his designee or by any police officer without notice to its owner. Any dog seized not noticeably infected with rabies shall be impounded in accordance with the provisions of section 3-34.
(Ord. of 6-13-77, §6)

[11] **State law reference-** Rabies control, 20 V.S.A. 3801, 20 V.S.A. 4003 et seq.

Chapter 4: RESERVED

Chapter 5: FIRE PREVENTION AND PROTECTION[12]

Art. I. In general, §5-l--5-25
Art. II. Fire Department, §5-26--5-45
Art. III. Standards, §5-46--5-70
Art. IV. Fire Alarms §5-71--5-100
Art. V. Open Burning, §5-101--5-107

ARTICLE I. IN GENERAL

Sec. 5-1. INTENT.

It is the intent of this chapter to prescribe certain minimum standards consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire.
(Ord. of 6-26-78, §2)

Sec. 5-2. TAMPERING WITH FIRE ALARM PROHIBITED.

No person other than authorized officers shall molest or tamper with any fire alarm box within the town except for the bona fide purpose of ringing an alarm for fire.
(Code 1966, Ch. 3, 8, 11)

Sec. 5-3. TAMPERING WITH SMOKE ALARMS OR CARBON MONOXIDE DETECTORS

No person other than authorized officers shall molest or tamper (as specified by code[13]) with any smoke alarms or carbon monoxide detectors, with intent to disable thereby creating a safety hazard, within any public building (as specified by code) within the Town, except for the bona fide purpose of performing maintenance. All public buildings (as specified by code) must have functional smoke alarms and carbon monoxide detectors.[14]

Secs. 5-4--5-25. RESERVED.

[12] **Cross references-**Fire safety requirements for houses, §6-78 et seq.; yielding right-of-way for fire apparatus required, §12-26; utilities, Ch. 13.

State law references-Fires, firefighting and fire prevention, 20 V.S.A. 2481 et seq., 24 V.S.A. 3101 et seq.; open burning, 10 V.S.A. 2645 et seq.; municipal forests, 10 V.S.A. 2651 et seq.

[13] **See §6-27**

[14] Amendment adopted May 27, 2014. No petitions were filed.

ARTICLE II. FIRE DEPARTMENT[15]

Sec. 5-26. FIRE HAZARD INSPECTOR[16]

The fire hazard inspector or inspector is the fire chief of the town or his designated representative. (Ord. of 6-26-78, §4)

Sec. 5-27. DUTIES IN CONNECTION WITH PREVENTION OF FIRES.

The fire department shall inspect potential fire hazards, require abatement of fire hazards, and investigate the cause, origin and circumstances of fires. The fire department shall enforce all laws and regulations regarding.

(a) Control and use of explosives and flammables;

(b) Maintenance of fire escapes;

(c) Maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;

(d) Control of the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters and all other places in which numbers of persons work, meet, live or congregate;

(e) Educational fire prevention programs.

(Ord. of 6-26-78, §6)

Sec. 5-28. RIGHT TO ENTER FOR INSPECTION.

The inspector shall have the right and authority to enter any building, structure or premises within the town for the purpose of making inspections or investigations at all reasonable hours; provided that except in cases of emergency, the right and authority conferred by this section shall not apply to the entry of a private residence unless written notice is served on the occupant thereof. Such written notice shall contain a statement of the time that inspection will be made and shall also contain a statement of the purpose of such inspection or investigation. Anything to the contrary herein notwithstanding, an inspector shall have the right and authority to enter single-family, owner-occupied dwellings only if he shall have probable cause to believe a violation of the fire code exists.

(Ord. of 6-26-78, §6)

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[15] **Cross reference-** Officers and employees, §2-46 et seq.

[16] **State law reference-**Authority to create, 24 V.S.A. §1951

Sec. 5-29. SCOPE OF INSPECTION AUTHORIZED.

The inspection and examination authorized by section 5-28 shall be for the purpose of reporting and correcting the following fire hazards pertaining to buildings and the occupants:

(a) Disrepair;
(b) Age and dilapidated condition;
(c) Faulty or unapproved construction;
(d) Inadequate fire escapes or lack of means of egress;
(e) Inadequate fire alarm protection;
(f) Inadequate fire extinguishing equipment;
(g) Materials and buildings especially susceptible to fire;
(h) Conditions endangering other property or occupants;
(i) Any other fire hazards dangerous to life or property.
(Ord. of 6-26-78, §6A)

Secs. 5-30--5-45. RESERVED.

ARTICLE III. STANDARDS[17]

Sec. 5-46. ADOPTED.

The Vermont Fire and Building Safety Code, as published by the State of Vermont, Department of Public Safety, as from time to time amended, is hereby adopted by reference.
(Ord. of 6-26-78, §7/ amended 4/30/09)

Sec. 5-47. RESTRICTIONS ON STORAGE OF FLAMMABLE LIQUIDS.[18]

(a) No person shall use, maintain, or permit to be used or maintained any fuel oil tank of more than ten-gallon capacity in any apartment building, hotel, boarding or rooming house, tenement house, or other dwelling owned or controlled by such person, unless the tank shall be located in the basement or cellar of such building or structure, or if there be no basement or cellar, on the ground floor or first story.

[17] **State law reference-**Fire prevention and protection, 20V.S.A. 2602 et seq.; Bylaws for fire prevention, 24 V.S.A.3101.

[18] Amendment adopted May 27, 2014. No petitions were filed.

(b) No person shall use, maintain or permit to be used or maintained any fuel oil tank of more than sixty (60) gallons capacity in any building or structure not used for human habitation and owned or controlled by such person, unless the tank shall be located in the basement or cellar of such building or other structure, or if there be no basement or cellar, on the ground floor or first story.

(c) No person shall store, keep or maintain gasoline in any building intended for human occupancy or employment. No person shall store, keep or maintain more than ten gallons of gasoline which shall be stored in a container bearing the underwriters' approved seal, in any other structure, building or garage. This ten-gallon limit shall not apply to gasoline contained in the tank of a motor vehicle or motorized equipment.

(d) Notwithstanding the above stated ten-gallon limit for gasoline or fuel, an exception may be granted by the fire chief in the exercise of his discretion, by issuing a permit stating the reasons for the exception.
(Code 1966, Ch. 10,§2; Ord. of 3-25-74)

Sec. 5-48. ORDER TO CORRECT VIOLATIONS[19]

When violations of this chapter or the code adopted in section 5-46 or of any other laws or ordinances relating to fire hazards are found by the inspector, he shall serve upon the owner, operator, occupant or other person responsible for the violation a written order to correct the violation.
(Ord. of 6-26-78, §8)

Sec. 5-49. METHOD OF SERVICE OF ORDER.

The order required herein shall be served in one (1) of the following ways:

(a) By making personal delivery of the order to the person responsible;

(b) By leaving the order with some person of suitable age and discretion upon the premises;

(c) By affixing a copy of the order to the door at the entrance of the premises in violation;

(d) By mailing a copy of the order by registered mail to the last known address of the owner of the premises;

(e) By publishing a copy of the order in a local paper once a week for three (3) successive weeks.
(Ord. of 6-26-78, §8(A))

[19] **State law reference-** Uniform fire prevention ticket, 10 V.S.A. 2672.

Sec. 5-50. TIME FOR COMPLIANCE.

The order shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, the inspector shall have the authority to require compliance immediately upon service of the order.
(Ord. of 6-26-78, §8(B))

Sec. 5-51. APPEAL FROM ORDER TO CORRECT VIOLATION.

A person to whom an order to correct a violation is directed shall have the right, within twenty-four (24) hours of the service of such order, to appeal the order to the town manager who shall review such order within five (5) days and file his decision. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within fifteen (15) days after an appeal shall have been determined.
(Ord. of 6-26-78, §8 (C))

Sec. 5-52. ABATEMENT BY TOWN UPON FAILURE TO COMPLY; PENALTY.

(a) When a person to whom an order to correct a violation is directed shall fail to comply with the specified time, the inspector shall have the authority to contract for the removal of such materials and charge the cost to the person to whom the order is directed. The person removing material under a contract made hereunder shall be authorized to enter the premises and to remove such material. If the cost of removal is not paid by the person to whom the order to correct was issued within sixty (60) days after receipt of a statement from the inspector such cost shall be levied as a special assessment against the property upon which the fire hazard exist. The levying of such assessment shall not affect the liability of the person to whom the order is directed to fine and imprisonment as provided in subsection (b) below.

(b) Any person to whom an order to correct a violation is directed who shall fail to comply with such order within the specified time shall be punished, upon conviction, as provided in section 1-13.
(Ord. of 6-26-78 §8(D), (E))

Secs. 5-53--5-70. RESERVED.

Sec. 5-71. DEFINITION OF USER.

User shall mean the owner of the building where an alarm system is located unless the owner and tenant agree otherwise.
(Ord. of 3-12-84, §3(a))

Cross reference-Definitions and rules of construction generally, §`1-2.

Sec. 5-72. RESPONSE UPON RECEIPT OF ALARM.[20]

Upon receipt of an alarm at fire headquarters, the fire department will respond to the building unless the party has notified the fire department of maintenance being done before the alarm starts to ring. All fire alarms received from dispatch, private, and/or central station alarm monitoring companies, shall be investigated to determine the cause of the alarm.
(Ord. of 3-12-84, §1)

Sec. 5-73. FALSE ALARMS.[21]

After the second false or erroneous alarm has been received by the fire department by automatic or mechanical means from the premises of the user in any calendar year, a charge which is on file in the town clerk's office shall be imposed on the user. No charge shall be assessed for fires, legitimate emergencies or situations which could reasonably be perceived by a person as legitimate emergencies reported via the alarm system. A false or erroneous alarm occurs when a person purposely activates the alarm, or if the alarm malfunctions and is not repaired by the event of the third (3rd) false or erroneous alarm.
(Ord. of 3-12-84, §2)

Sec. 5-74. EXEMPTION.

All town departments and any town owned or operated building or structure shall be exempt from the charges imposed in this article.
(Ord. of 3-12-84, §3(a))

[20] Amendment adopted May 27, 2014. No petitions were filed.
[21] Amendment adopted May 27, 2014. No petitions were filed.

Sec. 5-75. COLLECTION OF CHARGES.

(a) All charges for false alarms under this article shall be owed by the user, payable to the fire department and the proceeds shall be returned to the town treasurer.

(b) False alarm charges shall be assessed by the fire department as they occur and shall be due not later than thirty (30) days after the billing is sent.

(c) A delinquent payment fee of ten (10) percent of the amount owed may be assessed on unpaid charges thirty (30) days after they are due.
(Ord. of 3-12-84, §3)

Sec. 5-76. KNOX BOXES AND STANDARD KEYS[22]

a) All buildings having a fire alarm system and fire sprinkler systems shall be required to install key boxes or a so-called Knox Box. Existing buildings not currently in compliance shall comply with this requirement within one (1) year of the effective date of this article.
b) The building owner shall be required to install in the key box all master keys to offices, electrical rooms, elevator equipment and all keys needed to reset the fire alarm system.
c) If requested by the department, building owners shall be required to supply additional sets of keys as needed by the fire department to allow more than one (1) team of firefighters to have access to areas of the building.
d) If requested by the fire department, more than one (1) Knox Box may be required to facilitate multiple points of entry in large facilities.
e) All new fire alarm control panels shall be keyed with a standard Cat 30 key. Where a Cat 30 key is not practical, such as in an annunciator panel, an A135 key shall be used in its place.
f) Existing fire alarm control panel and remote annunciator access keys shall be converted to this standard within one(1) year of the effective date of this article, or during the required annual test and inspection by a third party on the owners behest.

Secs. 5-77--5-100. RESERVED.

[22] New section adopted May 27, 2014. No petitions were filed.

ARTICLE V. OPEN BURNING[23]

Sec. 5-101. IN GENERAL

WHEREAS, the Town of St. Johnsbury has, by virtue of the authority granted in 24 V.S.A. § 1971 (Title 24, Chapter 59, Section 1971), and 24 V.S.A. § 2202a(a) (Title 24, Chapter 61, Subchapter 8, Section 2202a), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the solid waste disposal within its boundaries; and

WHEREAS, the Town of St. Johnsbury has determined that disposal of solid waste through open burning and incineration practices prohibited by this Ordinance constitute public nuisances, and the Town of St. Johnsbury has the authority to regulate and prohibit such practices by virtue of the authority granted in 24 V.S.A. § 2291 (14) (Title 24, Part 2, Chapter 61, Subchapter 11, Section 2291);

NOW, THEREFORE, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Select Board of the Town of St. Johnsbury hereby adopts this ordinance to regulate the open burning and incineration of solid waste in the Town of St. Johnsbury, Vermont.

Sec. 5-102. PURPOSE, TITLE

Purpose. This ordinance is enacted to promote the health, safety and general welfare of the inhabitants of the Town of St. Johnsbury and to prohibit solid waste disposal practices that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

Title. This ordinance shall be known and may be cited as the "Ordinance Prohibiting the Disposal of Solid Waste Through Open Burning and Incineration."

Sec. 5-103. DEFINITIONS

a) *"Construction/Demolition Debris"* means materials resulting from construction, demolition, or renovation of buildings, roads, bridges and other structures in the Town of St. Johnsbury.

b) *"Incineration"* means the burning of solid waste in an enclosed container, such as, but not limited to, a furnace, stove, incinerator or similar device.

c) *"Hazardous Waste"* means waste that is identified as hazardous in, and regulated by, the Vermont Hazardous Waste Management Regulations including, but not limited to, waste that contains toxic, corrosive, reactive, explosive, or flammable ingredients.

d) *"Natural wood"* means any of the following, provided such material has not been treated or injected with preservatives or oil; or has, at any time, been painted, stained or glued:

[23] Open Burning Section was re-written and effective July 27, 2014.

1. trees and brush, including logs, boles, trunks, branches, limbs, roots, and stumps;
2. lumber, including timber, logs, dimensional lumber or slabs dressed for use;
3. pallets and skids

This definition does ***not*** include processed wood products such as plywood, particle board, fiber board, and press board.

e) *"Non-woody vegetation*" means leaves, grass, yard trimmings, and other organic materials.

f) *"Open burning"* means the burning of solid waste in the open or in an open container, including but not limited to a brush pile or a burn barrel, where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney or other enclosure.

g) *"Recyclable"* means any type of refuse designated by the Town of **St. Johnsbury** or by the local solid waste management district to be separated for recycling.

h) *"Solid Waste"* means any garbage, refuse, hazardous waste or other solid materials generated by normal residential, commercial, industrial, and community activities. This definition does not include natural wood and non-woody vegetation, as defined in this Article. For the purposes of this ordinance, non-solid wastes including but not limited to septage, sludge and animal manure are excluded from the definition of solid waste.

Sec. 5-104. OPEN BURNING AND INCINERATION

a) Except for outdoor grills and fire places for recreation or preparing of food, no person shall engage in permitted open burning without first obtaining a permit from the St. Johnsbury Fire Department. Clean commercial wood may be used in residential recreational fires, within all of the other permitting regulations. Trash may not be burned; only firewood or clean cut brush or wood may be burned. Permits shall only be issued upon a finding that the proposed activity will not adversely affect:

(1) Public health, safety and welfare;

(2) Adjacent or nearby properties; and

(3) Traffic on roads and highways in the vicinity.

b) Unless a permit is obtained pursuant to this ordinance the disposal of solid waste through open burning or incineration is prohibited in the Town of St. Johnsbury.

c) Prior to the open burning of solid waste, a Permit to Kindle Fire shall be obtained from the Town of St. Johnsbury Fire Department. Such a permit may only be issued for the following types of open burning:

1) The open burning of natural wood and non-woody vegetation resulting from yard or property maintenance, logging and clearing operations, agricultural improvements, forest or wildlife management, or for festive celebrations. Clean pallets, and untreated or unstained hardwood (i.e. Handle pieces) may be used.

2) After providing the required notice to the Vermont Department of Environmental Conservation, the burning of solid or liquid fuels or structures for bona fide fire training provided that materials other than natural wood are removed to the greatest extent possible prior to the training.
3) With the prior approval in the form of a Department of Environmental Conservation Burn Permit, the open burning of construction or demolition materials and commercial wastes such as untreated or unstained pallets and skids. These materials and wastes can only be "natural wood" items.
4) With the prior approval of the Department of Environmental Conservation, burning authorized by the Fire Chief / Fire Warden of St. Johnsbury for the protection of public health or to thwart a hazard.
5) The open burning of natural wood and non-woody vegetation at a designated place within the municipality by the Town of St. Johnsbury in accordance with 10 V.S.A. § 565 (Title 10, Part 1, Chapter 23, Section 565).
6) Any other open burning is prohibited by this ordinance including but not limited to the burning of hazardous wastes and recyclable materials.

d) To obtain a Permit to Kindle Fire, the applicant shall establish that no hazardous or nuisance situations will be created by open burning at the time the permit is issued and that the application is for open burning that is permitted under this ordinance. Permits to Kindle Fire must provide for the specific date, time and location of the burning and indicate the specific materials that the person submitting the permit is authorized to burn. Failure to meet the conditions of the Permit to Kindle Fire, once it has been issued, will render the permit invalid and subject the person submitting the permit to enforcement pursuant to this ordinance.

e) The provisions of this ordinance shall not apply to the burning of natural wood or any virgin fuel in a furnace to produce heat or for the purpose of preparing food.

Sec. 5-105. DESIGNATION OF ENFORCEMENT PERSONNEL

For the purposes of this ordinance, the Select Board may designate any combination of the following persons as enforcement personnel: members of the Select Board, the Town Health Officer, the Fire Chief, the Town Attorney, the Town Constable(s) and any official with law enforcement authority under Vermont law.

Sec. 5-106. REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Sec. 5-107. Enforcement and penalties.

A violation of the ordinances in Chapter 5 shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. Seq.

A.	First offense	$50.00 full penalty	$25.00 waiver penalty
B.	Second offense within 6 months	$100.00 full penalty	$50.00 waiver penalty
C.	Third and subsequent offenses within 6 months	$200.00 full penalty	$100.00 waiver penalty

Sec. 5-107.1. Severability.

Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Sec. 5-107.2. Effective date.

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

Chapter 6: HOUSING[24]

Art. I. In General
§§6-1--6-14 Public Health and Safety Ordinance
§§6-15--6-25 Reserved
Art. II. Housing Code, §§6-26--6-95
Div. l. Generally, §§6-26--6-45
Div. 2. Administration, §§6-46--6-65
Div. 3. Standards, §§6-66--6-95

ARTICLE I. IN GENERAL

PUBLIC HEALTH AND SAFETY ORDINANCE[25]

Sec. 6-1 AUTHORITY.

This Ordinance is adopted by the Town of St. Johnsbury Select Board under authority granted in 24 V.S.A. Ch. 11, §§ 25(a)(5), (a)(8) and 25(b), 24 V.S.A. §§ 2291(13), (14), and (15), 24 V.S.A. § 2121, and 24 V.S.A. Chapter 59.

Sec. 6-2. STATEMENT OF FINDINGS AND PURPOSE.

Being that there exist in the Town of St. Johnsbury structures, buildings and parcels of land that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the St. Johnsbury Select Board finds and declares that:

(1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety and public safety personnel.

(2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.

(3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.

(4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.

(5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.

[24] **Cross reference-**Animals, Ch. 3.
[25] Article I is a new Ordinance adopted May 27, 2014. No petitions were filed.

(6) Structures that are vacant and unsecured pose serious threats to the public health and safety and therefore are declared to be public nuisances.

(7) Quarterly abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.

(8) Communication between owners of dangerous and vacant buildings and the Town is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures.

The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings, structures and lands, consistent with the authority vested in the Town to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings, structures and properties within the Town.

Sec. 6-3. DEFINITIONS.

For purposes of this Ordinance, the following words and/or phrases shall apply:

a) **Dangerous Building or Dangerous Structure**. Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation is hazardous to the health or safety of the public or likely to endanger other buildings or property. The identification and posting will be done by the Town Health Officer. If a dangerous structure is found, it must be identified by a sign clearly showing the letters: DS. This is for the safety of all public safety personal that might need to enter that structure.

b) **Vacant Building**. Any building or structure that is unoccupied by a person or occupied by unauthorized persons for more than one hundred and twenty (120) days, excepting any permitted warehouse, garage, vacation property, or building or structure used only on a seasonal basis.

c) **The Town Health Officer**. The officer appointed by the Town of St. Johnsbury Select Board to enforce this Ordinance. The Town Health Officer may hold any other office in the Town of St. Johnsbury. Nothing in this Ordinance shall prevent the Town Health Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. The Town Health Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the Town of St. Johnsbury. In the event that the Town Health Officer is unavailable, or has a conflict of interest, the Fire Chief or his/her designee shall perform the functions of the Town Health Officer. At any time, the Fire Chief may serve as the Town Health Officer. If they are two separate positions, the Town Health Officer must be in constant contact with the Fire Chief and both must share all known pertinent information.

d) **Trash**. Shall include rubbish, waste and refuse, including, but not limited to household wastes, food scraps, household appliances, automotive parts, automobiles, furniture and yard clippings, but shall not include junk at a duly licensed junkyard or salvage yard.

e) **Hazardous Conditions**. Shall include, but not be limited to, situations where a property owner, tenant, any mortgagee in possession, or a designee of any of the foregoing allows:

1) Trash to unreasonably accumulate or be discarded on a property in such a way that it causes an obvious hazard to public safety;

2) The creation of an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

3) Trees and other plant life to dangerously obscure drivers' views that do not conform to the By-law site-line requirements.

4) The placement of appliances, cars, and other objects that might constitute an attractive nuisance to children or attract vermin; or

5) A vacant building to be left in an unsecured state.

f) **Substantial rehabilitation.** Means rehabilitation the value of which exceeds fifty (50) percent of the assessed valuation of the building or structure.

g) Showing that the building is being **actively marketed for sale or lease** means:

1) evidence that the building or structure is being continuously marketed for sale or lease and is publicly available and viewable for sale or lease to prospective buyers or lessees until it is under contract, and

2) The disclosure of a reasonable asking price.

h) **Building and Property Owner**. The person or legal entity that is responsible to the Town for maintaining the property and paying taxes.

Sec. 6-4. AUTHORITY OF TOWN HEALTH OFFICER.

Nothing in this Ordinance shall affect the authority of the Town of St. Johnsbury Health Officer/Fire Chief or the Select Board to take any action permitted under 18 V.S.A. §§ 126, 127 *et seq*. The Health Officer and the Select Board retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

Sec. 6-5. BUILDING AND PROPERTY OWNER OBLIGATIONS AND STANDARDS.

Building and property owners shall ensure that the following measures have been undertaken, whether the building or property is occupied or not, to secure the building or structure by satisfying the following building maintenance standards:

a) Building Openings. Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid materials which are weather protected, and tightly fitted and secured to the opening.

b) Roofs. The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

c) Drainage. The building storm drainage system shall be functional and allow discharge in an appropriate manner.

d) Sanitation and Sewage. All buildings shall maintain sewage facilities in a safe and sanitary condition.

e) Building Structure. The building shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

f) Foundation Walls. Foundation walls shall be maintained structurally sound and in a well-kept condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rodent-proof.

g) Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials.

h) Exterior Features. Cornices, belt courses, corbels, terra cotta trim, wall facings, exposed metal and wood, (and similar decorative features) shall be safe, anchored, and in good repair.

i) Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.

j) Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair.

k) Walkways. Walkways and driveways shall be safe for pedestrian travel.

l) Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these building maintenance standards.

m) Premises. All properties located in the Town of St. Johnsbury shall be kept clean, safe, and sanitary, free from waste, trash, rubbish, debris or excessive vegetation, and shall not cause any hazardous condition or threat to the public health or safety.

Sec. 6-6. HEALTH AND SAFETY INSPECTION

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, by the authority given in 18 V.S.A. Ch. 11, §8, the Town Health Officer shall cause the building, structure or property to be inspected. Such inspection shall occur according to the following process:

a) Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure or property at least Forty-eight (48) hours prior to the inspection.

b) If the Health Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.

c) If the owner of a building, structure or property fails or refuses to consent to the inspection, the Health Officer shall be authorized to obtain a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.

d) The Health Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.

e) The Health Officer may retain such law enforcement officers, fire officials, engineers, attorneys and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order. All cost associated with such services will be the responsibility of the building owner.

Sec. 6-7. SAFETY ORDER.

a) If, upon inspection, the Health Officer determines that a building, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Health Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:

1) Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.

2) Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.

3) Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be not less than fifteen (15) days from the date of service of the order.

4) Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.

b) The Safety Order shall be served upon the owner of the Dangerous Building or Premises by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be provided to Town of St. Johnsbury Select Board.

c) If it appears to the Health Officer and/or Fire Chief that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.

d) If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Building Inspector shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Town Health Officer may, as necessary, install, or have installed boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.

e) For removal or demolition, the Town Health Officer, or other appropriate Town officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Town Health Officer may also seek the imposition of fines in accord with Section 6- 9(a) of this Ordinance.

f) The Town Health Officer may contract with such service providers or use such other Town employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

Sec. 6-8. APPEAL OF SAFETY ORDER

a) A person aggrieved by a Safety Order may appeal such Order to the Town of St. Johnsbury Select Board within fifteen (15) days of service of the Order. The notice

of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.

b) Within thirty (30) days of service of the notice of appeal, the Select Board shall hold a hearing on the appeal. The Select Board shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as the Select Board deems necessary and appropriate to implement the purpose of this Ordinance.

Sec. 6-9. PENALTY AND ENFORCEMENT

a) If the owner fails to comply with a Safety Order, the owner shall be considered to be in violation of the Order and this Ordinance. The Town shall be authorized to take such steps as may be allowed under Section 6-7(D) of this Ordinance. In addition, any violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Caledonia County Superior Court, at the election of the Health Officer.

b) The Health Officer shall notify the owner by issuing a ticket.

c) A civil penalty of not more than $100.00 per violation will be imposed for violation of this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.

d) Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq*. For purposes of enforcement in the Judicial Bureau, the Health Officer shall be the designated enforcement officer. The Health Officer shall issue tickets and may be the appearing officer at any hearing.

e) Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of St. Johnsbury may pursue any and all remedies available at law or in equity.

Sec. 6-10. VACANT BUILDING PERMIT AND STANDARDS

a) Any building vacant for more than 120 days requires a permit. Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the Health Officer. Applicants shall disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with the building owner obligations (see Section 6-5).

b) The application shall include a "statement of intent." The statement of intent shall include but not necessarily be limited to information as to the expected period of

vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

c) Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Health Officer and the appropriate police and fire officials. The purpose of such inspection is to determine and ensure the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building or structure is in compliance with the standards of this Ordinance.

d) If the Health Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, safety or welfare of the general public, no notification or warrant shall be necessary and the Building Inspector shall enter and inspect the premises pursuant to Section 6-7 of this Ordinance.

e) The Health Officer shall provide the St. Johnsbury Police Department or the Vermont State Police with copies of vacant building permits at the time of issuance.

f) If the owner of the vacant building or structure fails or refuses to consent to an inspection, the Health Officer may seek a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building and structure is in compliance with the standards of this Ordinance.

g) The Health Officer, upon inspection, shall issue any order for work needed to:

1) Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the standards set forth in this Ordinance.

2) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

3) When issuing such orders, the Town Health Officer shall specify the time for completion of the work. The Order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the Town Health Officer's order. No interim permit shall be effective for a period of more than ninety (90) days. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning statutes and ordinances.

4) The Town Health Officer shall issue a vacant building permit upon his or her satisfaction that the building has been inspected and is in compliance with the standards set forth in this Ordinance, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of three hundred sixty-five (365) days.

5) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the building maintenance standards in Section 5(A) of this Ordinance.

Sec. 6-11. FEES.

a) A fee of one hundred dollars ($100.00) shall be charged for a vacant building permit or interim permit. This one-hundred dollar fee shall also be charged upon the renewal of such permits. The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.

b) Upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to its vacant building permit or renewal thereof, the Town Health Officer shall waive the fee. The waiver of the permit fee for the active marketing and maintenance of the building or structure shall be for a period of twelve (12) months from the time the fee first becomes due. This waiver may be extended for an additional year for such buildings if the owner (i) continues to show that the building or structure is being actively marketed for sale and maintained and (ii) discloses the details of how the building was actively marketed for sale during the waiver year (i.e., offers, appraisals, or consultants engaged). Upon the expiration of the initial twelve-month period or its extension, the fee shall be charged.

c) When a building is in need of substantial rehabilitation, as determined by the Health Officer, to comply with the obligations and standards set forth in this Ordinance, no initial vacant building permit fee is required if the owner has: (a) developed and submitted a statement of intent, scope of work which meets the applicable building and zoning standards and the obligations and standards set forth in this article, and a reasonable schedule for the completion of the work, approved by the Health Officer, and (b) secured all necessary building and zoning permits. To qualify for a continued exemption upon renewal, the owner must certify that the improvements set forth in the scope of work are being made according to the schedule of work or prove to the Town Health Officer that the schedule will be completed within a reasonable amount of time.

d) If an owner has secured all the duly required permits to demolish the building or structure, no fee shall be required.

Sec. 6-12. REPEAL OF PRIOR CONFLICTING ORDINANCES.

The enactment of this Ordinance shall repeal all other ordinances of the Town of St. Johnsbury that regulate the topics addressed herein.

Sec. 6-13. SEVERABILITY.

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

Sec. 6-14. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption by the Town of S t. Johnsbury Select Board in accordance with 24A V.S.A. Ch. 11, § 11.

Secs. 6-15--6-25. RESERVED.

ARTICLE II. HOUSING CODE[26]

DIVISION 1. GENERALLY

Sec. 6-26. PURPOSE[27]

It is hereby found that there exist, and may in the future exist within the town, dwellings, dwelling units, rooming units or parts thereof which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect adversely the public health, including the physical, mental and social well-being of persons and families, safety and general welfare. To correct and prevent the existence of such adverse conditions and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.
(Ord. of 12-11-78, §4-01)

Sec. 6-27. SCOPE[28]

(a) The housing code shall apply to residential premises as follows:

(1) All multiple dwelling units located in the town and including those structures known as rooming houses;
(2) Residential buildings, including two-family dwellings, except as specifically

[26] **Cross references-**Fire prevention and protection, Ch. 5; utilities, Ch. 13.
[27] **State law reference-**Similar provision, 24 V.S.A. 5001.
[28] **State law references-**Municipal housing code, 24 V.S.A. 5001 et seq.; fair housing, 9 V.S.A. 4503 et seq.

excluded in subsection (b) below;

(3) Residential occupancies in buildings of mixed occupancy; and

(4) Accessory structures to residential occupancies (ex. laundry rooms, garages, etc.).

(b) The housing code shall not apply to rooms in motels and hotels which are not occupied as dwelling units.

(Ord. of 12-11-78, §§ 4-02, 4-03)

Sec. 6-28. APPLICATION.

Where a provision of the housing code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance or other local or state law or ordinance, the provisions or requirement which is the more restrictive or which establishes the higher standard shall prevail.

(Ord. of 12-11-78, §4-04)

Sec. 6-29. INTENT.

(a) Nothing in this article shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement under any town ordinance or law.

(b) Any person who violates any of the provisions of this article, fails to comply with any order made under the housing code from which he does not appeal or who fails to comply with a decision made on appeal, upon conviction, shall be fined as provided by section 1-13. The fact that a fine has been imposed for any violation shall not excuse the violation or permit it to continue. It is a separate offense to violate a provision of this article or fail to comply with an order, as aforesaid, after the first offense, each day the violation or failure to comply is continued. A violation of this section of the code shall not be construed to prevent the imposition of the penalties provided in section 6-5l(c).

(Ord. of 12-11-78, §3-09)

Sec. 6-30. RESPONSIBILITIES OF OWNERS.

Responsibilities of owners shall be the same as set forth in the state health regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Code under Responsibilities of Owners, General, Sanitation Utilities, Transfer of Responsibilities.

(Ord. of 12-11-78, § 13-01)

Sec. 6-31. RESPONSIBILITIES OF OCCUPANTS.

(a) No occupant shall use or occupy his dwelling unit in such a way as to cause noncompliance with this article. More particularly, the occupant shall be responsible for compliance with the housing code as to:

(1) Limiting occupancy of that part of the premises which he occupies or controls to the maximum which may be established by the housing code;

(2) Maintenance of that part of the premises which he occupies or controls in a clean,

sanitary, and safe condition;
(3) Damage done by his visitors;
(4) Keeping exits from his dwelling unit clear and unencumbered;
(5) Disposal of garbage and refuse into provided facilities in a clean and sanitary manner,
(6) If pets are allowed by landlord, the occupant must keep his or her domestic animals and pets in and appropriate manner and under control.

(b) If the occupant does not adhere to the above, is found to be in violation of any section of this article by the health officer, or neglects to comply with an order of the health officer within the time prescribed, the landlord shall have cause to evict the occupant, in accordance with 12 V.S.A. 4761 et seq. and 12 V.S.A. 4851 et seq.
(Ord. of 12-11-78, §13-02)

Sec. 6-32. LANDLORD EVICTION PROCEDURES.

No landlord shall be authorized to use self-help measures in an effort to evict a tenant, and a landlord who locks a tenant out of his or her apartment, physically removes a tenant or his or her belongings from the apartment, or terminates supplied utilities (such as water, heat, electricity) to a tenant's apartment without a court order authorizing him to do so shall be charged with a misdemeanor and fined as provided by law.
(Ord. of 12-11-78 § 13-03)

Sec. 6-33. CONFLICT OF PROVISIONS.

To the extent that there is any inconsistency or conflict between the provisions of this housing code and the Rental Housing Health Code promulgated by the state department of health, the latter shall govern. In the event that the State Rental Housing Health Code contains a provision which is more stringent than that provided by this housing code, the applicable provisions of the State Rental Housing Health Code shall control.
(Ord. of 12-11-78, §13-04)

Secs. 6-34--6-45. RESERVED.

DIVISION 2. ADMINISTRATION[29]

Sec. 6-46. HOUSING BOARD OF REVIEW.

There is hereby established a housing board of review as provided by 24 V.S.A. 5005. The housing board of review shall be appointed by the board of selectmen. The housing board of review shall have such powers and responsibilities, and shall be governed by the procedures set forth in 24 V.S. A. 5005.
(Ord. of 12-11-78, §3-07)

[29] **Cross reference-** Administration, Ch. 2.

Sec. 6-47. ENFORCEMENT.

This article shall be administered and enforced by the housing inspector and such other persons as the board of health may from time to time designate, under the general supervision of the board of selectmen, acting in their capacity as the board of health.
(Ord. of 12-11-78, §3-01)

Sec. 6-48. POWERS AND DUTIES OF INSPECTOR.

In addition to any other powers and duties of the inspector, he shall:

(a) Make inspections, by request of a landlord or tenant, of all premises in the town within the scope of this housing code;

(b) Issue, in writing, notices directing the remedying of conditions found to exist in or on any premises not conforming with the requirements of this housing code;

(c) Keep a record of all inspections, complaints and violations found in the course of performing his duties;

(d) Cooperate with other municipal, governmental and private agencies engaged in the study of improvement of housing conditions.
(Ord. of 12-11-78, §3-02)

Sec. 6-49. LIABILITY.

Except as otherwise provided for by state or local law or ordinance, no officer, agent or employee of the town charged with the enforcement of the housing code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties in the enforcement of the housing code nor shall he be liable for damages hereunder unless he acted with actual malice and without probable cause for believing that the person charged with having violated this housing code was guilty of an unlawful act or omission.
(Ord. of 12-11-78, §3-06)

Sec. 6-50. INSPECTION.

(a) Whenever the inspector is informed that any provision of the housing code is being violated, he shall, after notifying the landlord in writing of the complaint, enter the dwelling in question in the town for the purpose of determining whether such violation in fact exists therein.

If entrance is refused he shall notify the town attorney. In the event of an emergency threatening life, health or property, the health officer, in his discretion, shall have the authority to enter the premises in question for purposes of conducting inspections without prior written notice.

(b) While making the inspections under section 6-48, the inspector shall have the right to enter any building or dwelling for the purpose of such inspection or survey, provided that:

(1) Reasonable measures are taken to obtain permission to enter any building in the town;

(2) Inspections are made only during daylight hours;

(3) If permission for the inspection is not granted within a reasonable time by the owner, tenant or person in charge of any such building, the inspector, if in his judgment such inspection is necessary to effectuate the purposes of this article, shall request the town attorney to make application for an order or warrant from any superior or district court judge in the state granting the inspector the right to enter such building or domicile for the purpose of such inspection.

(Ord. of 12-11-78, §3-03)

Sec. 6-51. DWELLINGS UNFIT FOR HABITATION, ETC.; PROCEDURE FOR ABATEMENT.

(a) Whenever it appears to the inspector that any dwelling is unfit for human habitation or that a violation of the housing code exists, the inspector shall, if his preliminary investigation discloses a basis for such charges, give written notice of violations to the owner and all parties in interest in such premises and give a reasonable time not exceeding sixty (60) days for the correction thereof. If the matter is not corrected, the inspector shall issue and cause to be served upon the owner and parties in interest in such premises a complaint stating the charges and containing a notice that a hearing will be held before the board of health pertaining to the complaint. A copy of the complaint shall be filed with the town attorney and the town manager.

(b) If after such hearing, the board of health determines that the dwelling under consideration is unfit for human habitation or that a violation of the housing code exists, they shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order to repair or close the dwelling within the time specified in the order which shall not be more than sixty (60) days.

(c) If the owner fails to comply with an order issued by the board of health under the provisions of this section, to repair or close a dwelling, he shall be subject to the penalties set forth in 18 V.S.A. 609, 610, 610(A), 614, and 616.

(Ord. of 12-11-78, §3-04)

Sec. 6-52. SERVICE OF COMPLAINT OR ORDER.

Complaints or orders issued by the inspector or board of health pursuant to this article shall be served upon the person personally, but if the whereabouts of such persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make affidavit to the effect, and the serving of such complaint or order upon such person may be made by publishing it once each week for three (3) successive weeks in a newspaper of general circulation in the town. A copy of the complaint or order issued by the inspector shall be posted in a conspicuous place on the premises affected by the complaint or order and a copy of such

complaint or order shall be filed in the office of the town clerk. Service upon persons living at a distance of more than twenty-five (25) miles from the town shall be accomplished by certified mail, return receipt requested. In addition, service in any manner provided in the state rental housing health code shall be acceptable.
(Ord. of 12-11-78, §3-05)

Sec. 6-53. APPEALS.

Any person who is aggrieved by an order or decision of the inspector or board of health may appeal to the housing board of review as provided in 24 V.S.A. 5005. Further appeal rights shall be subject to the provisions of 24 V.S.A. 5006.
(Ord. of 12-11-78, §3-08)

Secs. 6-54--6-65. RESERVED.

DIVISION 3. STANDARDS

Sec. 6-66. HOUSING CODE ADOPTED.

There is hereby adopted a housing code for the town by authority of 24 V.S.A. 5001 et seq. enabling municipalities to adopt local housing codes.
(Ord. of 12-11-78, §1-01)

Sec. 6-67. GENERAL PROVISIONS RELATING TO HOUSING.

(a) An inspector may determine that a dwelling is unfit for human habitation, if he finds that conditions exist in such dwelling which:

(1) Are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the town; or
(2) Do not comply with or meet the standards or requirements of the housing code.

(b) Conditions mentioned in subsection (a) above may include any or all of the following:
(1) Defects increasing the hazards of fire, accidents, or other calamities;
(2) Lack of adequate ventilation, light, or sanitary facilities;
(3) Dilapidation;
(4) Disrepair;
(5) Structural defects;
(6) Un-cleanliness.
(Ord. of 12-11-78, §2-01, 2-02)

Sec. 6-68. HABITABLE SPACE-LIGHT AND VENTILATION.

(a) Habitable space shall be provided with natural light through one (1) or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces, at least six (6) inches above the adjoining finished grade. A legal open space must admit an amount of light equivalent to that transmitted through clear glass equal in area to ten (10) percent of the floor area of the habitable space.

(b) Habitable space shall be provided with artificial light fixtures, as provided in section 2.2 of the State Rental Housing Health Code.

(c) Habitable space shall be provided with natural ventilation through open able parts of windows or other openings in exterior walls that face legal open spaces above the adjoining finished grade, or through open able parts of skylights, providing total clear ventilation area equal to not less than five (5) percent of the total floor area of each habitable space.

(d) Habitable space may also be provided with mechanical ventilation in addition to natural ventilation.
(Ord. of 12-11-78, §5-01)

Sec. 6-69. SAME-MISCELLANEOUS REQUIREMENTS.

(a) Dwelling units shall be separated from each other and from other spaces outside the dwelling unit. Lodging units shall be separated from each other and from other spaces outside the lodging unit.

(b) A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a sleeping room or a lodging unit.

(c) It shall be prohibited to use habitable space or public space for sleeping purposes.
(Ord. of 12-11-78, §6-01)

Sec. 6-70. PUBLIC SPACE-HEIGHT.

Public space shall have minimum height of seven (7) feet measured from finished floor to finished ceiling.
(Ord. of 12-11-78, §6-01)

Sec. 6-71. SAME-LIGHT AND VENTILATION.

(a) Public space shall be provided with functional artificial light fixtures.

(b) In public stairs, stairways, and passageways artificial light shall be electric lighting available at all times so as to afford safe passage for occupants and users.
(Ord. of 12-11-78, §6-02)

Sec. 6-72. NON-INHABITABLE SPACE; HEIGHT.

Non-inhabitable space, except crawl spaces, attics, closets, locker, storage, utility heater, boiler room and other spaces for service and maintenance of building, in multiple dwelling shall have over fifty (50) percent of the floor areas, a minimum height of seven (7) feet measured from floor to ceiling.
(Ord. 12-11-78, §7-01)

Sec. 6-73. TOILET ROOMS AND BATHROOMS.

(a) Toilet rooms and bathrooms in all dwelling units subject to this chapter shall have provisions for privacy.

(b) Unless located within dwelling units or directly connected with sleeping rooms, toilet rooms and bathrooms in multiple dwellings shall be provided in each story containing habitable space and shall be accessible thereto.

(c) In all dwelling units subject to provisions of this article, toilet rooms and bathrooms shall be provided with floors impervious to water and easily cleanable.

(d) All doors to bathroom and toilet compartments, except in a dwelling unit, shall have locks in operable condition to assure privacy.
(Ord. 12-11-78, §7-02)

Sec. 6-74. LIGHT AND VENTILATION IN CERTAIN OTHER AREAS.

(a) Kitchenettes, bathrooms, and toilet rooms shall be provided with artificial light fixtures appropriate for the use of such rooms.

(b) Laundry rooms, furnace rooms, and similar non-inhabitable space shall be provided with artificial light fixtures appropriate for the intended use of such rooms.

(c) Stairs shall be provided with functional artificial light fixtures to allow safe ascent or descent.

(d) Kitchenettes, bathrooms, and toilet rooms shall be provided with ventilation in accordance with either of the following:

(1) Natural ventilation shall be as required for habitable space; mechanical ventilation, if provided, shall be equivalent to required natural ventilation.
(2) Any combination of natural and mechanical ventilation which meets the requirements set forth for natural ventilation shall be adequate.

(e) Ventilation shall be provided in unheated attics, spaces below flat roofs, and crawl spaces. Location and net areas of ventilation openings shall be such as to minimize deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.
(Ord. of 12-11-78, §7-03)

Sec. 6-75. EXITS.

(a) Safe, continuous and unobstructed exits shall be provided from the interior of the building to the exterior at street or grade level.

(b) Exits shall be arranged, constructed and proportioned so that occupants may escape safely from the building in case of emergency.

(c) In all dwellings subject to the provisions of this article in addition to a primary exit from the building, there shall be provided a secondary exit or, in lieu thereof, one (1) or more exit openings for emergency use.
(Ord. of 12-11-78, §8-01)

Sec. 6-76. CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF STRUCTURAL ELEMENTS.

The provisions as required under Vermont Health Regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Code under Construction, Installation and Maintenance of Structural Elements are hereby adopted by reference.
(Ord. of 12-11-78, §9-01)

Sec. 6-77. INSECTS AND RODENTS PROTECTION.

The provisions under Vermont Health Regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Codes under Insects and Rodents are hereby adopted by reference.
(Ord. of 12-11-78, §9-02)

Sec. 6-78. FIRE SAFETY REQUIREMENTS-PROHIBITED ACCUMULATIONS AND STORAGE[30]

(a) It shall be prohibited:
(1) To accumulate or store on residential premises, except in approved locations, any

[30] **Cross reference-**Fire prevention and protection, ch.5

highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids, and similar materials or any combustible refuse liable to spontaneous combustion, such as waste paper, boxes, rags or similar materials; or
(2) To accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows or in any other locations where in the event of fire such materials may obstruct egress of occupants or interfere with firefighting operations.

(b) Fuel oil, gas and other combustible fuel materials shall be stored in accordance with regulations issued by the state Fire Protection Division and enforced by the town fire department.
(Ord. of 12-11-78, §10-01)

Sec. 6-79. PREVENTION OF FIRES.

(a) Walls and ceilings shall be maintained free from cracks and openings which would permit flame or excessive heat to enter the concealed space.

(b) In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations which will retard the spread of fire.

(c) Garages in or attached to a residential building shall be separated from other spaces in the buildings by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building.
(Ord. of 12-11-78,§ 10-02)

Sec. 6-80. INTERIOR FINISHES, TRIM AND DECORATIVE MATERIALS.

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings and interior trim shall be of materials that will not, in burning, give off excessive amounts of smoke or objectionable gases.
(Ord. of 12-11-78, § 10-02)

Sec. 6-81. FIREPLACES AND WOODSTOVES.

(a) Fireplaces, woodstoves, and similar construction used, or intended to be used, for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.

(b) Hearths and lining or other parts of fireplaces and woodstoves exposed directly to flame shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures.

(c) Wood mantels and trim on fireplaces shall be placed and attached so that they cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.
(Ord. of 12-11-78, § 10-04)

Sec. 6-82. OTHER FIRE REGULATIONS.

In addition to the standards set forth in this division, the rules and regulations promulgated by the state department of labor and industry, fire prevention division, and enforceable by the town fire department and the fire code shall govern in all matters of fire safety.
(Ord. of 12-11-78, § 10-05)

Sec. 6-83. EQUIPMENT REQUIREMENTS.

(a) Plumbing, heating, electrical, ventilating air conditioning, refrigerating, cooking, fire protection and radiation production equipment, elevators dumbwaiters, escalators, and other mechanical additions, installations, or systems for the use of the building, if installed shall be located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, a source of ignition, or a radiation hazard, and will not create excessive noise, or otherwise become a nuisance. Equipment and systems include, but are not limited to, apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings, and materials used as part of or in connection with such installations.

(b) Equipment and systems subject to damage from freezing shall be adequately protected against freezing.

(c) Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

(d) Every supplied facility, piece of equipment or utility, and chimney and smokepipe shall be constructed and installed so that it will function safely and effectively.
(Ord. 12-11-78, §11-01)

Sec. 6-84. HEALTH REQUIREMENTS.

Any dwelling unit, rooming unit or other habitation subject to the provisions of this article which is rented shall comply with the minimum standards found in state health regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Code, under Sanitation Facilities.
(Ord. of 12-11-78, § 11-02)

Sec. 6-85. ELECTRICAL REQUIREMENTS.

The owner shall have electricity available for every dwelling unit, dwelling, rooming house or rooming unit as provided in the state health regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Code, under Lighting.
(Ord. of 12-11-78 § 11-03)

Sec. 6-86. HEATING.

Standards for heating shall be the same as those found in the state health regulations, Chapter 5, Environmental Health, subchapter 16, Rental Housing Health Code, under Heating.
(Ord. 12-11-78, § 11-04)

Sec. 6-87. SMOKE CONTROL.

Fuel-burning heat producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust, particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.
(Ord. of 12-11-78, § 11-05)

Sec. 6-88. PROHIBITED LOCATIONS FOR HEAT PRODUCING EQUIPMENT.

Fuel-burning water heaters shall not be located in sleeping rooms.
(Ord. of 12-11-78, §11-06)

Sec. 6-89. PLUMBING FACILITIES IN MULTIPLE DWELLINGS AND ROOMING HOUSES.

Where multiple dwelling or rooming houses contain sleeping accommodations arranged as individual rooms or suites, for each multiple of six (6) sleeping rooms or fraction thereof, there shall be provided plumbing fixtures consisting of at least one (1) toilet, one (1) sink, and one (1) bathtub or shower.
(Ord. of 12-11-78, §11-07)

Sec. 6-90. GAS FUEL.

Fuel gas piping systems, valves and gas appliances shall be installed and maintained in compliance with the rules and regulations promulgated by the state department of labor and industry, fire prevention division and enforceable by the town fire department and the fire code.
(Ord. of 12-11-78, §11-08)

Sec. 6-91. PROPERTY MAINTENANCE REQUIREMENTS.

Residential premises shall be maintained in conformity with the provisions of this article so as to assure the desirable residential character of the property.
(Ord. of 12-11-78, §12-01)

Sec. 6-92. MAINTENANCE OF OPEN AREAS.

(a) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.

(b) Fences and other minor constructions shall be maintained in safe and substantial condition.

(c) Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained by either occupant or owner so as to afford safe passage under normal use and weather conditions.

(d) Yards and courts shall be kept clean and free of physical hazards by either owner or occupant.

(e) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or area fire hazard shall not be permitted on the grounds surrounding a dwelling.
(Ord. of 12-11-78, §12-02)

Sec. 6-93. MAINTENANCE OF BUILDING STRUCTURES.

(a) Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(b) Residential buildings shall be maintained in clean and sanitary condition, and free of conditions detrimental to safety or health, by occupant, and/or landlord, as applicable.

(c) No lead-based paint shall be used in painting the interior or exterior of any dwelling unit.

(d) Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.
(Ord. of 12-11-78, §12-03)

Sec. 6-94. INFESTATION PREVENTION; SCREENING.

(a) Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall

conform to generally accepted professional practice.

(b) Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.
(Ord. of 12-11-78, §12-04)

Sec 6-95. Garbage and refuse storage and collection.

(a) Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

(b) In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.

(c) In multiple dwellings, by agreement between landlord and occupant, receptacles for disposal of garbage and refuse shall be provided and arrangements made for its removal, in accord with the state rental housing health code.
(Ord. of 12-11-78, § 12-05)

Chapter 7: LICENSES AND BUSINESS REGULATIONS[31]

Art. I. In General, §§7-1--7-30
Art. II. Amusements, §§ 7-31--7-120
Div. l. Generally, §§ 7-31--7-45
Div. 2. Dance Halls and Other Public Halls, §§ 7-46--7-60
Div. 3. Coin-Operated Amusement Machines and Places of Amusement, Sport or Recreation, §§ 7-61--7-80
Div. 4. Bowling Alleys, Pool Rooms and Billiard Rooms, §§ 7-81--7-95
Div. 5. Theaters, §§ 7-96--7-120
Art. III. Automobile Service Stations, §§ 7-121--7-140
Art. IV. Food and Food Establishments, §§ 7-141--7-210
Div. 1. Generally, §§ 7-141--7-155
Div. 2. Butchers, Slaughterhouses, Etc., §§ 7-156--7-175
Div. 3. Grocery, Meat and Produce, Etc., Dealers, §§ 7-176--7-185
Div. 4. Restaurants, Cafes, Lunch Rooms, Etc., §§ 7-186--7-210
Art. V. Hotels, Motels, Rooming and Lodging Houses and Other Living Establishments, §§ 7-211--7-270
Div. 1. Generally, §§ 7-211--7-255
Div. 2. Hotels, Motels, Rooming Houses, Etc., §§ 7-226--7-245
Div. 3. Campgrounds and Trailers, Mobile Homes and Recreational Vehicle Parks, §§ 7-246--7-270
Art. VI. Peddlers, Solicitors, Itinerant Vendors, § 7-271

ARTICLE I. IN GENERAL

Sec. 7-1. Required.

Repealed December 12, 1994 (This amendment is retroactive to January 1, 1994.)

Sec. 7-2. Application.

Repealed December 12, 1994 (This amendment is retroactive to January 1, 1994.)

Sec. 7-3. Issuance.

Repealed December 12, 1994 (This amendment is retroactive to January 1, 1994.)

Sec. 7-4. Nontransferable; expiration.

Repealed December 12, 1994 (This amendment is retroactive to January 1, 1994.)

Sec. 7-5. Inspection.

[31] **Cross references-**Licensing of dogs required, § 3-28; certain occupations prohibited in the city, § 8-1; consumption and possession of alcoholic beverages in public places restricted, § 8-5.

State law references-Junkyards, 24 V.S.A. 2067 et seq.; authority to regulate peddlers, transient vendors, circuses, amusements, etc., 24 V.S.A. 2291; regulation of entertainment, 31 V.S.A. 401 et seq.

Repealed December 12, 1994(This amendment is retroactive to January 1, 1994.)

Sec. 7-6. Revocation.

Repealed December 12, 1994(This amendment is retroactive to January 1, 1994.)

Sec. 7-7. License required for livery stables and blacksmith shops; fee; restrictions.

Repealed December 12, 1994(This amendment is retroactive to January 1, 1994.)

Sec. 7-8. License required for sale of tobacco products; fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-9. License required for vehicles for hire; fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-10. Permit required for certain sales, shows, exhibits; fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-11. Location of vending and other machines restricted.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Cross reference- Coin-operated amusement machines, §7-61 et seq.

Secs. 7-12--7-30. Reserved.

ARTICLE II. AMUSEMENTS[32]

DIVISION 1. GENERALLY

Secs. 7-31--7-45. Reserved.

DIVISION 2. DANCE HALLS AND OTHER PUBLIC HALLS[33]

Sec. 7-46. Licenses required; restrictions; fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

[32] **State law references-**Authority to regulate, 24 V.S.A. 2291; regulation of entertainment, 31 V.S.A. 401 et seq.
[33] **State law reference-** Regulation of dance halls, 31 V.S.A. 501 et seq.

Secs. 7-47--7-60. Reserved.

DIVISION 3. COIN-OPERATED AMUSEMENT MACHINES AND PLACES OF AMUSEMENT, SPORT OR RECREATION[34]

Sec. 7-61. Definitions.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-62. License required.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-63. Application.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-64. Fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-65. Issuance; expiration.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-66. Restrictions[35]

Repealed December 12, 1994. (This amendment is retroactive to January 1, `1994.)
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Sec. 7-67. Compliance with law.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-68--7-80. Reserved.

DIVISION 4. BOWLING ALLEYS, POOL ROOMS AND BILLIARD ROOMS[36]

Sec. 7-81. License required.

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[34] **Cross reference-**Location of vending and other coin-operated machines restricted, §7-11.
State law references-Pin ball, gambling machines, 13 V.S.A. 2135 et seq.: authority to regulate, 24 V.S.A. 2291; state licenses, 32 V.S.A. 7501.
Cross reference-Definitions and rules of construction generally, § 1-2.

[35] **State law reference-**Restriction on use by persons under age eighteen, 32 V.S.A. 7504

[36] **State law reference-**Bowling alleys, pool halls, regulation, 31 V.S.A. 501 et seq.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-82--7-95. Reserved.

DIVISION 5. THEATERS[37]

Sec. 7-96. License required; restrictions; fee.

Repealed December 12, 1994.(This amendment is retroactive to January 1, 1994.)

Secs. 7-97--7-120. Reserved.

ARTICLE III. AUTOMOBILE SERVICE STATIONS

Sec. 7-121. Defined.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 7-122. License required.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-123. Fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-124. Restrictions.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

[37] **State law reference-**Theaters, 31 V.S.A. 442 et seq.

Sec. 7-125. Curb pump prohibited.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-126--7-140. Reserved.

ARTICLE IV. FOOD AND FOOD ESTABLISHMENTS

DIVISION 1. GENERALLY

Secs. 7-141--7-155. Reserved.

DIVISION 2. BUTCHERS, SLAUGHTERHOUSES, ETC.

Sec. 7-156. License required.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-157. Restrictions.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-158. Fees.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-159--7-175. Reserved.

DIVISION 3. GROCERY, MEAT AND PRODUCE, ETC., DEALERS

Sec. 7-176. License required.

Repealed December 12, 19994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-177. Fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-178. Restriction.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-179--7-185. Reserved.

DIVISION 4. RESTAURANTS, CAFES, LUNCH ROOMS, ETC.

Sec. 7-186. License required.

Repealed December 12, 1994. (This amendment is retroactive to January 1, l994.)

Sec. 7-187. Fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-188. Restrictions.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-189--7-210. Reserved.

ARTICLE V. HOTELS, MOTELS, ROOMING AND LODGING HOUSES AND OTHER LIVING ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 7-211--7-225. Reserved.

DIVISION 2. HOTELS, MOTELS, ROOMING HOUSES, ETC.

Sec. 7-226. License required.

Repealed December 12, 1994.(This amendment is retroactive to January 1, 1994.)

Sec. 7-227. Fee.

Repealed December 12, 1994.(This amendment is retroactive to January 1, 1994.)

Sec. 7-228. Restriction.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-229--7-245. Reserved.

DIVISION 3. CAMPGROUNDS AND TRAILERS, MOBILE HOMES AND RECREATIONAL VEHICLE PARKS[38]

Sec. 7-246. Definition.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 7-247. License required.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-248. Fee.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Sec. 7-249. Restrictions.

Repealed December 12, 1994. (This amendment is retroactive to January 1, 1994.)

Secs. 7-250--7-270. Reserved.

[38] **State law reference-**Regulation of trailer parks, 24 V. S.A. 2231.

ARTICLE VI. STREET PERFORMING REGULATIONS

Sec. 7-271. PURPOSE

The purpose of this article is to encourage and permit street performance in public areas within the following structured guidelines and regulations. All performers must receive written permission (permit) from the Town Manager stating the purpose, date, location, and length of performance. Said permission may be given to a Festival Director for multiple performances.

Sec. 7-272. DEFINITIONS

For the purpose of this article, the following words and phrases shall have the meanings hereinafter set forth except where such terms area used in a context which clearly indicates to the contrary.

a) *"Perform"* includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing and reciting.
b) *"Public Areas"* include sidewalks, parks, playgrounds and all other public ways located in the Town of St Johnsbury, as appropriate.

Sec. 7-273. PERMITTED PERFORMANCE LOCATIONS

a) In designated outdoor public areas in the following zoning districts: Mixed Use, Commercial, and Residential A. If the zoning code is changed or new zoning districts created that encompass, this ordinance will cover such areas until a revision is made.

b) If a crowd gathers to see or hear a performer such that the passage of the public through a public area is blocked, a police officer must be present at the cost of the performer. In the event that the confines of the activity go beyond the granted permissions, a law enforcement officer may cause the performer to stop and reapply.

c) No performer or group shall perform at a distance of less than 50 feet from another performer or group of performers that already is performing.

d) The Town Manager may consult or defer permission for street performers to the Chief of Police.

Sec. 7-274. ACCEPTANCE OF CONTRIBUTIONS

(a) A performer may accept contributions during the performance and such acceptance shall not constitute a violation of "begging" conduct under the provisions of Article VI Peddlers, Solicitors, and Itinerant Vendors.

(b) The performance and acceptance of contributions, if such occur in a permitted area as provided in Section 7-273 (a), will not constitute Loitering under the provisions of Chapter 11.

Sec. 7-275. COMPLIANCE

The conduct and behavior of all street performers will be in compliance with all existing Ordinances, which includes but is not limited to the Noise Ordinance, the Loitering Ordinance, the Public Decency Ordinance and the laws on the obstruction of sidewalks and other passageways, as well as pamphleteering, advertising or solicitation, and all State and Federal Laws.

Sec. 7-276. Effective date

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. §1973, the taking effect of this ordinance shall be governed by that statute. [39]

[39] Adopted Nov. 25, 2013. No petitions were filed.

Chapter 8: MISCELLANEOUS OFFENSES

8-1. Certain Occupations prohibited
8-2. Discharge of firearms prohibited in certain areas; exception
8-3. Littering prohibited.
8-4. Obstruction of public ways prohibited.
8-5. Loitering
8-6. Consumption and possession of alcoholic beverages in public places prohibited.
8-7. Public Indecency Prohibited.
8-8. Objectionable Noise
8-9. Enforcement and penalties.

Sec. 8-1. CERTAIN OCCUPATIONS PROHIBITED.

Repealed May 27, 2008
(Code 1966, Ch. 10, §1)

Sec. 8-2. DISCHARGE OF FIREARMS PROHIBITED IN CERTAIN AREAS; EXCEPTION.[40]

(a) No person shall discharge or cause to be discharged or fired, any revolver, pistol, rifle, shotgun, air-powered rifle, or other similar firearm within the former limits of the Village of St. Johnsbury or any densely populated areas of town.

(b) This prohibition shall not apply to the use of firearms or weapons by any duly constituted police officer or other public official when such use is reasonably necessary in the performance of his/her official duty. This section shall not prevent the discharge of firearms on any properly constructed firing range or in the conduct of a contest, shoot or meet, when reasonable precautions are taken for the protection of the public safety. This section shall not prevent the use of firearms for the disposal of vermin, when permission for such use has been obtained from the Chief of Police of the town.
(Code 1966, Ch. 10, §3)(Amended 10/23/00)

Sec. 8-3. LITTERING PROHIBITED.[41]

A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobiles or parts thereof, refuse of whatever nature, or any noxious things on public land or private land of others or on or within view of a public highway. No person having occupied public land or private land of others, upon leaving, shall fail to remove therefrom or deposit in a receptacle provided for that purpose any

[40] **State law reference-**Authority to regulate discharge of firearms, 24 V.S.A. 2291.
[41] **State law reference-**Authority to prohibit nuisances, 24 V.S.A.2291.

bottles, glass, crockery, cans, paper, garbage, refuse of whatever nature or any noxious things from the land. No person shall deposit in a private garbage receptacle, container or dumpster without obtaining permission from the owner or renter of that receptacle, container or dumpster. (Ord. of 6-25-73)

Sec. 8-4. OBSTRUCTION OF PUBLIC WAYS PROHIBITED.

(a) It shall be unlawful for any person either alone or in consort with others to:

(1) Obstruct any public street, public highway, public sidewalk, any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or within any business lawfully conducted by anyone or upon or facing or fronting on such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress or egress, therein, thereon, and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) above, and after having been ordered by a police officer or any other law enforcement officer to stop causing or committing such conditions and to move on or disperse, and refuses to obey such order, he shall be in violation of this section, punishable as provided in section 1-13.
(Ord. of 8-25-86, §6)

Sec. 8-5. LOITERING ORDINANCE[42]

Sec. 8-5.1. Authority

Under authority granted by 24 V.S.A Chapter 61, the Town of St. Johnsbury adopts this Loitering Ordinance. Pursuant to 24 V.S.A. §§ 2291 (1), (5), and (14) the Select Board shall have the authority to regulate loitering in the Town of St. Johnsbury.

Sec. 8-5.2. Purpose

The purpose of this ordinance is to protect, preserve and promote the health, safety, and welfare of the citizens of St. Johnsbury through the regulation of loitering. The intent of this ordinance is to prohibit loitering that hinders or impedes the passage of pedestrians or vehicles upon any public or

[42] Adopted June 11, 2012. No petitions were filed.

quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use. The Select Board of the Town of St. Johnsbury hereby finds that such loitering is a public nuisance that endangers the health, safety, and welfare of the citizens of this town.

Sec. 8-5.3. Definitions

For the purpose of this ordinance:

Loitering shall mean the act of standing or remaining idle in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use.

Sec. 8-5.4. Prohibited Conduct

It shall be unlawful for any persons, after first being warned by any law enforcement officer, property owner or designee or where a "no loitering" sign or signs have been posted, to loiter, sit or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or impede the passage of pedestrians or vehicles.

Sec. 8-6. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES PROHIBITED.

Prohibition. It is unlawful for any person to consume any alcoholic beverage as defined in state law or to possess any opened container containing alcoholic beverages while such person is:

- In, on, or upon a vehicle, on a street or municipal highway, or
- In a municipal parking lot, or
- In any so-called common area open to the public, or
- With the approval of the Town Manager or his/her designee.

Cross reference-Licenses and business regulations, Ch.7; parks and recreation, Ch.9; streets, sidewalks and other public places, Ch.11.

Sec. 8-7 PUBLIC INDECENCY PROHIBITED.

(a) Definition: "Nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male

genitals in a discernibly turgid state. The inadvertent showing of the female breast with less than a fully opaque covering of any portion of the nipple by a woman engaged in the feeding of an infant child shall not constitute nudity within the meaning of this definition.

(b) Public Indecency:

(1) No person shall knowingly or intentionally in a public place:

(A) engage in sexual intercourse;
(B) appear in a state of nudity;
(C) fondle his/her genitals;
(D) fondle the genitals of another person.
(E) Urinate or defecate in public

(2) No person who owns, leases, or controls property shall knowingly allow any person to engage in the conduct described in subparagraph (1) above at any time such property is open to the public.
(Ord. of 3/1/97)

Sec. 8-8. OBJECTIONABLE NOISE[43]

SEC. 8-8.1 Authority

This ordinance is adopted under authority granted in 24 V.S.A. § 2291 (14), and 24 V.S.A. Chapter 59.

Sec. 8-8.2. Purpose

The purpose of this ordinance is to protect, preserve, and promote the health, safety, welfare, peace and quiet for the citizens of St. Johnsbury through the reduction, control and prevention of objectionable noise. The intent of this ordinance is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

Sec. 8-8.3. Definitions

The following acts are declared to be loud, objectionable, and unnecessary noises, which are therefore a public nuisance, and are prohibited by this ordinance.

[43] Adopted November 26, 2012

a) **Radios, other sound-producing devices.** The use or operation of any radio, phonograph, musical instrument or other sound-making or sound-producing device in such manner as to disturb the quiet or repose of any person or persons in the vicinity thereof;
b) **Defect in vehicle or operation of vehicle.** The operation of any automobile, motorcycle or other type of motor vehicle in such a manner as to create squealing of tires or loud and unnecessary grating, grinding, exploding, rattling or other types of noises;
c) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle, except through a muffler or other similar device which will significantly reduce and prevent loud or explosive noises there from;
d) **Horns, signaling devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle or other motorized or electric vehicle except as a danger warning, the creation by means of any other signaling device or any unreasonable loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time;
e) **Construction noise.** Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 9 PM and 6 AM, except for emergency repairs or maintenance of Town Highways necessary to protect people or property;
f) **Noise in general.** Any noise is deemed objectionable because of volume, frequency or beat and which is not muffled or otherwise controlled.
g) **Disorderly Conduct.** [44] Noise caused by a person or persons who, with intent to cause public inconvenience or annoyance or recklessly creating a risk thereof by:
    1) Engaging in fighting or in violent, tumultuous, or threatening behavior; or
    2) Making unreasonable noise; or
    3) In a public place use abusive or obscene language; or
    4) Without lawful authority, disturbs any lawful assembly or meeting of persons; or
    5) Obstructing vehicular or pedestrian traffic.

(Cross Reference 8-4 Obstruction of Public Ways Prohibited and 8-5 Loitering Ordinance.)

Sec. 8-8.4. Distance

The creation of, permitting or operation of any of the above sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of twenty-five (25) feet from a building, structure, vehicle, or location from which the noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.

[44] Adopted June 23, 2014. There were no petitions filed.

Sec. 8-8.5. Exemption.

a) All safety equipment and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens. Car horns or car warning devices do not fall under this exemption if they are left unattended for an unreasonable amount of time or multiple noise complaints have been received.
b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
d) Musical, recreational, and athletic events conducted by and on the site of a school or educational institution and municipal institutions.
e) Events or businesses conducted by, or permitted by the Town Select Board and/or Police Department.

Sec. 8-9. ENFORCEMENT AND PENALTIES.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. Seq. This ordinance shall be enforced by any Vermont certified law enforcement officer. This penalty shall apply to any person(s) who has actual physical control of a motor vehicle or device in question *or* the renter, owner or lessee of any structure under their control from whence the conditions is originating.

A. First offense	$50.00 full penalty	$25.00 waiver penalty
B. Second offense within 6 months	$100.00 full penalty	$50.00 waiver penalty
C. Third and subsequent offenses within 6 months	$200.00 full penalty	$100.00 waiver penalty

Sec. 8-10. Severability.

Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Sec. 8-11. Effective date.[45]

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

[45] Adopted November 26, 2012. No petitions were filed. Full text of Ch. 8 with penalties approved November 25, 2013. No petitions were filed.

Chapter 9: PARKS AND RECREATION[46]

Art. I. In General, §§ 9-1--9-25
Art. II. Recreation, §§ 9-26--9-65
Div. 1. Generally, §§ 9-26--9-40
Div. 2. Recreation Board, §~9-41--9-60
Div. 3. Recreation Department, §§ 9-61--9-65

ARTICLE I. IN GENERAL

Secs. 9-1--9-25. Reserved.

ARTICLE II. RECREATION

DIVISION 1. GENERALLY

Secs. 9-26--9-40. Reserved.

DIVISION 2. RECREATION BOARD[47]

Sec. 9-41. Created; membership; terms.

There is hereby created a recreation board consisting of six (6) members appointed by the board of selectmen for a term of three (3) years.
(Ord. of 5-14-79, § 3; Ord. of 4-23-84, § 3; Ord. of 6-23-86, §3)

Cross reference- Officers and employees, § 2-46 et seq.

Sec. 9-42. Powers and duties.

The recreation board shall have the power to employ a recreation director and such staff as may be required to operate a recreation program, and to enter into contracts in the name of and

[46] **Cross references-**Consumption and possession of alcoholic beverages in public places restricted, § 8-5; streets, sidewalks and other public places, Ch. 11; damaging public property prohibited, § 11-2.

State law reference-Parks and playgrounds, 31 V.S.A. 201 et seq.

[47] **Cross reference-**Administration, Ch. 2.

on behalf of the recreation department. The recreation board shall report to the town manager monthly and shall include in their report a financial statement accurately reflecting the financial condition of the recreation department. All expenditures of the recreation department shall be approved by the recreation board.
(Ord. of 5-14-79, § 4)

Sec. 9-43. Fiscal year.

The recreation board shall operate on a fiscal year ending December 31. Funds remaining on hand at the close of the fiscal year shall be carried forward as surplus in the account of the recreation department for the following year.
(Ord. of 5-14-79, § 7)

Sec. 9-44. Budget.

Annually on or before January 15, the recreation board shall prepare and submit to the town manager a budget reflecting proposed revenues and proposed expenditures for the following fiscal year. The budget shall not be implemented without the prior approval of the board of selectmen.
(Ord. of 5-14-79, § 8)

Secs. 9-45--9-60. Reserved.

DIVISION 3. RECREATION DEPARTMENT[48]

Sec. 9-61. Creation.

There is hereby created a recreation department.
(Ord. of 5-14-79, §1)

Sec. 9-62. Purpose.

The purpose of the recreation department shall be to plan, promote, organize and supervise a comprehensive recreation program and administer the program in the interest of the entire community.
(Ord. of 5-14-79, §2)

[48] **Cross reference-**Officers and employees, § 2-46 et seq.

Sec. 9-63. Fund raising.

The recreation department shall have the authority to conduct such activities as the recreation board deems advisable and necessary to raise funds for the operation of the recreation department.
(Ord. of 5-14-79, §5)

Sec. 9-64. Accounts.

Funds of the recreation department shall be maintained by the town treasurer and shall be held in a separate account.
(Ord. of 5-14-79, §6)

Sec. 9-65. Reimbursement to town.

The recreation department shall reimburse the town for actual added cost to the town in connection with the operation of the recreation department, but the recreation department shall not be charged with costs in connection with maintenance and operation of the building occupied by the recreation department. Cost to be reimbursed to the town shall include, by way of example but not by way of limitation, social security taxes, health insurance, worker's compensation insurance, unemployment insurance, contributions to the retirement plan and charges for services actually rendered by the town clerk's office or the town manager's office.
(Ord. of 5-14-79, § 9)

Sec. 9-66. Appointment of Town Tree Warden and Deputy Tree Warden.

A town tree warden appointed by the Board of Selectmen pursuant to 24VSA§871(5) and a deputy tree warden appointed by the Board of Selectmen pursuant to this ordinance shall have the responsibility to carry out the provisions of this ordinance and to make recommendations to the town in order to provide:

(a) For the care, protection, preservation, planting and removal of public trees, and to provide for the treatment of pest infestations therein.
(b) The removal from public property of trees which due to their damaged or diseased condition represent a hazard to public safety.

The town tree warden and deputy tree warden shall have a solid knowledge of modern arboricultural practices and shall be experienced in the planning, planting and maintenance of urban trees.
(Ord. of 4/15/04)

Sec. 9-67. Tree Preservation Program.

Shade and ornamental trees within the limits of public way and places shall be under the control of the town tree warden and/or deputy tree warden. The tree warden and/or deputy tree warden may plan and implement a shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance and safety of existing trees through feeding, pruning, and protecting them from noxious insect and disease pests and by removing diseased, dying or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control programs.
(Ord. of 4/15/04)

Sec. 9-68. Removal or Pruning of Trees.

Whenever the town tree warden or deputy tree warden determines that:

(a) A tree or limb in or upon any public property in the town of St. Johnsbury is in danger of falling in or across any public right-of-way; or
(b) A tree is a danger to public safety and welfare because of defect, decay or lack of support; or
(c) A tree constitutes a threat to other trees because it harbors or breeds noxious insects or disease pests;
The tree warden and/or deputy tree warden may remove or render such treatment(s) to the tree which will result in the danger of being alleviated.
(Ord. of 4/15/04)

Sec. 9-69. Jurisdiction of the Tree Warden and/or Deputy Tree Warden.

No person shall cut, climb, break, trim, or remove or in any way injure trees on public right-of-way or other property of the Town of St. Johnsbury without first having consulted with the town tree warden and/or deputy tree warden.

No person shall attach or keep attached to a tree on town property any wire, rope, wire insulator, notice, advertisement, object or other device without having consulted with the tree warden and/or deputy tree warden.

No person shall excavate soil, cut or fill or otherwise alter the grade or drainage within twenty feet of a public tree without first consulting with and obtaining permission from the town tree warden and/or deputy tree warden.

No person shall plant any tree on any public rights-of-way or property without first having obtained permission from the town tree warden and/or deputy tree warden.

Any person who critically injures or cuts down a public shade tree without permission from the town tree warden and/or deputy tree warden shall be fined not more than $500 for each tree so injured or cut. Any other violations of article 4 will result in a fine of not more than $50.
(Ord. of 4/15/04)

Sec. 9-70. Protection of Public Trees During Construction.

No construction will take place within twenty feet of a public tree without having provided for the protection of said tree during the construction after having consulted with the town tree warden and/or deputy tree warden.
(Ord. of 4/15/04)

Chapter 10: Reserved

Chapter 11: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES[49]

Sec. 11-1. Permit for parades and certain processions required.

a) No procession or parade other than for funeral or religious purposes shall be allowed to use the public streets or highways of the town unless and until the person in charge thereof or responsible therefore shall obtain written permission (permit) from the Town Manager's Office for such procession or parade.

b) Such permit shall be issued only upon proof that such procession or parade will be conducted without public tumult or unlawful disturbance of any kind. The permit may be revoked if such tumult or unlawful disturbance is caused.
(Code 1966, Ch. 3, §2)

Sec. 11-2. Damaging public property prohibited.

No person shall move, injure, deface or damage any guidepost, traffic light, street sign, speed zone sign, traffic sign or street safety device within the town.
(Code 1966, Ch. 3, §5)

Cross reference-Parks and recreation, Ch. 9.

Sec. 11-3. Permits required for excavations.

No person shall erect any pole, wire or cable on any street within the town or lay any pipe or conduit under any of the streets or sidewalks or make any excavations in streets or sidewalks for the laying of pipes, conduits or sewers or for any other purpose without first procuring a permit. A bond in an amount sufficient to indemnity the town for any possible damage to the streets, sidewalks or other property shall be provided.
(Code 1966, Ch. 3, §6)

Sec. 11-4. Permit required for posting advertising on public property.

No person shall post, paint or in any way cause to be displayed any showbill, advertisement,

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[49] **Cross references-**Animals, Ch. 3; consumption and possession of alcoholic beverages in public places restricted, § 8-5; parks and recreation, Ch. 9; specific street regulations, § 12-46 et seq.; stopping, standing, parking on streets, § 12-96 et seq.; operation of snowmobiles permitted on certain routes, § 12-172; street requirements in subdivisions, App. A, § 401; street lighting requirements in subdivisions, App. A, § 403.
State law reference-Protection of highways, 19 V.S.A. 1101 et seq.

paper, written or printed matter, upon or in any way attached to any post, pole, fire alarm box, or other similar structure standing within the limits of the streets or highways of the town without a permit. Such reasonable rules and regulations as to manner, method and time may be prescribed by the town manager. Such permit may be revoked at any time for cause.
(Code 1966, Ch. 3, §7)

Sec. 11-5. Coasting prohibited; exception.

No person shall coast or slide on a sled, sleigh or other vehicle in the streets or upon the sidewalks within the limits of the town except upon such streets as may be set apart for coasting and so designated by the town manager.

(Code 1966, Ch. 3, §9)
Cross reference-Traffic and vehicles, Ch. 12.

Sec. 11-6. Riding bicycles on sidewalk prohibited.

Prohibitions:
It is unlawful for any person to ride a bicycle upon a sidewalk within the town.
(Code 1966, Ch. 3, § 10)

Parents and Guardians:
The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child to violate any of the provisions of this Section 11-6.

Sec. 11-7. Skateboard, Roller Skates

a) Definitions:
1) *Skateboard* - As used in this section "skateboard" means any device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power, or mechanized or motorized means. "Skateboard" shall not include motor vehicles, bicycles or wheel chairs whether motorized of not.
2) *Roller Skates* - As used in this action "roller skates" shall include any shoe-like device with wheels attached including, but not limited to devices commonly referred to as roller skates, in-line skates, and roller blades.

b) Prohibitions:
1) The use of skateboards and roller skates is prohibited at all times in the following places:

A) The grounds of the municipal buildings, and the grounds of the community center (recreation building) including stairs and paved areas in front of said

buildings and all of the land and sidewalks immediately adjacent to and surrounding building

B) The grounds of the Caledonia County Courthouse, including the stairs, paths, walkways, sidewalks and paved areas immediately adjacent to and surrounding the Caledonia County Courthouse.

C) All parking lots owned or operated by the Town of St. Johnsbury.

D) All private property, unless given specific permission by the property owner or the owner's agent.

2) The use of skateboards is prohibited on the following streets and the sidewalks adjacent thereto:

A) Main Street-Arnold Park to Western Avenue
B) Eastern Avenue-Entire Length
C) Railroad Street-Pearl Street to Bagley Street
D) Maple Street-Entire Length
E) Pearl Street-Entire Length
F) Federal Street-Entire Length
G) Cherry Street-Entire Length
H) Prospect Street-Entire Length
I) Thaddeus Lane-Entire Length
J) Charles Street-Entire Length
K) Central Street-Main Street to Summer Street
L) Winter Street-Main Street to Summer Street
M) Church Street-Main Street to Summer Street
N) Cary Place-Entire Length
O) Clinton Avenue-Entire Length
P) Portland Street-Railroad Street to Western Side of Caledonia Street

The use of roller blades is prohibited on the sidewalks adjacent to the streets listed in subsection (2) above, but is permitted on said streets.

c) Operation and Use of Skateboards and Roller Skates:
Individuals operating or using skateboards or roller skates shall skate in a prudent manner, and shall not interfere with the normal traffic flow of vehicles or pedestrians upon the streets or sidewalks of the Town of St. Johnsbury. Persons operating or using a skateboard or roller skates, within the public right of way of any street or highway, shall comply with all relevant traffic regulations and shall operate any such vehicle in a safe manner.

Sec. 11-8. Enforcement and penalties.

A violation of Chapter 11 of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. Seq. This ordinance shall be enforced by any Vermont certified law enforcement officer.

A. First offense	$50.00 full penalty	$25.00 waiver penalty
B. Second offense within 6 months	$100.00 full penalty	$50.00 waiver penalty
C. Third and subsequent offenses within 6 months	$200.00 full penalty	$100.00 waiver penalty

Sec. 11-9. Severability.

Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Sec. 11-10. Effective date.

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

Chapter 12: TRAFFIC AND VEHICLES[50]

Art. I. In General, § 12-1--12-25.
Art. II. Operation of Vehicles, § 12-26--12-45.
Art. III. Specific Street Regulations, § 12-46--12-60.
Div. l. Generally, § 12-46--12-60.
Div. 2. One-Way Streets, §12-61--12-75.
Div. 3. Speed Limits, § 12-76--12-95.
Art. IV. Stopping, Standing, Parking, § 12-96--12-155.
Div. 1. Generally, § 12-96--12-120.
Div. 2. Handicapped Parking, § 12-121--12-135.
Div. 3. Parking Lots, § 12-136--12-144.
Div. 4. Parking Meters, § 12-145--12-155.
Div. 5. Authorizing Removal of Motor Vehicles, § 12-156--12-158.
Art. V. Vehicles, § 12-159-12-175.
Div. 1. Generally, § 12-159--12-170.
Div. 2. Snowmobiles, § 12-171--12-175.

ARTICLE I. IN GENERAL

Sec. 12-1. DEFINITIONS[51]

The words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in 23 V.S.A. 1001 et seq., except where the context clearly indicates a different meaning.

Sec. 12-2. EXCESSIVE MOTOR VEHICLE NOISE PROHIBITED

No person while operating a motor vehicle within the town shall cause the motor vehicle to make an unnecessary and extraordinary noise by virtue of the manner of operation or the lack of equipment on the motor vehicle or the addition of improper equipment to the motor vehicle. (Code 1966, Ch. 2, § 12) See noise ordinance Chapter 8.

[50] **Cross reference-**Coasting with a sled or other vehicle in the streets prohibited, § 11-5.
State law reference-Operation of vehicles, 23 V.S.A. 1001 et seq.
[51] **Cross reference-**Definitions and rules of construction generally, §1-2.

Sec. 12-3. LITTERING FROM TRUCK LOADS PROHIBITED[52]

No person shall operate a motor vehicle upon the public highways within the town carrying material which may fall of or be blown off, littering the streets, without having the load securely covered in a manner to prevent such littering.
(Code 1966, Ch. 10, §4)

Secs. 12-4--12-25. RESERVED

ARTICLE II. OPERATION OF VEHICLES

Sec. 12-26. YIELD RIGHT-OF-WAY TO FIRE APPARATUS

Upon the approach of any moving firefighting apparatus a person in control of a motor vehicle shall immediately drive the motor vehicle as close as is reasonably practicable to the right hand curb or ditch of the street or highway upon which such person proceeding and stop long enough to allow all fire apparatus to pass without interference.

(Code 1966, Ch. 2, § 7)
Cross reference-Fire prevention and protection, Ch. 5.

Sec. 12-27. ENTERING INTERSECTION

A person, in control of or driving a motor vehicle, shall not drive the motor vehicle into the intersection of any streets or highways or past any designated stop line or stop marker, where the traffic at such intersection is controlled by automatic traffic lights, unless permission for such movement is clearly indicated by a green light or by the direction of a police or other qualified traffic officer.
(Code 1966, Ch. 2, §5)

Sec. 12-28. STOP INTERSECTIONS

A person in control of or driving a motor vehicle on any street or highway shall bring the motor vehicle to a full stop before passing through a traffic or stop signal or flashing red light or stop sign placed at the junction of such street or highway.
(Code 1966, Ch. 2, §6)(Amended 2/19/01)

[52] **State law reference-**Similar provisions, 23 V.S.A. 1452 et seq.

Sec. 12-29. YIELD INTERSECTIONS

A person in control of or driving a motor vehicle shall yield the right-of-way and decrease the speed of or stop the motor vehicle, if necessary, to allow a motor vehicle to proceed which is approaching on an intersecting or converging public highway, when clearly directed to do so by yield signs or markings erected at intersections or at the junction of converging public highways as authorized by the selectman, town manager or chief of police.
(Code 1966, Ch. 2, § 11)

Secs. 12-33--12-45. RESERVED

ARTICLE III. SPECIFIC STREET REGULATIONS[53]

DIVISION 1. GENERALLY

Secs. 12-46--12-60. Reserved

DIVISION 2. ONE-WAY STREETS

Sec. 12-61. DESIGNATED

The board of selectmen, town manager or chief of police may designate any street or highway for one-way traffic and shall erect appropriate signs giving notice thereof. Upon a street or highway designated and sign posted for one-way traffic, a vehicle shall be driven only in the direction designated.
(Ord. of 3-11-85)

Secs. 12-62--12-75. Reserved

[53] **Cross reference-**Streets, sidewalks and other public places, Ch. 11

DIVISION 3. SPEED LIMITS

Sec. 12-76. DESIGNATED

a) All the territory included within the former boundary of the Village of St. Johnsbury, as it was bounded just prior to the consolidation and merger of the Village of St. Johnsbury and the Town of St. Johnsbury, is hereby designated a thirty-mile per-hour maximum speed zone except as provided in subsections (c)and (d) below. The town manager shall cause to be posted on every public street and highway that crosses the former Village of St. Johnsbury boundary a sign indicating a maximum speed limit of thirty (30) miles per hour in the area. All such signs shall be posted so that they face and are clearly visible to motor vehicle traffic entering the former Village of St. Johnsbury territory. Such signs shall be placed as close as is practicable to the point where the former Village of St. Johnsbury boundary intersects such public streets or highways.

b) No person shall operate a motor vehicle or other conveyance on any public street or highway within the former Village of St. Johnsbury territory at a speed in excess of thirty (30) miles per hour.

c) The board of selectmen shall have the power to designate special speed zones in which the maximum speed limit shall be as low as twenty (20) miles per hour. Only those areas within the former Village of St. Johnsbury that pose special pedestrian and vehicular traffic problems may be designated special speed zones. All special speed zones must be clearly described in writing and kept on file in the town clerk's office for examination by the general public.

d) All special speed zones shall be clearly designated by signs posted at the limits thereof and indicting a maximum speed limit of twenty (20) miles per hour.

e) The board of selectmen shall have the power to designate additional special speed zones, in which the maximum speed shall be thirty (30) miles per hour. Only those areas within the town and outside of the former Village of St. Johnsbury area that pose special pedestrian and vehicular traffic problems may be designated additional special speed zones. All additional special speed zones must be clearly described in writing and kept on file in the municipal offices for examination by the general public.

f) All additional special speed zones shall be clearly designated by signs posted at the limits thereof and indicating a maximum speed limit of thirty (30) miles per hour.
(Code 1966, Ch. 2, § 9; Ord. of 4-21-69; Ord. of 10-30-72; Ord. of 6-9-80)

Sec. 12-77. ENFORCEMENT AND PENALTIES.

A violation of Articles I, II and III of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. Seq. This ordinance shall be enforced by any Vermont certified law enforcement officer.

A. First offense	$100.00 full penalty	$50.00 waiver penalty
B. Second offense within 6 months	$150.00 full penalty	$75.00 waiver penalty
C. Third and subsequent offenses within 6 months	$200.00 full penalty	$100.00 waiver penalty

Sec. 12-78. Severability.

Each of the provisions of the ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Sec. 12-79 Effective date.

This ordinance shall become effective 60 days after its adoption by the St. Johnsbury Select Board. If a petition is filed under 24 V.S.A. § 1973, the taking effect of this ordinance shall be governed by that statute.

Secs. 12-80--12-95. Reserved

ARTICLE IV. STOPPING, STANDING, PARKING[54]

DIVISION 1. GENERALLY

Sec. 12-96. PROCEDURE

The person operating or driving a motor vehicle shall park the motor vehicle parallel to the curb or ditch on the right hand side of the street or highway as the motor vehicle is headed and as close to the curb or ditch as is reasonably practicable. If diagonal or parallel parking lines are painted or otherwise indicated on the side of the street, such person shall park or stand the motor

[54] **Cross reference-** Streets, sidewalks and other public places, Ch. 11.

vehicle wholly within the lines and with the head of the vehicle towards the curb or ditch. If diagonal parking is indicated the vehicle shall be parked within those lines indicated and on the proper side of the street, except where the total length of the vehicle exceeds the markings, and shall be parked with the front of the vehicle as close to the curb as is reasonable. If parallel lines are indicated, the vehicle shall be parked with the front of the vehicle within the lines closest to the front of the vehicle and the entire vehicle shall be within twelve (12) inches of the curb or ditch so that traffic will not be obstructed. No motor vehicle shall be left unattended with the motor running. No motor vehicle shall be double parked for any reason except for the discharges or boarding of passengers or the loading or unloading of freight. In the circumstances pertaining to freight, the motor shall be stopped.
(Code 1966, Ch. 2, §3)

Sec. 12-97. PROHIBITED PARKING AREAS

No person shall park or cause to be parked or leave unattended any motor vehicle, team, bicycle or other vehicle in any space on any street or public highway where such parking is clearly prohibited by signs or markings upon the pavement authorized by the board of selectmen, town manager or chief of police. A motor vehicle illegally parked so that traffic is wholly or partially obstructed may be towed away at the full responsibility of the owner, for both towing charges and for any damage resulting to the vehicle due to such towing action. The schedule of streets and areas designated as prohibited parking is on file in the town clerk's office.
(Code 1966, Ch. 2, § 4; Code 1966, Ch. 3, § 12)

Sec. 12-98. RESTRICTED PARKING AREAS AND HOURS

No person shall park or cause to be parked or leave unattended any motor vehicle, team, bicycle, or other vehicle in any space on any street or public highway for a period longer than the maximum permitted time specified upon signs erected by the town manager or chief of police. The schedule of streets and areas designated as restricted parking and the fine for violations are on file in the town clerk's office.
(Ord. of 6-19-72)(Ch.3, §13, 14, 15)

Sec. 12-99. RESTRICTED PARKING OF TRUCKS

Between the hours of 12:00 midnight and 6:00 a.m., no person shall park or leave unattended on any street or public way of the town any vehicle, piece of equipment, mechanism or device which is used or is capable of being used thereon, except a passenger automobile or pickup truck having no more than two (2) axles.
(Ord. of 10-24-83 §1; amended 4/10/2000)

Sec. 12-100. Parking prohibited near fires and fire hydrants

a) A person shall not park or leave or stop any motor vehicle within one hundred (100) yards of the premises or building where a fire is in progress, except to allow fire apparatus to pass, or in any other place where the presence of a motor vehicle interferes with the work of the fire department in fighting such fire.

b) A person, in control of or driving a motor vehicle, shall not stop, park or leave a motor vehicle within ten (10) feet of a fire hydrant.

c) A person in control of or driving a motor vehicle, shall not stop, park, or leave a motor vehicle in a designated fire lane.
(Code 1966, Ch. 2, § § 8, 10)

Sec. 12-101. ENFORCEMENT; PENALTY

a) Upon discovery of a motor vehicle parked in violation of any section of this article it shall be the duty of the town police officers to place a notice of violation upon the vehicle stating that date, time, place, and nature of the violation and indicating the fine or penalty therefore and making a demand for payment thereof.

b) Any vehicle which has accumulated a total of two (2) or more notices of violation for non-metered and/or metered parking violations of this article which remain unpaid for more than sixty (60) days, and which vehicle is parked or left on any public street or in or upon any other place within the town where the parking or leaving of such vehicle is governed by regulation under this article, may be immobilized or removed and stored pursuant to the provisions of this section, until all charges both for all outstanding violations and the charges imposed by such immobilization or removal and storage have been paid in full or until a bond, certified by the chief of police or his duly authorized representative, in an amount equal to the charges set forth above has been posted.

c) The chief of police or his duly authorized representative shall notify by certified mail, return receipt requested, the registered owner of the vehicle or a holder of a security interest therein, if his identity can be readily ascertained, within seven (7) days of the storage of a vehicle pursuant to subsection b) of this section.

d) The notice referred to in subsection c) above shall be tendered on forms prescribed and provided by the chief of police and shall describe the year, make, model, and serial number of the stored vehicle; the storage location of such vehicle; and the requirements of release as set forth in subsection b) above; and a notice of the right to reclaim such vehicle within ninety (90) days after the date of the mailing of the notice. The notice shall indicate that failure to reclaim

the vehicle within the time provided shall be deemed to transfer all right, title, and interest in such vehicle to the town. Upon the failure of the registered owner of the vehicle or a holder of a security interest therein to reclaim the vehicle within the time prescribed the police department may dispose of such vehicle. No unclaimed vehicle shall be retained for a period of longer than one hundred twenty (120) days.

e) If the chief of police or his duly authorized representative is unable to ascertain the identity of the registered owner of a vehicle removed pursuant to this section or the holder of a security interest therein, he shall cause to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the town the notice set forth in subsection d) above.
(Ord. of 1108082, § § 18, 19; b) amended 4/10/2000)

Secs. 12-102--12-120. Reserved

DIVISION 2. HANDICAPPED PARKING

Sec. 12-121. DESIGNATED

a) No person shall park or leave standing any motor vehicle in a parking space designated by the international symbol of access and the words "Handicapped Parking Only" unless the motor vehicle bears special handicapped plates from any state or which has a handicapped parking card issued by the state commissioner of Motor Vehicles displayed in the lower right side of the windshield.

b) Any person violating this section shall be fined not more than fifty dollars ($50.00) for each violation.
(Amended November 11/1/93; increase fine from $15.00 to $50.00)
(Ord. of 11-8-82, § 17)

Secs. 12-122--12-135. RESERVED

DIVISION 3. PARKING LOTS

Sec. 12-136. DESIGNATED

The Town Manager as directed by the Board of Selectmen will designate public parking lots that are available to the public for free, available by permit, or available through the use of meters.

(Ord. of 12-28-78, §1; amended 4/10/2000)

Sec. 12-137. REGULATIONS

a) The town manager as directed by the board of selectmen shall:

1) Establish areas within the parking lots wherein parking shall be permitted;
2) Establish the permitted parking time; and
3) Establish regulations for the use of the parking lots.

b) The time so established and the fees shall be clearly stated upon signs erected at the entrance to the parking lots.
(Ord. of 12-28-78, §2)

Sec. 12-138. FEES

Fees for use of the parking lot shall be on file in the town clerk's office and are payable upon entering the parking lot or, in lieu thereof, the user shall present a card or other device issued by the town evidencing permission to park. The cards or other devices shall be issued by the town and shall be of a type, style and design selected by the town manager, and shall be available for purchase at such locations as the town manager shall determine for a permit fee which is on file in the town clerk's office. The cards or other devices shall be issued upon payment of the scheduled fee.
(Ord. of 12-28-78, §3; amended 4/10/99)

Sec. 12-139. VIOLATION; PENALTY

It shall be unlawful and a violation of this division for any person to park in said parking lot without first paying the required fee or presenting the card provided for in section 12-138 or to park in the parking lot during hours when parking is prohibited or in a location therein in which parking is prohibited. The fine for violating this division shall be not less than one dollar ($1.00) nor more than fifty dollars ($50.00).
(Ord. of 12-28-78, §4)

Secs. 12-140--12-144. RESERVED

DIVISION 4. PARKING METERS

Sec. 12-145. DEFINITIONS

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle shall include all vehicles propelled by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, and motorized highway building equipment.

Vehicle shall mean any device by which any person or property may be transported upon a highway, except those operated upon rails or tracks.
(Code 1966, Ch. 9, §1)

Sec. 12-146. DESIGNATION OF AREAS; DISPLAY OF INSTRUCTIONS AND USE OF METERS; PENALTY

a) The town manager as directed by the selectmen shall provide for the installation of meters in designated parking meter zones and shall provide the appropriate curb or street marking lines, the permitted parking time, and the regulation and operation of parking meters. The town manager shall cause such meters to be maintained in good workable condition. The permitted parking time established shall be plainly stated in the instructions on each meter. Meters shall be placed upon the curb next to individual parking places, and meters shall display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall display a signal showing legal parking upon deposit of the proper coin of the United States currency as indicated by instructions on such meter. The permitted parking time shall be designated on such meter, during which time and until the expiration of the parking period such signal shall remain in evidence. At the expiration of such period such parking meter shall indicate illegal parking.

b) The town manager shall have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which such meter is to be used and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings established. It shall be unlawful and a violation of this section to park any vehicle within a parking meter zone in such a position that the vehicle

shall not be entirely within the area designated by such lines or markings as a parking space. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.

c) When any motor vehicle or other vehicle is parked in any parking meter zone, the owner or operator of the vehicle shall deposit in such meter the proper coins for the parking time required, as indicated in and by instructions on the meter, except as otherwise provided in section 12-153. The legal parking time and the fees therefore shall be for periods established by the town Manager at the direction of the Board of Selectmen, and shall be on file in the town clerk's office.

d) It shall be unlawful for any person to fail or neglect to deposit the proper coin. Failure to deposit the proper coin shall constitute a violation of this division punishable as provided in section 12-154. When the proper coin has been deposited and said meter placed in operation pursuant to the instructions thereon, the adjacent parking space may then be occupied by such vehicle during the permitted parking time designated in and by the instructions upon the parking meter. The vehicle shall be considered as unlawfully parked if it remains in such space beyond the legal parking limit and/or when the parking meter displays a signal showing illegal parking. It shall be unlawful and a violation of this division for any person to cause or permit any vehicle registered in his name to be unlawfully parked as provided in this section.
(Code 1966, Ch. 9, § § 2-6; Ord. of 5-22-72; Ord. of 11-6-78(1); Ord. of 10-10-83(2); sec. (c) amended 4/10/2000)

Sec. 12-147. PARKING METER HOURS

Parking meters shall be used during hours and on days as set by the Town Manager as directed by the Board of Selectmen. The fee required in section 12-146 shall be deposited in parking meters on such days.
(Code 1966, Ch. 19, § 7; Ord. of 11-6-78(1); amended 4/10/2000)

Sec. 12-148. RESTRICTION ON LOCATION

No parking meter shall be installed within such areas as shall be officially designated as bus stops within parking meter zones. No parking meter shall be installed within such areas as shall be officially designated as public stands for taxicabs within parking meter zones. No parking meters shall be installed within such areas as shall be officially designated as truck unloading zones, and the use of such zones shall be restricted to the unloading or loading delivery vehicles so identified.
(Code 1966, Ch. 9, §8)

Sec. 12-149. SLUGS PROHIBITED

It shall be unlawful and a violation of this division for any person to deposit or cause to be deposited in any parking meter, any slug, device or other substitute for a coin of the United States.
(Code 1966, Ch. 9,. § 9)

Sec. 12-150. DEFACING, TAMPERING, ETC.

It shall be unlawful and a violation of this division for any person to deface, injure, tamper with, open, break, destroy or impair the usefulness of any parking meter installed, except that any official or employee of the town duly authorized may open such meters in the performance of his duty.
(Code 1966, Ch. 9, § 10)

Sec. 12-151. COLLECTION AND USE OF MONIES

a) It shall be the duty of the town manager to provide for the regular collection of the coins deposited in the parking meters, to cause proper records to be kept showing the reading of such meters and to cause the funds collected to be paid over to the town treasurer.

b) The fees required by this division are hereby levied as police regulation and inspection fees to cover the cost of providing parking spaces, parking meters, and the installation and maintenance thereof, the cost of regulation, inspection, control and maintenance of the parking meters, parking spaces and zones hereby established, and for the regulation and control of traffic moving in and out of, and parking in such parking spaces and zones so created, and for the cost of any resultant police, traffic, administration or operational expense. In addition, such fees arising from parking meters located within the St. Johnsbury Downtown Improvement District ("District") are hereby levied as police regulation and inspection fees to cover such costs within the District.
(Code 1966, Ch. 9, § § 11, 13; sec. (b) amended 4/10/2000)

Sec. 12-152. DOUBLE PARKING PROHIBITED

No double parking shall be permitted within any established parking meter zones except for the discharge or boarding of passengers or freight loading or unloading wherein there is no freight zone close enough to be reasonably accessible, and any double parking or parking in a parking meter zone except within a parking space designated pursuant to this division shall be

unlawful and constitute a violation of this division.
(Code 1966, Ch. 9, §14)

Sec. 12-153. PERMIT FOR PARKING IN CERTAIN METER ZONES

a) Any provision of this division to the contrary notwithstanding, a motor vehicle or other vehicle displaying the permit provided for in this section may be parked in parking meter zones located within the same parking lot for which such permit was issued without first depositing in such meter the coin which the owner or operator would otherwise be required to deposit but for the provisions of this section.

b) The parking permits referred to in this division shall be of a type, style and design selected by the town manager and shall be affixed to the vehicle by the owner or operator and displayed so as to be readily visible.

c) The permit shall be issued by the town and shall be available for purchase at the office of the town treasurer and clerk for a permit fee and for a term as established by the Town Manager as directed by the Board of Selectmen.

d) The Town Manger shall determine the total number of permits to be made available and shall issue permits on a first come first served basis.

e) Lost or destroyed permits shall not be replaced, and a new permit will be issued only upon payment of the full permit fee.
(Code 1966, Ch. 9, § 18; Ord. of 3-14-75, § 2; Ord. of 6-12-78, § 1; Ord. of 8-30-91; sec. a, b, c, d, e amended 4/10/2000.)

Sec. 12-154. RESPONSIBILITY OF VEHICLE OWNER FOR UNLAWFUL PARKING

It shall be unlawful for any person to cause or permit any vehicle registered in his or her name to be unlawfully parked as set out in this Article IV. (Amended 4/10/2000)

Sec. 12-155. ENFORCEMENT; PENALTY

a) It shall be the duty of the town police officers to take the parking meter number, and the state and vehicle tag number of all vehicles parked in violation of any provision of his division and to make complaint therefore as they may be directed by the town manager that the proper fine or penalty may be recovered in an action brought in the name of the town as provided by law.

b) Nothing contained in this division shall be interpreted to prevent the chief of police and

officers working under his direction from clearing any needed streets within parking meter zones of all vehicular traffic during fires and during and preparatory to parades.

c) Any person who shall violate any provision of this division shall be fined in accordance with section 1-13 of this code.

d) A certified copy from a state, commonwealth or provincial commissioner, registrar or deputy registrar of motor vehicles, or other duly constituted licensing authority, showing that the license tag or number plate was issued to the defendant shall be proof of the defendant's ownership of the motor vehicle described therein.

e) Any vehicle which has accumulated a total of five (5) or more notices for metered parking and/or non-metered violations, as provided in this Article, and which is parked or left on any public street or in or upon any other place within the town where the parking or leaving of such vehicle is governed by regulation under this division, may be immobilized or removed and stored pursuant to the provisions of this section, until all charges both for all outstanding violations and the charges imposed by such immobilization or removal and storage have been paid in full, or until a bond, certified by the chief of police or his duly authorized representative in an amount equal to the charges set forth above has been posted.

f) The chief of police or his duly authorized representative shall notify by certified mail, return receipt requested, the registered owner of the vehicle or a holder of a security interest therein, if his identity can be readily ascertained, within seven (7) days of the storage of a vehicle pursuant to subsection e) of this section.

g) The notice referred to in subsection f) shall be tendered on forms prescribed and provided by the chief of police and shall describe the year, make, model, and serial number of the stored vehicle; the storage location of such vehicle; and the requirements of release as set forth in subsection f) hereof, and shall include a notice of the right to reclaim such vehicle within ninety (90) days after the date of the mailing of the notice. The notice shall indicate that failure to reclaim the vehicle within the time provided shall be deemed to transfer all right, title, and interest in such vehicle to the town. Upon the failure of the registered owner of the vehicle or a holder of a security interest therein to reclaim the vehicle within the time prescribed, the police department may dispose of such vehicle in the manner desired.

h) If the chief of police or his duly authorized representative is unable to ascertain the identity of the registered owner of a vehicle removed pursuant to this division or the holder of a security interest therein, he shall cause to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the town the notice set forth in subsection f) hereof.(Code 1966, Ch. 9, § § 12, 15, 16, 19, 20; Ord. of 11-8-82, ~ 20 ; sec. 154 a, b, c, d, e, f, g, h amended 4/10/2000.)

DIVISION 5. AUTHORIZING REMOVAL OF MOTOR VEHICLES

Sec. 12-156. PARKING PROHIBITED

No person shall park or cause to be parked or leave unattended any motor vehicle in any public, municipal or private parking lot, drive or way, where such parking is clearly prohibited by signs, markings upon the pavement, or actual notice.
(Ord. of l/l/04)

Sec. 12-157. REMOVAL OF MOTOR VEHICLES

The Selectmen, Town Manager, Chief of Police, Property Owner or Property Lessee may remove or cause to be removed from any public, municipal or private parking lot, drive or way a motor vehicle found to be parked in violation of Section 12-161.
(Ord. of 1/1/04)

Sec. 12-158. RECOVERY OF COSTS AND CREATION OF LIEN

The owner of a motor vehicle removed pursuant to Section 12-162 shall be required to pay the reasonable towing and storage charges actually resulting therefrom in an amount not to exceed $100 for towing and $20 per day for storage and the Town of St. Johnsbury, the Property Owner or the Property Lessee, as the case may be, shall have a lien imposed against the motor vehicle to secure payment thereof. Such costs, charges, and lien shall be in addition to any criminal penalty.

ARTICLE V. VEHICLES

DIVISION 1. GENERALLY

Secs. 12-159--12-170. RESERVED

DIVISION 2. SNOWMOBILES

Sec. 12-171. PURPOSE

Operation of snowmobiles on the streets and roads enumerated in section 12-172 is for the sole purpose of providing ingress and egress from and to designated snowmobile trails and for no other purpose.
(Ord. of 1-8-73, § 3)

Sec. 12-172. ROUTES DESIGNATED

a) Operation of snowmobiles is hereby permitted only upon and over the following streets and public highways in the town subject, however, to the express conditions and limitations set forth in sections 12-173 through 12-175:

1) Highway # 69, from Town Highway #68 to Danville line;
2) Highway #68, from former Village of St. Johnsbury line to Danville Line;
3) Highway #71, from Town Highway # 68 to Town Highway #73;
4) Highway #73, from Town Highway #73 to Vermont Route # 5;
5) Highway #14, from Town Highway #73 to its termination point;
6) Highway #17, from former Village of St. Johnsbury Line to Waterford Town Line;
7) Highway #80, from intersection of State Aid Highway #4 to Waterford Town Line;
8) Highway #37, from U. S. #2 to Town highway #16;
9) Highway #16, from State Aid Highway #6 to its termination point;
10) Highway #36, from Town Highway #16 to its termination point;
11) Highway #20, from Town Highway #14 to State Aid Highway #8;
12) Highway #14, from Town Highway #20 to Lyndon Line;
13) Highway #15, from U. S. #5 to Town Road #14;
14) Highway #4, from Town Highway #51 to Lyndon Line;
15) Highway #5, from town Highway #8 to Lyndon Line;
16) Highway # 6, from Town Highway #5 to Danville Line;
17) Highway #49, from Town Highway #4 to U.S. #5(across iron bridge);
18) Highway #27, from Town highway #49 North to Town Highway #12;
19) Highway #12, from Town Highway #4 North to Lyndon Line;
20) Highway #32, from Town Highway #27 to its termination point;
21) Highway #10, from Town Highway #49 to Lyndon Line;
22) Highway #11, from Town Highway #10 to its termination point;
23) Highway #9, from Town Highway #11 to its termination point;
24) Highway #31, from Town Highway #10 to its termination point;
25) Highway #18, from State Aid Highway #8 to Kirby Line;
26) State Aid Highway #7, from southerly side of its intersection with Town Highway #8 to northerly side of that intersection;

27) Highway #8, from Town Highway #7 to Town Highway #46;
28) Highway #46, from Town Highway #8 to Town Highway #4;
29) Highway #48, from its termination point to its intersection with Town Highway #9;
30) Highway #23, from its termination point to its intersection with Town Highway #5;
31) Highway #25, from Town Highway #5 to its termination point;
32) Highway # 7 from Bridge 28 northwest to Highway # 43;
33) Highway # 524 (River Street).
(Ord. of 1-8-73, § 2; Ord. of 1-10-83, § 2; Ord. of 10-3-96, §2)

Cross reference-Streets, sidewalks and other public places, Ch. 11.

Sec. 12-173. SPEED LIMIT

No person shall operate a snowmobile upon the streets or public highways of the town at a speed in excess of twenty-five (25) miles per hour.
(Ord. of 1-8-73, §4)

Sec. 12-174. PROCEDURE FOR OPERATION

a) operator of a snowmobile shall keep his machine as far to the right of the centerline of the highway as possible and shall operate his machine in single file at all times.

b) No person shall operate a snowmobile at a distance of less than fifteen (15) yards between preceding snowmobiles or other vehicles.

c) The operator of a snowmobile shall yield the right-of-way to any other motor vehicle operating upon the streets and public highways of the town.
(Ord. of 1-8-73, § §5-7)

Sec. 12-175. PENALTY

Any person who violates any section of this division shall be fined not more than fifty dollars ($50.00) for each violation.
(Ord. of 1-8-73, §8)

Chapter 13: UTILITIES

Art. I. In General, §§ 13-1--13-10
Art. II. Wastewater Systems, §§ 13-11--13-149
Div. 1. In General, §§ 13-11--13-20
Div. 2. Use of Public Sewers Required, §§ 13-21--13-30
Div. 3. Capacity Allocation, §§ 13-31--13-50
Div. 4. Building Sewers and Connection, §§ 13-51--13-80
Div. 5. Use of Public Sewer, §§ 13-81--13-100
Div. 6. Scavenger Waste, §§ 13-101--13-110
Div. 7. Private Sewerage System, §§ 13-111--13-115
Div. 8. Sewer Rents, §§ 13-115--13-125
Div. 9. Applications/Permits/Fees, §§ 13-126--13-135
Div. 10. Protection from Damage, §§ 13-136--13-140
Div. 11. Powers and Authority of Inspectors, §§ 13-141--13-145
Div. 12. Penalties/Miscellaneous, §§ 13-146--13-199
Art. III. Water Systems, §§ 13-200--13-299
Div. 1. General §§ 13-200--13-209
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Div. 3. Resident Inspections §§ 13-215--13-220
Div. 4. Application Procedure §§ 13-221--13-226
Div. 5. Regulations - Operations §§ 13-227--13-245
Div. 6. Water Rents - §§ 13-246--13-254
Div. 7. Penalties/Miscellaneous -13-255--13-299

ARTICLE I. IN GENERAL

Sec. 13-1--13-10. Reserved

ARTICLE II. WASTEWATER SYSTEMS

Pursuant to No. 345 of the Acts of 1957, it is hereby ordained by the Town of St. Johnsbury, Vermont that the protection of the health and safety of the Town of St. Johnsbury, its inhabitants and the general public requires the establishment of minimum standards governing the design, construction, installation and operation of public and private wastewater systems.

DIVISION 1. IN GENERAL

Sec. 13-11. Title

All provisions contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Ordinance Regulating the Use of Public and Private Wastewater Systems" hereinafter sometimes referred to as the Ordinance.

Sec. 13-12. Objective

The principal objective of wastewater facilities is to collect sanitary and industrial wastewater and to provide the required or justified degree of treatment under the most favorable and economic conditions. Therefore, the discharge of wastewaters into the public sewers which do not require or justify treatment or which will cause damage to or stoppage of the wastewater system or interfere with wastewater treatment processes are prohibited and/or rigorously controlled.

Sec. 13-13. Inconsistent Provisions.

Where this Ordinance imposes a greater restriction or a stricter standard than any other statute, by-law, ordinance rule, regulation, permit, easement, or agreement, the provisions of this Ordinance shall control.

Sec. 13-14. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(a) "BOD" (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, expressed in milligrams per liter. BOD is a measure of wastewater strength.

(b) "Board" means the Board of Selectmen of the Town of St. Johnsbury, Vermont, acting as the Board of Wastewater Disposal Commissioners and Board of Sewage Disposal Commissioners under 24 V.S.A., § 3614 or the St. Johnsbury Town Manager when performing duties now conferred by law upon the Selectmen pursuant to 24 V.S.A. § 1236.

(c) "Building Drain" means that part of the lowest horizontal piping of a drainage system

which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it through the building wall to the building sewer. The building drain extends to five (5) feet (1.52 meters) beyond the outer face of the building wall.

(d) "Building Sewer" means that part of the wastewater system which receives the wastewater from the building drain and conveys it to the nearest end of the house connection unless a house connection is not available, whereby the building sewer shall be extended to the nearest available "Y" branch or manhole on the main sewer.

(e) "Chief Operator" means the person or firm acting under the authority of the Board who is responsible for operating and maintaining the wastewater treatment plant, pump stations, sludge disposal facilities and other appurtenances as directed by the Board.

(f) "Clerk" means the St. Johnsbury Town Clerk.

(g) "Connection Fee" means a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting and administering a connection to the wastewater system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

(h) "Committed Reserve Capacity" means the total amount of total development wastewater flow (gallons per day) and strength (BOD pounds per day) from all projects / buildings approved by the Board and the Department for discharge to the treatment plant, but not yet discharging at the time of the calculation.

(i) "Combined Sewer" means a sewer receiving both surface runoff and wastewater.

(j) "Department" means the Vermont State Department having the permitting authority over wastewater disposal.

(k) "Development" means the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, and religious uses.

(l) "Development Wastewater Flow" means the flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the Department, as promulgated at the time a connection permit application is made.

(m) "Development Wastewater Strength" means the BOD (pounds per day) from full use of the development at its peak capacity, which flow shall be calculated using BOD waste strength adopted by the Board.

(n) "Discharge Permit" means a permit issued by the Department pursuant to authority granted in 10 V.S.A. Chapter 47.

(o) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(p) "Health Officer" means the legally designated Health Officer or Deputy Health Officer of the Town of St. Johnsbury, Vermont.

(q) "House Connection" means that part of the wastewater system that runs from the main sewer to the building and includes all necessary fittings.

(r) "Industrial Wastewater" means the liquid waste from an industrial manufacturing process, commercial trade or business. Industrial wastes do not include wastewater.

(s) "Impact Fee" means a fee imposed on applicants for capacity allocation equal to the capital cost per gallon and/or pounds of BOD of wastewater treatment and disposal capacity attributable to the project or development. This fee shall be consistent with the intent of impact fees authorized under 24 V.S.A. Chapter 131.

(t) "Main Sewer" means the sewers laid longitudinally along Town streets or other Town rights-of-way and is controlled by public authority.

(u) "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(v) "Owner" means any person, who owns or possesses any property.

(w) "Person" means any individual, firm, company, association, society, corporation, institution, partnership, group, governmental entity or other entity.

(x) "Permitted Wastewater Flow" means the maximum plant wastewater flow authorized in the Discharge Permit.

(y) "Plant Wastewater Flow" means the wastewater inflow to the treatment plant in gallons per day on an annual average basis (365 day average).

(z) "Plant Wastewater Strength" means the BOD contained in the wastewater inflow to the treatment plant in pounds per day on an annual average basis (365 day average).

(aa) "Public Wastewater System or Facilities" means all facilities for collecting, pumping, treating and disposing of wastewater controlled and operated by the Town of St. Johnsbury.

(bb) "Private Wastewater System" means all facilities for collecting, pumping, treating, and disposing of wastewater not under the control of the Town of St. Johnsbury.

(cc) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams

per liter of solution.

(dd) "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(ee) "Reserve Capacity" means the permitted wastewater inflow and/or inflow strength minus the actual plant wastewater inflow, and strength during the preceding 12 months.

(ff) "Sanitary Sewer" means a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

(gg) "Sanitary means wastewater of the same character and range of strength as expected from homes.

(hh) "Secretary" means the Secretary of the Agency of Natural Resources, State of Vermont or its representatives.

(ii) "Sewage" means a combination of the wastewater from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(jj) "Sewage Treatment Plant" or "Plant" means the Town of St. Johnsbury wastewater treatment facility.

(kk) "Sewage Works" means all facilities for collecting, pumping, treating, and disposing of wastewater.

(ll) "Sewer(s)" means a pipe(s) or conduit(s) for carrying wastewater.

(mm) "Town" means the Town of St. Johnsbury, Vermont.

(nn) "Wastewater Service Area" means that area of the Town that is within 250 feet (76.2 meters) horizontally from existing municipal wastewater collection lines and manholes.

(oo) "Shall" means mandatory.

(pp) "May" means permissive.

(qq) "Slug" means any discharge of sanitary sewage, or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(rr) "Storm Drain" or ("Storm Sewer") means a sewer which carries storm and surface waters and drainage, but excludes wastewater other than unpolluted cooling water.

(ss) "Subdivision" means a tract of land, owned or controlled by a person as defined herein, which has been partitioned or divided for the purpose of sale or lease into two (2) or more lots.

(tt) "Subsurface Wastewater Disposal System" means any wastewater treatment system whereby the tank or plant effluent is leached into the ground by subsurface disposal means.

(uu) "Superintendent" means that employee of the Town who is designated from time to time by the Board as the person in charge of maintenance of the public wastewater collection system (sanitary sewers).

(vv) "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering.

(ww) "Uncommitted Reserve Capacity" means that portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the Board but not yet discharging to the Sewer.

(xx) "Wastewater" means sanitary wastewater and industrial wastewater (sometimes referred to as "sewage").

(yy) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(zz) "Initiate Construction" means:

(1) For building development; the completion of the foundation.
(2) For subdivision development; the sale of the individual lots.

(aaa) "Completed Construction" means:

(1) For building development completion of construction of all foundations, framing, siding and roofs.

(2) For subdivision development; the sale of the individual lots.

Sec. 13-15. Abbreviations

For the purpose of this Ordinance, the following abbreviations shall have the meaning ascribed to them under this Division. References to standards of the following organizations shall refer to the latest edition of same.

(a) ANSI means American National Standards Institute.

(b) ASME means American Society of Mechanical Engineers.

(c) ASTM means American Society for Testing and Materials.

(d) AWWA means American Water Works Association.

(e) BOCA means Building Officials Code Association.

(f) NPC means National Plumbing Code.

(g) CS means Commercial Standards.

(h) WPCF means Water Pollution Control Facility.

(i) ppm means parts per million.

(j) mg/l means milligrams per liter.

(k) Degrees F means degrees Fahrenheit.

(l) Degrees C means degrees Centigrade.

(m) cm. means centimeter.

(n) m. means meter.

(o) sq.m. means square meters.

(p) l. means liters.

(q) kg. means kilograms.

Secs. 13-16--13-20. Reserved

DIVISION 2. USE OF PUBLIC SEWERS REQUIRED

Sec. 13-21. Unlawful Disposal

It shall be unlawful for any person to place, deposit or permit to be placed or deposited upon public or private property within the Town or in any area under the jurisdiction of said Town, any human excrement or other objectionable waste.

Sec. 13-22. Unlawful Discharge

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the laws and regulations of the State of Vermont.

Sec. 13-23. Private Disposal Facilities-Unlawful

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool leaching field or other facility intended or used for the disposal of wastewater.

Sec. 13-24. Sewer Connection Required

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sewer of the Town, is hereby required, if wastewater is generated, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within forty-five (45) days after date of official notice to do so, provided that said public sewer is within two hundred fifty (250) feet (76.2 meters) of the building(s) requiring service. Installation of or repair to a private wastewater system servicing a building located within two hundred fifty (250) feet of a public sewer is not permitted unless the Board finds that connection would cause extreme hardship and the private wastewater system would meet all pertinent State rules.

Sec. 13-25. Closure of Private Sewers

At the discretion of the Board, private wastewater systems which are abandoned because of the availability of public sanitary sewers may be required to be thoroughly and properly cleaned,

disinfected, and filled in with clean sand or gravel or removed according to good sanitation practice and under the inspection and direction of the Board or its representatives.

Secs. 13-26--13-30. Reserved.

DIVISION 3. CAPACITY ALLOCATION

Sec. 13-31. Ownership & Permit

The Town owns and operates a sewage treatment plant and sewage works as defined in 24 V.S.A., § 3501(6) and 3601. The Plant has a permitted capacity, and is operated in accord with a discharge permit issued by the Department under authority granted in 10 V.S.A., Chapter 47. The Board is obligated by law to comply with conditions of that permit, and to operate and manage the Plant and Sewage Works as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

Sec. 13-32. Introduction to Reserve Capacity Allocation

(a) The permitted capacity of the Plant and Sewage Works is the property of the Town. The uncommitted reserve capacity of the Plant and Sewage Works shall be allocated by the Board in the manner described below. This ordinance is adopted in accordance with the provisions of 24 V.S.A., § 3625, in the manner provided in No. 345 of the Acts of 1957 as Amended, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of wastewater collection, treatment and disposal within the Town, nor shall it be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission and treatment of wastewater.

(b) The Town has a design wastewater treatment plant capacity of 1.6 million gallons per day and currently operates the treatment Plant at an average inflow (gallons) and wastewater strength (pounds of BOD) per day as identified in the Plant operations reports published monthly by the chief operator of the sewage treatment plant.

Sec. 13-33. Allocation Priorities

(a) All allocations to projects shall be based on the development wastewater flow and strength. Any differential between actual and development wastewater flows and strength that occurs is not available to the development owner for re-allotment to another project or a project

expansion.

(b) Allocation of uncommitted reserve capacity shall comply with reserve capacity policy established by the Board to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.

(c) Residential, commercial, institutional and industrial facilities existing within the sewer service area existing on the date of adoption of this Ordinance which are required to be connected to the Town sewer by the provision hereof, or by virtue of existing pollution from the facilities to waters of the State, shall be entitled to first priority in allocation of uncommitted reserve capacity. New development within or outside the sewer service area will have second priority of uncommitted reserve capacity provided that the development is in the best interest of the Town. No allocation of reserve capacity shall be made for facilities outside the sewer service area existing on the date of adoption of this Ordinance unless the Board finds that the extension of the Sewers and the proposed development is in the best interest of the Town.

(d) Subsequent to application of the allocation priority, uncommitted reserve capacity in the sewage treatment plant may be allocated to specific projects according to the procedures established by the Board.

(e) Building sewer connection permit applications shall be filed in the Town Clerk's office and marked with the time and date by the person receiving the application. Thereafter the Board shall review the applications on a first come, first serve basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the Board in such a way that there are no limitations on what total reserve amounts can be allocated in any one year as long as uncommitted capacity exists, and no limitation of the type of development receiving the allocation. The total reserve capacity will be determined each six (6) months and committed reserve will be continuously recorded for use in allocation decisions.

(f) The Board retains the right to review applications and make allocations on other than a first-come-first-serve basis if they find such action is in the Town's best interest.

Sec. 13-34. Cost Recovery for Town Sewer Expansion

Any expansion of the Town sewer service area to provide for new users shall be funded by the proposed users paying the portion of the cost of the expansion and upgrade of the Town Sewers determined appropriate by the Board. In determining this portion, the Board may consider the percentage of existing development out of the total of existing and proposed development to be served. In determining this portion of cost the Board may also consider whether or not the existing developments to be served have helped finance the existing wastewater system. The Board shall assure that the portion paid by existing users can be financed within a three year period without causing a rate increase of more than 5% within the three year period.

Sec. 13-35. Application Requirement

Persons wishing to use the Town's wastewater system shall apply to the Board on a form prescribed by the Board. Such application shall:

(a) Identify the development wastewater flow and strength to be generated by the project/development;

(b) Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the Board;

(c) Unless waived by the Board all calculations required in subsections (a) and (b) above for developments generating in excess of 1000 gpd of wastewater, strength in excess of 200 mg/l of BOD per day shall be certified by a Vermont registered engineer.

(d) Be accompanied by plans and specifications for the construction of building sewers and any municipal sewer expansions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specifications may be waived by the Superintendent until final connection approval.

Sec. 13-36. Preliminary Building Sewer Connection Approval Findings

Upon receipt of the connection application and supportive documents, the Board may make preliminary approval of uncommitted reserve capacity upon making affirmative findings that:

(a) The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or

(b) The proposed wastewater is not of domestic sanitary origin but that sufficient evidence has been presented by the applicant to demonstrate that the flow and strength of the wastewater is compatible with the proper operation of the wastewater systems and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the Plant without treatment, interfere or otherwise disrupt the proper quality and disposal of Plant sludge or be injurious in any other manner to the wastewater system and that there is sufficient uncommitted reserve capacity to accommodate the flow and strength of the wastewater from the proposed development; and

(c) The proposed use of wastewater reserve capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Board or Town.

Sec. 13-37. Conditions of Preliminary Building Sewer Connection Approval

The Board, after making approval findings may issue a preliminary building sewer connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions shall include:

(a) Specification of the period of time during which the interim connection approval shall remain valid, and provisions for time extensions if approved by the Board.

(b) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.

(c) Provision for revocation by the action of the Board on failure of the applicant to fulfill requirements of the preliminary building sewer connection approval.

(d) Specification that the recipient of the preliminary building sewer connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the Sewers.

Sec. 13-38. Other Permits Required Prior to Final Connection Approval

Prior to final building sewer connection approval the applicant shall have:

(a) Secured all other applicable local, State and Federal permits required for the development/project;

(b) Paid to the Town all connection fees, impact fees, permit fees and other local fees or taxes. Impact fees will be partially based on the flowage and strength of the proposed wastewater.

(c) Filed with the Board the plans and specifications for connection to and, if necessary, expansion of the municipal sewers.

Sec. 13-39. Final Building Sewer Connection Approval Requirements

(a) The Board upon making affirmative findings that all conditions of the preliminary building sewer connection approval and final building sewer connection requirement in sections 13-27 and 13-28 have been fulfilled or satisfied shall issue the final connection approval permit which approval may be conditioned as follows:

(1) The permit shall specify the allowed wastewater flowage and strength and any

other characteristics determined appropriate by the Board.

(2) The capacity allocation is not transferable to any other person or project unless approved in writing by the Board.

(3) The construction of the building sewer connection and, if necessary, the municipal Sewer expansion, must be overseen and certified to be in compliance with the plans and specifications and good construction practice by a licensed plumber, Vermont Registered Professional engineer or employee of the Town authorized by the Board.

(4) Capacity allocated in conjunction with the final building sewer connection permit shall revert to the Town if the permit recipient has failed to initiate construction within two years from the date the permit is issued.

(b) Regardless of the permit expiration period above, the Board may permit construction of the development over a longer period if this action is in the Town's best interest.

(c) In cases where a final connection permit expires and a new person applies for capacity on the same or different project, the Board may consider previous fees paid by the original person when setting fees for the new person applying for capacity.

(d) The Superintendent shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the municipal sewer shall not be performed unless a municipal official is present and shall not be covered until approved by the official.

Sec. 13-40. Transfer of Allocation

(a) Initially, reserve capacity is allocated by the Board to a specific person, project and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during project construction. After completion of the project or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.

(b) The transfer of a capacity allocation is prohibited unless approved in writing by the Board at the original owner's request.

(c) The Board may approve a transfer of capacity from one project to another and one owner to another provided the new project and owner meet all the requirements for the final connection permit originally issued and the original owner requests such transfer.

Sec. 13-41. Authority to Require Connection

Nothing herein shall be construed as limiting or impairing the authority of the Town or the Board to require connections to the Plant and Sewers under the laws of the State of Vermont or local ordinances.

Secs. 13-42--50. Reserved

DIVISION 4. BUILDING SEWERS AND CONNECTIONS

Sec. 13-51. Permit Required

No unauthorized person shall cover or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a sewer permit from the Town. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall obtain a written sewer connection permit from the Board at least forty-five (45) days prior to the proposed change or connection. No such change or connection shall be made without the written permit from the Board.

Sec. 13-52. Classification of Permits

There shall be three (3) classes of Public Sewer Connection permits: (1) residential, (2) commercial and (3) industrial. In any case, the Owner, or owner's agent, shall make application on a special form provided by the Board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board. The permit, inspection and connection fees shall be determined by the Board and will be posted in the office of the Town Clerk.

Sec. 13-53. Costs and Expenses

All costs and expenses related with the installation and connection to a public sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may be caused directly or indirectly by the installation of the sewer connection. The Owner shall post a cash Bond up to the value of the amount for materials and installation.

Sec. 13-54. Separate Connections

A separate and independent sewer connection shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one sewer connection. Use of private sewers which accept and convey flow from more than one building may not be used except when found, upon examination and test by the Town, to be in satisfactory condition and meeting all requirements of this Ordinance. The burden of proof and all expenses incurred by the Town to determine the condition and adequacy of the private sewer shall be borne by the Owner of said private sewer. Any changes in use of the building shall conform to the provisions of this Ordinance.

Sec. 13-55. Meters

The Board may require the Owner of a project or developer to install a water meter so recorded flow can be used to determine the wastewater charge. Water saving fixtures or holding tanks may be required by the Town for projects/buildings and developments connecting to the sewer system.

Sec. 13-56. Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Town, to meet all requirements of this Ordinance.

Sec. 13-57. Construction Practices

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to all applicable requirements, rules and regulations of the Town. In the absence of specific provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Sec. 13-58. Building and Plumbing Codes

The connection of the building sewer to the public sewer shall conform to the requirements of all applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall

be made gas tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. The specifications set forth in BOCA shall apply to internal plumbing and the first ten feet outside the building.

Sec. 13-59. Prior Notice Required

Prior to any connection to the house connection wye "Y" or to the main sewer, the Superintendent shall be given forty-eight (48) hours' notice in order that work supervision may be scheduled. If the Superintendent has not been properly notified, completed work may be required to be uncovered for examination, at the Owner's own expense.

Sec. 13-60. Minimum Dimensions for Building Sewers

The diameter of the residential building sewer shall not be less than four (4) inches (10.2 cm) and commercial and industrial not less than six (6) inches. The building sewer shall be laid on a uniform grade, wherever practicable, at a straight grade of at least one-fourth (1/4) of an inch per foot (2%). Where, in special cases, a minimum grade of one-fourth (1/4) inch per foot cannot be maintained, a grade of one-eighth (1/8) inch per foot (1%) may be permitted, but only after the Superintendent has given written approval for the specific connection. Application for a variance shall be made prior to construction.

Sec. 13-61. Location of Building Sewers

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet (91.4 cm) of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in the direction from the main sewer to the building and in a straight alignment insofar as possible. Change in direction shall be made only with properly curved pipe and fittings with suitable clean-outs or flush holes as described in Sec. 13-69 of this Division.

Sec. 13-62. Below Grade Sewers

In all buildings in which the plumbing is too low to permit gravity flow to the public sewer, wastewater to be carried by such sewer shall be lifted by approved artificial means and discharged to the building sewer.

Sec. 13-63. Storm Water Collection

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater to a building sewer which, in turn, is connected directly or indirectly to a public sanitary sewer. All such connections which exist shall be disconnected by the Owner, at his or her expense, within thirty (30) days of receipt of notification by the Board.

Sec. 13-64. Building Sewer Construction Practices

When installing the building sewer, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be placed in a separate pile from road materials and shall be piled in a compact heap so placed as to cause the least possible inconvenience to the public. Proper barricades and lights must be maintained around the trench to guard against accidents.

Sec. 13-65. Backfilling

In backfilling, the material under, around and for two (2) feet (61 cm) immediately over the pipe shall be selected in accordance with pipe manufacturer's allocation procedures. The backfill must be carefully tamped and the balance of the trench backfilled in a workmanlike manner, tamping and filling in eight (8) inch (20.3 cm) layers so as to reduce any settlement. When the trench has been filled to the proper height, the road material is to be replaced and heavily tamped or rolled.

Sec. 13-66. Excavations

Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six (6) inches (15.2 cm) below the bottom of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Superintendent. The remainder of the trench must be backfilled with suitable material as described in Sec. 13-65 of this Division.

Sec. 13-67. Subsoil Conditions

Where subsurface-soil conditions warrant, special precautions must be taken as may be directed by the Superintendent.

Sec. 13-68. Connection to Sewer Main

The connection of the building sewer to the main sewer shall be made at the house connection at the property line or, if no house connection exists, connection shall be made at the nearest available "Y" connection on the main sewer or at a manhole. The Superintendent will designate the position of the end of the house connection at the property line or the "Y" connection on the main sewer, whichever is appropriate. If it becomes necessary to cut into the main sewer, when no other source of connection is available, then such connection shall be made as directed by and under the supervision of the Superintendent. The dead-ends of all pipes not immediately connected with the house plumbing system must be securely closed by a water-tight cover of impermeable material and properly marked and located.

Sec. 13-69. Building Sewer Clean-outs

The use of clean-outs on the building sewer shall be made by installing a "Y" and one-eighth (1/8) bends. The clean-outs shall ordinarily be installed at the point of connection between the building sewer and the outside part of the house plumbing system at all curves on the building sewer and on the straight part of the house sewer to the main sewer. The clean-out shall be brought up from the building sewer to four (4) inches (10.2 cm) below ground level and properly capped. Locations of all clean-outs shall be recorded and turned over to the Superintendent. Clean-outs shall be of the same diameter as the building sewer and shall be located where directed by the Superintendent.

Sec. 13-70. Compliance with Ordinance

Before any portion of an existing building sewer or the house plumbing system outside of the building is connected to the main sewer, the Owner shall prove, to the satisfaction of the Superintendent that it is clean and conforms in every respect to this Ordinance and all joints are water-tight.

Sec. 13-71. Inspection Certificate

Where pipe is installed for building sewers, such work shall be performed by a licensed plumber under the certification of a Vermont licensed professional engineer or under the inspection of the Superintendent.

Sec. 13-72. Testing

The Superintendent shall determine the appropriate tests to be made for pipe tightness. The plumber and contractor, at their own expense, shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Board.

Sec. 13-73. Required Insurance and Bond

Any person performing work on public property for the purpose of installing a building sewer shall file with the Superintendent evidence of adequate insurance coverage for liability and property damage and provide a cash Bond for the value of materials and installation. Minimum amounts of insurance coverage and cash Bond will be established by the Board and posted in the Town Clerk's Office.

Sec. 13-74. Guarding of Worksite

All work shall be adequately guarded with barricades, lights and other measures for protection to the public from hazard. Streets, sidewalks, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent and other Town authorities having jurisdiction.

Sec. 13-75. Vehicular and Pedestrian Access

The Contractor shall not block any driveway, street or road at any time without permission of the Superintendent and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks or drives, whether public or private, the Contractor shall maintain, at his or her own expense and subject to the approval of the Superintendent, safe bridges or other means of egress.

Sec. 13-76. Maintenance

Maintenance of all private wastewater facilities including, but not limited to, (1) house plumbing systems, (2) building sewers to the main sewer, (3) house connections, (4) sewers and (5) appurtenances shall be the responsibility of the Owner, at his or her expense. The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to, (1) maintaining flow, (2) clearing obstructions, (3) maintaining all joints gas and water-tight, (4) repair or replace collapsed, deteriorated or defective materials, and (5) all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

Sec. 13-77. Limitations on Permits

The Owner is committed by sewer connection and any other permits to construct the project/building/development to meet all specifications for which capacity was issued. The Superintendent or other person authorized by the Town will inspect existing buildings and

construction sites from time to time during each construction phase to assure permit specifications are being met. A final inspection shall be made prior to the connection from the building to the main sewer line by the Superintendent. Any permit specification violation not corrected within a reasonable time set by the Board will render the sewer permit void. The Owner may apply for a new sewer permit; however, there is no guarantee capacity will exist for a new sewer permit to be issued. The sewer permit is a unilateral agreement between the Town and the Owner of the project/building. The Owner to whom the sewer permit is issued does not own the capacity and forfeits all rights to capacity if preliminary and final permit requirements are not met. The capacity allocation belongs to the Town and is not transferable until the project/building/development is constructed and sewer connected to the main sewer line.

Secs. 13-78--13-80. Reserved

DIVISION 5. USE OF THE PUBLIC SEWER

Sec. 13-81. Unlawful Discharge to Sanitary System

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated cooling water to any sanitary system.

Sec. 13-82. Storm Sewer Discharge

Storm water and all other unpolluted drainage may be discharged to storm sewers, or to a natural outlet approved by the Board. Industrial cooling water may be discharged, upon approval of the Board, to a storm sewer, or natural outlet.

Sec. 13-83. Prohibited Class A Discharge

No person shall discharge or cause to be discharged any of the following described Class A waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in

sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 6.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage treatment plant.

(d) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground garbage, whole blood, hair, flashings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, whether whole or ground by garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

Sec. 13-84. Prohibited Class B Discharge

No person shall discharge or cause to be discharged the following described Class B substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewage treatment plant, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction in the sewers, nature of the wastewater treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquor or vapor having a temperature higher than 150 degrees F (65 degrees C).

(b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees F (0 degrees C) and 150 degrees F (65 degrees C).

(c) Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of 3/4 hp (0.76 hp metric) or greater shall be subject to the review and approval of the Board.

(d) Any chemicals or chemical compounds of the following nature or characteristics or having similarly objectionable characteristics: alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals and other metal finishing or plant wastes, acid pickling waste, mercury and mercurials, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing

agents such as chromates, dichromates, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, inflammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulphides, sulphites, and the like, radioactive materials or isotopes, whether neutralized or not.

(e) Any water or wastes containing excessive settle-able solids, iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine demand, exerting an unusual chemical oxygen demand or containing any other material or constituent in concentrations which exceed limits which may be established by the Board.

(f) Any waters or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite wastewater to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal Regulations.

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(j) Any waters or wastes if it appears likely, in the opinion of the Board, that such waste can harm the sewers, treatment plant process or equipment, would have an adverse effect on the receiving stream, or could otherwise endanger human or animal life, limb, public property or constitute a nuisance.

(k) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or proposed or are amendable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.

(l) Materials which exert or cause:

Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works, which may cause the effluent limitations of the discharge permit to be exceeded.

Unusual volume of flow or concentration of wastes constituting "slugs".

Sec. 13-85. Conditionally Acceptable Class C Discharge

The admission into the public sewers of any Class C waters or wastes having (a) a five (5) day BOD greater than 300 mg/l or (b) containing more than 350 mg/l of suspended solids or (c) containing any quantity of substances having the characteristics described in Sec. 13-83 and 13-84 or (d) having an average daily flow greater than two percent (2%) of the average daily wastewater flow received at the sewage treatment plant shall be subject to the review and approval of the Board. The Board may:

(a) Reject the wastes, or

(b) Require pretreatment to an acceptable condition for discharge to the public sewers, or

(c) Require control over the quantities and rates of discharge, or

(d) Require a penalty to be imposed according to the severity of the problem, or

(e) Require any combination of the foregoing.

If the Board permits the pretreatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to proposed equipment and facilities; shall be submitted for the approval of the Board and the Agency of Natural Resources and no construction of such facilities shall be commenced until said approvals have been obtained in writing. Further, pretreatment facilities must be consistent with the requirements of any State pretreatment permit issued to the industry.

Sec. 13-86. Interceptors Required

Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required by the Board for private living quarters. Interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 13-87. Minimum Standard for Interceptors.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

Sec. 13-88. Maintenance of Interceptors

Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Owner, at his or her expense, in continuously efficient operation at all time. Materials collected shall not be reintroduced into the public sewage works.

Sec. 13-89. Maintenance of Preliminary Treatment or Flow-Equalizing Facilities

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his or her expense.

Sec. 13-90. Manhole Requirements

When required by the Board, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitably controlled manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible to Town officials and safely located and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the Owner, at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

Sec. 13-91. Monitoring Requirements

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the State in accord with such permit. Such records of any monitoring shall be made available upon request of the Board or the State of Vermont and/or any other agencies having jurisdiction over discharges to receiving waters.

Sec. 13-92. Testing Requirements

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour flow composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour proportioned composites of all outfalls whereas pH's are determined from periodic grab samples.

Sec. 13-93. Changes in Discharges or Connections

Any person proposing a new discharge into the sewage works or a substantial change in volume or character of pollutants that are being discharged into the sewage works shall obtain a written sewer permit and notify the Board at least forty-five (45) days prior to the proposed change or connection, and provide all laboratory analyses, technical data, engineering reports and all other information requested by the Board at their expense. No such change or connection shall be made without a written permit from the Board.

Sec. 13-94. Chemical Analyses Treatability Studies

The Board may require that any applicant for a permit or a sewer user provide, at his or her expense, chemical analyses, treatability studies, engineering reports or other documentation which shall be prepared by a professional engineer or a certified laboratory, as applicable.

Secs. 13-95--13-100. Reserved

DIVISION 6. SCAVENGER WASTE

Sec. 13-101. In General

Scavenger waste is septage, sludge, leachate or other forms of waste brought to the wastewater facility for treatment and disposal. The waste must meet all Division V requirements.

Sec. 13-102. Permit Required

The discharge of scavenger wastes into the sewage works may be permitted. Persons desiring to discharge scavenger wastes shall apply for a permit from the Board. The discharge of scavenger wastes from sources outside of the State of Vermont is prohibited unless authorized by the Board.

Sec. 13-103. Compliance with Permit Conditions

When a permit is issued, the discharge of scavenger wastes shall be made only at the locations specified in the permit or as may be from time to time relocated by the Board. The wastes must further be discharged at the times and at the rates specified in the permit.

Sec. 13-104. Permit Fee

A scavenger waste permit fee established by the Board payable to the Town shall be paid to the Town Clerk at the time the application is filed. The applicant for a permit shall be the Owner of the vehicle (or other duly authorized agent acceptable to the Board) to be used for the purpose of transporting and discharging the waste.

Sec. 13-105. Tipping Fee

In addition to the permit fee, there will be a fee charged each time a load of scavenger waste is discharged into the sewage treatment plant. Such fee will be determined by the Board and will be based upon the quantity and quality of the discharged waste. There will be no line of credit extended Owners and operators applying for permits under this section.

Sec. 13-106. Special Agreements.

No provision of this Division shall be construed as preventing any special agreement or

arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern, provided that such agreements do no contravene any requirements of existing State or Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

Secs. 13-107--13-110. Reserved

DIVISION 7. PRIVATE SEWERAGE SYSTEMS

Sec. 13-111. In General

It is the intent of this Division to insure that private wastewater systems are properly designed, constructed and maintained in such a manner as approved by the Board. It shall be unlawful for any person to operate private sewerage systems that:

Contaminates any drinking water supply.

Is accessible to insects, rodents or other possible carriers of disease which may come into contact with food or drinking water.

Pollutes or contaminate any subsurface waters or underground water used for drinking.

Is a health hazard by being accessible to persons.

Gives rise to a nuisance due to odor or unsightly appearance.

Violates any State or Federal laws or regulations governing water pollution or wastewater treatment.

Sec. 13-112. Existing Private Systems

Existing private systems may be required to be upgraded to standards in effect on the date of adoption of this Ordinance or provide verification from a Vermont registered professional engineer that the system complies with the same standards.

Secs. 13-113--13-115. Reserved

DIVISION 8. SEWER RENTS

Sec. 13-116. Fixed, Operation and Maintenance Charge

A sewer rent charge, which shall be determined by the Board, is hereby imposed upon every person having a building or structure on their premises and that is served by the sewage works directly or indirectly where wastewater is collected for the use of the premises by the Owners, or other users of real property within the Town. The user charge shall be for the purpose of the payment of the costs associated with operating, maintaining and repairing said system. The Board may establish a separate fixed annual charge for bond payments, and for fixed operating and maintenance costs not dependent on actual or estimated use. The charges determined by the Board shall be filed with the Town Clerk. The fixed annual charge established by this Section shall be charged whether or not the property is fully or partially occupied, when the property is connected to the sewage works by the necessary building sewer as required under the terms of this Ordinance. The rate structure shall incorporate the requirements of 40 CFR, S35.935-13 or S35.2140.

Sec. 13-117. Calculation of Sewer Rent Charge

The sewer rent charge stipulated in Sec. 13-116 of this Division shall be based upon a water meter measurement and a base charge per equivalent user. The Board will determine the actual charge from measurements of each metered user so as to yield charges which are approximately in proportion to the strength and quantity of waste discharged. The fixed annual charge is for bond repayment and fixed operations and maintenance costs. No user will be billed less than the average single family charge for the fixed charges, plus actual flow related charges. The annual charges stipulated in Sec. 13-116 of this Division are based upon rate structure(s) established by the Board as provided for in 24 V.S.A., Chapter 101.

Sec. 13-118. Capital Costs

The design, construction and development costs of all public wastewater system expansions and extensions which have been approved by the Board shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the voters of the Town shall vote at a duly warned annual or special meeting to assume all or a portion of the costs involved. When the voters of the Town vote to assume all or a portion of the costs, such costs will be paid from the collection of taxes unless the voters of the Town approve some other means of raising the required monies.

Sec. 13-119. Collection

Collection of delinquent sewer rents may be enforced by the Town pursuant to 24 V.S.A., Chapter 129; 24 V.S.A., § 3612; and 24 V.S.A., § 3615. In the event any sewer rent is not paid within 30 calendar days from the billing date, a late penalty charge will be added to the sewer rent together with interest charges. The amount of the late penalty charge and the interest rate on the overdue accounts shall be the same as those applied to the collection of taxes. If such payment is not made, such sewer rent shall be a lien upon such real estate and shall be collected according to all procedures allowed for in the collection of delinquent real estate taxes.

Sec. 13-120. Deposits

When a customer's credit is, or becomes impaired, the Town may, when it deems necessary to guarantee payment of current bills, require a deposit. Such required deposit shall not exceed the amount of an estimated billing period provided, however, such deposit to be refunded when the customer has established credit.

Upon termination of service, the Town shall have the right to apply any deposit in payment of any billing in arrears if such billing shall be unpaid for a period of thirty (30) days beyond the due date. Retention of the deposit by the Town shall not constitute a waiver of its rights otherwise to enforce collection of payment in accordance with the terms and conditions hereof.

Sec. 13-121. Additional Charges

In addition, the costs associated with making the tap or connection at the main, including all costs of materials and labor to install the line to the property line shall be paid by the Applicant proposing to connect to the Public Wastewater System.

If inspection is required by the Board, all direct costs of inspection shall be paid by the Applicant to the Town at rates established by the Board.

Other charges shall be established by the Town as necessary. These shall be for such items as service calls and/or broken meter calls where they are not expressly the responsibility of the Town.

Secs. 13-122--13-125. Reserved

DIVISION 9. APPLICATIONS/PERMITS/FEES

Sec. 13-126. Application for Permit

Applications for permits shall be made on forms established and provided by the Town.

Sec. 13-127. False or Misleading Statements

Any false or misleading statement in any application for a permit will invalidate the permit and shall be deemed a violation of this Ordinance.

Sec. 13-128. Suspension or Revocation

Any permit issued by the Board may be suspended or revoked at any time by the Board for:

Violation of any of the provisions of this Ordinance.

Violation of any specific terms and conditions of the permit.

Refusal to permit inspection by the Town or its duly authorized representatives.

Sec. 13-129. Availability for Inspection

All permits must be kept on the premises and shall be made available to the Town or its duly authorized representatives at any time. A copy of a scavenger waste permit must be on or in the vehicle. Failure to keep permits available shall be presumptive evidence that the work or operation being conducted is without a permit and is in violation of this Ordinance.

Sec. 13-130. Payment of Fees

All fees provided for in this Ordinance shall be determined by the Board and shall be posted in the office of the Clerk. All fees shall be made payable to the Town of St. Johnsbury and paid directly to the Clerk.

Secs. 13-131--13-135. Reserved.

DIVISION 10. PROTECTION FROM DAMAGE

Sec. 13-136. Conduct Prohibited

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be guilty of unlawful mischief.

Secs. 13-137--13-140. Reserved

DIVISION 11. POWERS AND AUTHORITY OF INSPECTORS

Sec. 13-141. Entrance to Premises

The Superintendent and other duly authorized employees of the Town shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 13-142. Applicability of Safety Rules

While performing the necessary work on private properties referred to in this Division, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company.

Sec. 13-143. Entrance Upon Easement

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said

easement. All entry and subsequent work, if any on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Secs. 13-144--13-145. Reserved

DIVISION 12. PENALTIES/MISCELLANEOUS

Sec. 13-146. Violations

(a) In General: Any person who violates any provision of this Ordinance shall be punished by a fine as provided in Section 1-13 of the code of ordinances Town of St. Johnsbury, VT. No action may be brought under this section unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense.

(b) Damages: In addition to any other penalty, any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense. The extent, loss or damage shall be taken to be the extent determined by a competent Vermont registered Professional Engineer particularly skilled in the operation and maintenance of water transmission distribution and water treatment works.

(c) Other Remedies: In addition to invoking the penalties hereinabove provided and otherwise available, including all legal and equitable remedies, the Board is authorized to order abatement of any violation and to provide in said order that failure to abate said violation shall require termination of all use and occupancy of any building not in compliance with this Ordinance. A property Owner receiving a notice of abatement shall be entitled to a public hearing upon request prior to the commencement of any occupancy termination.

Sec. 13-147. Separability/Saving Clause

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Sec. 13-148. Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication by law.

Sec. 13-149--13-199. Reserved

ARTICLE III. WATER SYSTEMS

Pursuant to No. 345 of the Acts of 1957, it is hereby ordained by the Town of St. Johnsbury, Vermont that the protection of the health and safety of the Town of St. Johnsbury, its inhabitants and the general public requires the establishment of minimum standards governing the design, construction, installation and operation of public and private water systems.

DIVISION 1. IN GENERAL

Sec. 13-200 Title

All provisions contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Ordinance Regulating the Use of Public and Private Water Systems" hereinafter sometimes referred to as the Ordinance.

Sec. 13-201. Objective

The principal objective of the water supply and water distribution facilities is to provide the inhabitants of the Town of St. Johnsbury with pure water for domestic, sanitary, agricultural, commercial and industrial purposes and for supplying the Town with water for all lawful municipal purposes.

Sec. 13-202. Inconsistent Provisions

Where this Ordinance imposes a greater restriction or stricter standard than any other statute, by-law, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this Ordinance shall control.

Sec. 13-203. Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

(a) "ACT" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

(b) "BOARD OF WATER COMMISSIONERS", hereinafter referred to as the "BOARD" shall mean the three Water Commissioners appointed or elected in accordance with the procedures set forth in 17 V.S.A. Chapter 55.

(c) "CUSTOMERS" means any individual, firm, company, corporation, association, or group receiving or requesting water or sewer service from the DEPARTMENT.

(d) "DEPARTMENT" means the Water DEPARTMENT of the Town of St. Johnsbury, Vermont acting through the BOARD, as appropriate.

(e) "EXTENSION OF EXISTING SERVICE" means any additional faucets, toilets, or other water using facilities [on a property already served by the DEPARTMENT, other than a residential use which does not increase the number of dwelling units] within the same commercial unit. EXTENSION OF EXISTING SERVICE shall also mean any change of service classification in an existing building or other change of use which the Board of Water Commissioners determines will result in greater usage of water.

(f) "COMMERCIAL UNIT" means each individual factory, warehouse, store, shop, office, motel unit, hotel guest room, restaurant or other commercial establishment, whether or not individually metered. One property may contain several commercial units.

(g) "RESIDENTIAL UNIT" means a structure or part of a structure, whether or not individually metered, occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants. Residential unit shall not include units rented, or intended to be rented, for a period of less than 30 days.

(h) "NATURAL OUTLET" means an outlet into a water course, pond, ditch, lake, or other body of surface or groundwater.

(i) "PERSON" means any individual, firm, company, association, society, corporation or group.

(j) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(k) "SHALL" means mandatory.

(l) "MAY" means permissive.

(m) "SUPERINTENDENT" means the Water DEPARTMENT Superintendent, Town of St. Johnsbury.

(n) "WATERCOURSE" means a channel in which a flow of water occurs, either continuously or intermittently.

(o) "WATER WORKS" means all facilities for developing, acquiring and maintaining a supply of water and a water distribution system in the Town of St. Johnsbury.

(p) "SECRETARY" means the Secretary of the Agency of Environmental Conservation, State of Vermont.

(q) "STANDARD SPECIFICATIONS, RULES AND REGULATIONS" means the Water Rules, Regulations and Specifications adopted by the St. Johnsbury Board of Selectmen and filed with Town Clerk.

Sec. 13-204. Responsibility of Existing Users

The existing users will continue to be responsible for the required system operation and maintenance including general purpose prioritized local capital improvements to the system. All other expansions, additions or proposed improvements that are required for or requested by new users will be the financial responsibility of those new users. After construction, testing and acceptance by the Town, these new expansions, additions, or proposed improvements shall become the property of the Town of St. Johnsbury.

Sec. 13-205. Obligations of New Users

It is specifically the purpose of these procedures to assure that existing users do not sacrifice any standard of service for the benefit of new users connecting to the system. Any reductions in service created by expansion into new areas will be evaluated considering the total impact on the entire system. Where an impact causes any potential reduction in the standards of service to existing users, new users requesting connections will be required to complete such system improvements to eliminate any such impacts as a condition for obtaining a water connection permit.

Secs. 13-206--13-209. Reserved.

DIVISION 2. SYSTEM EXPANSION

Sec. 13-210. Expansions, improvements or additions

All expansions, extensions, improvements or additions to the water system shall become property of the Town. Private systems shall not be allowed connection to the Town water system. All design documents and construction procedures shall comply with the Water Department Standards as set forth in the Rules, Regulations and Specifications of the Water Department.

Secs. 13-211--13-214. Reserved

DIVISION 3. RESIDENT INSPECTIONS

Sec. 13-215. Appointments and Duties

During construction, the Superintendent or a resident inspector appointed by the Board may be required at the work site. All cost of resident inspection will be borne by the applicant. It will be the duty of the resident inspector to assure installation of all facilities in accordance with the approved plans and specifications for the project. Certification of the project conformance by the resident inspector and the applicant's engineer will be required in order to obtain permission from the Superintendent to initiate water service for the project. Any divergence from the approved plans must be approved by the Board.

Sec. 13-216. Scheduling Inspections

Where required, the Superintendent will provide persons for conducting inspections. The developer or owner shall notify the Superintendent at least 24 hours in advance of such required inspections; no work shall be backfilled before the required inspection is made. If the work is backfilled, the developer or owner shall be responsible for any excavation, replacement and/or repairs and any re-testing to assure compliance with the approved plans and specifications.

Sec. 13-217. Cost of Inspection/Fees

The developer will be responsible for direct costs of providing an inspector by the Town at the Town's cost.

Secs. 13-218--13-220. Reserved.

DIVISION 4. APPLICATION PROCEDURE

Sec. 13-221. General

Applications will be presented to the Superintendent in a form that provides full information necessary for adequate review of the proposed project.

Sec. 13-222. Preliminary Application

(a) Capacity Commitment: Because the water system is limited by the capacity for service, the first step in obtaining an approval for a proposed project is to receive a capacity commitment from the Board. If there is no capacity commitment, an application for full approval will not be accepted until such time as the project is either reduced to meet capacity reserves or more capacity is constructed within the system.

A preliminary application must include information necessary for the Board to make a judgment on the capacity of the existing system to provide the capacity requirement of that project. Included will be location of the project, projected water demands, proposed sizes of lines and a general utility layout. A connection fee will accompany all preliminary applications. (See schedule of charges.) Though detailed plans are not required at this stage, information must be complete enough to enable the Board to make a decision. If capacity commitment is given, a detailed submission of plans will be required before approval for construction.

(b) Water System Application/Capital Facilities Charges:

(1) Properties Subject to Water System Application/ Capital Facilities Charges and Effective Dates:

(A) All structures not occupied before July 1, 1992 shall be subject to

Water System Application/Capital Facilities Charges except as provided under Section 2. The date of occupancy for new structures shall be the date of issuance of Certificate of Occupancy.

(B) All structures that have experienced a change of use after July 1, 1992 that require additional water and/or sewer services shall be subject to Water System Application/ Capital Facilities Charges except as provided under Section 2. New connection and/or capacity charges will apply solely to the additional demand.

(2) Transition Rule: To provide a fair transition from the existing to new charges, the following are exceptions to subject properties under Section 1:

(A) No structures that have received approval for connection or additional demand as of July 1, 1992 will be subject to Water System Application/Capital Facilities Charges if they are connected and receive a Certificate of Occupancy on or before January 1, 1993.

(B) No occupied structures which have or receive a Certificate of Occupancy on or before July 1, 1992 will be subject to Water System Application/Capital Facilities Charges if they are connected by January 1, 1993.

(3) Water System Application/Capital Facilities Charges:

Applicants intending to connect to the Town's water system shall pay an initial Water System Application/Capital Facilities Charge in addition to all other fees and charges which are in effect. The Water System Application/Capital Facilities Charge shall be established by the Board and posted in the Town Clerk's Office. Gallonage computation shall be based on flow quantities utilized by the State of Vermont, Department of Environmental Conservation.

(4) Payment Policy: The Water System Application/Capital Facilities Charges shall be paid as follows:

(A) 10% upon application for gallonage requested to be reserved, on forms provided by the Town. This fee is non-refundable.

(B) On or before two (2) months from the date of said application, the applicant shall enter into a contract with the Town to reserve and purchase water capacity.

(C) If any State or local permits are required on a project for which a Water System Application/Capital Facilities Charge has been assessed, an additional 40% of the fee shall be paid within eighteen (18) months from the date of the contract in Sec. 4B, or the date of receipt of the last required permit, whichever first occurs. If such permit or permits are

denied, or, if the applicant abandons a project before the start of construction because of permit denial, or for any other reasons, the contract, if entered into, will be deemed null and void. Any payment made, excepting the 10% paid upon application (as per sec. 4A), shall be returned without interest, and reservation of gallonage shall be withdrawn. For the purpose of this Policy, the applicant shall be deemed to have abandoned a project if he fails to enter into a contract within two (2) months of the application and payment in Sec. 4A, or when he fails to commence construction within eighteen (18) months from the date of the contract, or make the payment required in Sec. 4D.

(D) The remaining 50% for each unit is due prior to receiving a zoning permit for construction for that unit.

(E) Projects may be phased only by written agreement between the Town and the applicant, or when required by the Town because of low or insufficient plant or System capacity. If a contract is made for one phase, allocation of gallonage therein provided shall be only for that phase, and the Town shall not thereby, be deemed to have bound or committed itself, impliedly or otherwise, to enter into contracts for additional phases, or to provide gallonage therefor, nor shall the consumer be deemed bound or committed to construct future phases. Such contract shall be binding only for the project therein described as if no other phases were intended, and the Water System Application/Capital Facilities Charges shall be computed only for such phases. If a contract describes more than one phase of a total project, then the Water System Application/Capital Facilities Charges shall be computed on the entire project as described, and shall be payable as provided here, except that the 50% payment in Sec. 4D shall be paid in proportion to such phases, and prior to receiving zoning permits for construction of each phase, but no later than the termination date stated in the contract.

(F) Applicants who desire to construct residential buildings not located in, or part of planned developments or for which no contract and/or permit is necessary or required, shall pay 10% of the Water System Application/Capital Facilities Charge upon application (as per Sec. 4A) and shall pay the remaining 90% prior to receiving a zoning permit for construction or within 18 months of application.

Sec. 13-223. Full Application

(a) General. A full application will be prepared by the applicant in compliance with the Standard Specifications of the Town on forms provided by the Town. All plans are to be prepared in accordance with these design standards. Two sets of design plans and specifications will be submitted to the Board by the Applicant. The Board will review all plans and specifications for conformance with its standards. This review will be made where applicable by the Town's duly appointed engineer. The Board may take the following actions:

(1) Approval for construction.
(2) Conditional approval for construction.
(3) Request for additional information or review comments.
(4) Rejection of Request.

(b) Acceptance of Application. Acceptance of the application by the Superintendent obligates the applicant to pay the Town its established rates and charges and to comply with the rules and regulations. If the rendering of service requires a new service connection or other work on the premise, the occupant must present to the Board a permit in writing from the owner authorizing the utility to enter the premises to do the necessary work.

(c) Size and Location of Service. The Town reserves the right to assign size and location for the water service.

(d) Requirement for Existing Main. Applications will be accepted subject to there being an existing main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the Town to extend its mains to serve the premises, excepting as hereinafter provided.

Secs. 13-224--13-226. Reserved

DIVISION 5. REGULATIONS - OPERATIONS

Sec. 13-227. Procedure for Initiation and Expansion of Water Service

The Board will consider acceptance of a utility project for initiation of water service only after completion of and providing the following has been received and is found to be satisfactory by the Board:

Certification of the Resident Inspector and Project Engineer of conformance with the Standard Specifications, Rules and Regulations, and approved plans and specifications.

Copies of all deeds and right of way instruments for all new water mains.

Copies of "as built" plans on 24" x 36" reproducible Mylar showing ties to all fittings, valves, corporations, curb stops and boxes, and stubs.

Release of all liens from all subcontractors and suppliers.

Certification of the required leakage test, pressure test and chlorination procedures and results of successful bacteriological sampling. Water only shall be supplied by the Town for these activities.

Payment of all applicable fees.

Sec. 13-228. Conformance with Other Regulations

The proposed project will be required to obtain other applicable permits. The securing of final approval of the project does not remove the responsibility of obtaining other permits, such as public building permits, zoning and planning permits, Act 250, Town highway or sewer connection permits. The applicant is advised to seek advice in compliance with all permits.

Sec. 13-229. Compliance Standards

All applications will comply with the following:

Rules, Regulations and Specifications of the Town.

American Water Works Association Standards - latest revision.

Ten State Standards - 1987 or latest revision.

Vermont Department of Environmental Conservation, Public Water System Regulations.

Vermont Standards for Water System Design and Construction.

National Plumbing Code 1968 or latest revision.

Sec. 13-230. Internal Improvements

Whenever a proposed water main expansion, improvement or addition to the utility causes any other portion of the system to be inadequate or places such impact on that existing portion of the system that it renders that portion of marginal serviceability, it shall be required that the proposed project include such improvements required for the existing system to eliminate such impacts.

The internal improvements shall be made in conformance with the overall master plans of the Water System and the Municipal Development Plan. The improvements will be determined by the Board in conformance with the master plan and after analysis of the total hydraulic effect on the system.

Sec. 13-231. St. Johnsbury Water District Service Areas

The Board has adopted a defined a Water Service Area and it is depicted on the map entitled "Water Service Areas" and recorded with the Town Clerk and attached hereto as part of Ordinance. (854'MSL grade line)

It is the purpose of the service area to confine the distribution system to elevations that can be effectively served by the existing supply system; this service area will encompass the area where the municipal water system can provide a minimum pressure of 35 PSI at the municipal main. It is further the purpose of the Service Area to eliminate extensive expansion of the utility until such time as development within the Service Area has been undertaken. Current capacity of the utility recognizes that the existing service areas can utilize all of the current capacity when fully developed. It is the policy of the Board to phase needed improvements to the system to coincide with capital improvement revenues.

Upon application to the Board approvals for expansion may be granted providing the Board determines the following:

The expansion does not negatively affect any existing users, or

The existing system can be modified to allow the expansion without negative effect to existing users, or

Adequate source, supply, storage, or distribution exists or can be reasonably modified to accommodate the expansion without negative effects on the existing users.

Sec. 13-232. Meters

All water service by the Town shall be sold on the basis of meter measurements, or as otherwise provided for in its rate schedules and the Town may install meters whenever deemed expedient. The customer may receive water through a meter only upon written application to the Town. The size, manufacturer and model of the meter will, in all cases, be determined by the Town.

All meters shall be set, as nearly as possible, at the point of entrance of the service pipe to the building, and the customer shall provide and maintain a clean, dry, warm and accessible place to service the meter. Meters, once set, may be moved in location at the request of the customer at his or her expense, and the work may be done only by an agent of the Town or by a Vermont Licensed Plumber registered and approved by the Town. A meter must be installed before water service is initiated.

For new installation of meters two (2) inches and larger in nominal size, the piping arrangement shall be in accordance with the requirements of the Town.

Remote reading registers acceptable to the Town shall be utilized. If provided by the Town as a retrofit primarily to expedite its meter reading and billing procedures, the installation shall be at the Town's expense.

When the customer fails or neglects to furnish a suitable location for a meter inside his building, or when for other reasons it is necessary or expedient to locate the meter outside the building, an underground vault acceptable to the Town shall be provided and maintained at the expense of the customer.

Use of service pipe material which is deemed by the Town to be inferior shall constitute grounds for requiring the use of a meter installation at an exterior location.

Meter repairs and replacements necessitated by ordinary wear will be paid for by the Town. Those caused by freezing, hot water, or by other causes within the control of the customer will be charged to the customer, including the cost of removing and replacing the damaged meter.

Meters will be carefully tested before installation. Thereafter, meters will be tested free of charge at the request of the customer provided such request is not made more frequently than once in twelve (12) months.

If tests are requested more than once every twelve months, the Town may require the customer to make a deposit which will cover the reasonable cost of the test. If the meter is found to over-register by more than two (2) percent, the deposit will be refunded together with the percentage of error computed for the duration of the last billing period. If the meter is found to under-register by more than two (2) percent, the customer will be charged such percentage of error

computed for the duration of the last billing period. If the meter registers with two (2) percent, plus or minus, it will be deemed correct, and the deposit will be retained by the Town. The customer may be present when the Town conducts the test on his or her meter, or if he or she desires, send an expert or other representative appointed by him or her. A written report giving the result of such test shall be made to the customer.

Metering shall be required for all connections. Meters are to be obtained and installed by the owner in conformance with the Town standards. Once installed and approved by the Town, the meter will be solely the responsibility of the Town and all maintenance and replacement will thereafter be borne by the Town.
Every service must be provided with an operable stop and waste valve inside the building near the service entrance, easily accessible, and protected from freezing. All piping shall be so arranged as to prevent back-siphonage and to permit draining whenever necessary. Backflow devices will be required.

Sec. 13-233. Installation of Services

The cost of service taps, installing and maintaining the pipe from the main line to the property shall be borne by the Applicant. This pipe may be installed by a private contractor approved by the Town. The installation must comply with Town's specifications and may not be covered until it is inspected and approved by the Superintendent. No new installations may be made, nor further connections made to existing installations unless approved by the Board. The Applicant shall be responsible for securing appropriate Public Liability and All Risk "Builders Risk" insurance and indemnify and holding harmless the Town and its agents from damages involving or related to the connection and water line installation work.

Existing connections to the system shall remain connected, unless express permission is granted by the Town for disconnection.

The Town shall not be responsible for damage due to escaping water or arising from the use of water or from any damage arising from leaks in piping or equipment.

All new construction shall use low-flow type water fixtures as approved by the Town.

Sec. 13-234. Temporary Service

Contractors, builders and property owners desiring temporary water service for construction purposes shall make application in writing to the Town and secure approval for this service. Temporary water services will be supplied providing it does not interfere with use of water for general purposes. The cost of temporary service and the cost of its removal shall be borne by the applicant. The estimated cost of temporary service shall be payable in advance by a deposit with Town Treasurer. Upon completion of the use of temporary service an accounting shall be made.

If the amount of deposit does not cover the actual cost, the applicant will be billed the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference.

These charges are in addition to the charge for use of water which will be billed at the published rate.

Sec. 13-235. Winter Provisions

The Town shall not be required to install any service lines or service connections during winter conditions, except by special arrangement, in which case the customer shall pay for the excess over normal costs. In those cases where customer owned service pipe or main is frozen, the thawing shall be done by the Owner at the expense of the Owner. If it is determined that the freezing is between the main and the curb stop, it shall be the responsibility of the Town to restore service. To avoid a recurrence, the Town may order an examination of the customer's service pipe or main and if the same is not at a depth of five and one-half (5 1/2) feet, as required, the Town reserves the right to require it to be so relocated before service is resumed.

Sec. 13-236. Abatement

If premises are to be vacated for a period of thirty (30) days or more, abatement of water charges may be had by notifying the Town in writing in advance of the date such vacancy is to occur. The Town will then discontinue service at the shutoff or in case two or more occupancies are supplied by a single service, seals will be placed upon the stop and waste valve or fixtures of the vacant premises. A charge will be made for each resumption of service, and a charge will be made for each seal required. Abatement will not be available for partial vacancy of multiple units served through a single meter.

Sec. 13-237. Sprinkler Systems

Application: Application for new sprinkler systems must be made by the owner of the property or his or her authorized agent and will be subject to all provisions and specifications of the Town. The Fire Department is hereby made a party to this review.

Plans and Specifications: The applicant must furnish complete set of drawings showing the location of the premises, sprinkler heads and other appurtenances. These plans will remain as property of the Town. The applicant further agrees to furnish the Town with drawings showing revisions to piping or appurtenances whenever any revisions are made.

Criteria: No private fire connection will be made on a water main of less than six (6) inches in diameter. The Town expressly reserves the right to determine the necessity for the advisability of granting any application for special service, depending on the size of street main, availability of

pressure, and the nature and capacity of the fire protection equipment to be installed.

Charges and Costs: Installation of the fire protection service shall be by, or under the direction of, the Town. All charges therefore are payable by the customer.

Inspection: All fire services shall be subject to periodic inspections by the Town. The owners of such systems will give the Town inspectors all reasonable facilities for making the inspection and any information concerning such system that they may require. Inspections will be made with as little inconvenience to the owner as possible.

Illegal Use: Sprinkler system connections shall be used for fire protection only. Using such connections for other than fire protection purposes shall constitute unauthorized use and a violation of the Ordinance.

Additional Requirements: Backflow devices and FM rated meters are required.

Sec. 13-238. Fire Hydrants

General: Hydrants are the property of the Town. All public fire hydrants and their connections are installed and maintained by the Town.

Obstruction Prohibited: No person or persons shall obstruct the access to any fire hydrant by replacing or permitting snow, debris or building material or other obstruction to remain on or about the hydrant which will in any manner interfere with its immediate use.

Use: Public fire hydrants are for the sole purpose of fire protection and, with the exception of the Water Department, and the Fire Department operating the same for the legitimate purpose of extinguishing fires or conducting a bona fide drill or practice, no other use shall be made without consent of the Water Department.

Sec. 13-239. Interruption of Service

Disclaimers of Liability: The Town furnishes water, not pressure and does not guarantee a continuous supply. No responsibility is assumed for any damage to any apparatus in any house or building due to shutting off water or providing excess pressure without notice either for:

(1) Repairs; or
(2) Pipeline breaks; or
(3) Necessary operations; or
(4) Malfunction of system facilities

No Refunds: No persons shall be entitled to have any portion of a payment refunded for any

stoppage occasioned by accident to any portions of the water works, nor for stoppage for purposes of additions or repairs, nor for non-use occasioned by absence or any other reason. Unless the interruption is in effect for a continuous period in excess of ten (10) days, in which case a proportional refund will be made.

Notice of Interruption: Notice of interruption of service is not required. While it is the intention to give notice, as far as possible, in advance of any work which must be done that will necessitate interruption of the supply, such notice is to be considered a courtesy only, and not a requirement on the part of the Town. In case of a break in a pipeline, water may be shut off without notice. Any announcement will be by general announcement in the local newspaper. Failure of tenant or property owner to receive notice of interruption of service shall entail no liability on the part of the Town, or its employees. Property owners should install range boilers, hot water tanks and all other equipment connected with the water supply system in such a manner that damage will not occur if the water is shut off without notice.

Maintenance of Pressure: The Town will attempt to maintain adequate system pressures and will not be required to render service where normal system pressures may be expected to fall below thirty-five (35) pounds per square inch. Where the superintendent determines that the system pressures within the range provided are higher than the customer's plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure reducing device. Pressure reducing devices are "recommended" when the service pressure exceeds 45 psi. Pressure reduction devices are "required" when service pressure exceeds 60 psi.

Sec. 13-240. Unauthorized Use of Water - Water Conservation Policy

General: No person shall in any way or by any device obtain the use of water without authorization, including the operation of any valves by repairmen and plumbers or others for any purpose.

Resale of Water: No customer shall be allowed to furnish for a fee or a charge to other persons or property, water.

Waste: Water shall not be allowed to run to waste through any faucets or fixtures to prevent freezing or kept running for any longer than necessary for its proper use. The Town is required to restrain and prevent any and all waste of water and to that end may, when necessary, turn off the water or take such other action as, in its judgment, appears proper. The Board of Water Commissioners shall have the authority to limit the use of water from time to time when conditions so warrant.

Drought/Emergencies: The Town reserves the right, in periods of drought or emergency or when deemed essential for the protection of public health, safety, and welfare, to restrict, curtail, or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used

for such purposes.

Right to Make Inspections: Inspectors or persons so authorized by the Town shall have free access at all reasonable hours to all parts of every building for the purpose of inspection, removing or replacing meters, examining fixtures, and observing the manner in which water is used.

Request to Turn on Water: After service has been shut off because of customer's failure to abide by any of these regulations, it shall not be turned on until a written request for service has been submitted to and approved by the Town.

Sec. 13-241. Developments

Application for Service: Any developer, contractor or builder or any person or group of persons who wish to supply a subdivision or development either within or outside the existing water service area shall make a written application to the Board as detailed under Article IV, Section 1.0 "Application Procedure".

Applicable Standards: All development, subdivision or multi-building piping shall be built to the specifications and amendments published by the Town, and any state or federal agencies having jurisdiction over same. The Town's Engineer may review such designs as directed by the Town.

Areas Served: Service boundaries shall be defined by the Town and the furnishing of water shall be at the discretion of the Board and as further defined in the special district provisions herein.

Approval: Developments and subdivisions to and within which water distribution mains, service piping and hydrants are constructed to specifications of the Town and agencies mentioned in the above paragraph shall, upon the approval of the Board, be accepted as part of the Town's system from date of acceptance and thereafter. All provisions of Section 13-227 must be met.

Costs/Expenses: The cost of extensions shall be borne by the customer to such extent as shall be determined by the Board, and no system contract work shall be executed by the customer prior to the approval of the extension or further installation.

Limitation on Development: The Town shall at no time jeopardize its current customers by authorizing more new water services than it can supply.

Fire Protection: Fire protection shall be provided for all developments including any waterline extensions longer than 500 feet from existing hydrants owned by the Town. Flow requirements shall be in accordance with the master plan for the Town and with the Insurance Services Organization (ISO) criteria. The applicant shall demonstrate that the proposed system extension or further installation does not jeopardize capacity for fire flow for existing or approved customers within the system service area.

Sec. 13-242--13-245. Reserved

DIVISION 6. WATER RENTS

Sec. 13-246. Fixed, Operation and Maintenance Charge

A water rent charge, which shall be determined by the Board, is hereby imposed upon every person having a building or structure on their premises and that is served by the water works directly or indirectly for the use of the premises by the Owners, or other users of real property within the Town. The user charge shall be for the purpose of the payment of the costs associated with operating, maintaining and repairing said system. The Board may establish a separate fixed annual charge for bond payments, and for fixed operating and maintenance costs not dependent on actual or estimated use. The charges determined by the Board shall be filed with the Town Clerk. The fixed annual charge established by this Section shall be charged whether or not the property is fully or partially occupied, when the property is connected to the water works as required under the terms of this Ordinance.

Sec. 13-247. Calculation of Water Rent Charge

The water rent charge stipulated in Sec. 13-247 of this Division shall be based upon a water meter measurement. The Board will determine the actual charge from measurements of each metered user. The fixed annual charge is for bond repayment and fixed operations and maintenance costs. No user will be billed less than the average single family charge for the fixed charges, plus actual flow related charges. The annual charges stipulated in Sec. 13-247 of this Division are based upon rate structure(s) established by the Board as provided for in 24 V.S.A., Chapter 89.

Sec. 13-248. Capital Costs

The design, construction and development costs of all public water system expansions and extensions which have been approved by the Board shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the voters of the Town shall vote at a duly warned annual or special meeting to assume all or a portion of the costs involved. When the voters of the Town vote to assume all or a portion of the costs, such costs will be paid from the collection of taxes unless the voters of the Town approve some other means of raising the required monies.

Sec. 13-249. Collection

Collection of delinquent water rents may be enforced by the Town pursuant to 24 V.S.A., Chapter 129; 24 V.S.A., § 3306; and 24 V.S.A., § 3311. In the event any water rent is not paid within 30 calendar days from the billing date, a late penalty charge will be added to the water rent together with interest charges. The amount of the late penalty charge and the interest rate on the overdue accounts shall be the same as those applied to the collection of taxes. If such payment is not made, such water rent shall be a lien upon such real estate and shall be collected according to all procedures allowed for in the collection of delinquent real estate taxes.

Sec. 13-250. Deposits

When a customer's credit is, or becomes impaired, the Department may, when it deems necessary to guarantee payment of current bills, require a deposit. Such required deposit shall not exceed the amount of an estimated billing period provided, however, such deposit to be refunded when the customer has established credit.

Upon termination of service, the Department shall have the right to apply any deposit in payment of any billing in arrears if such billing shall be unpaid for a period of thirty (30) days beyond the due date. Retention of the deposit by the Department shall not constitute a waiver of its rights otherwise to enforce collection of payment in accordance with the terms and conditions hereof.

Sec. 13-251. Additional Charges

In addition, the costs associated with making the tap or connection at the main, including all costs of materials and labor to install the line to the property line shall be paid by the Applicant proposing to connect to the Public Water System.

If inspection is required by the Department, all direct costs of inspection shall be paid by the Applicant to the Town at rates established by the Board.

Other charges shall be established by the Department as necessary. These shall be for such items as service calls and/or broken meter calls where they are not expressly the responsibility of the Department.

Secs. 13-252--13-254. Reserved

DIVISION 7. PENALTIES/MISCELLANEOUS

Sec. 13-255. Violations

In General: Any person who violates any provision of this ordinance shall be punished by a fine as provided in Section 1-13 of the code of Ordinances, Town of St. Johnsbury, Vermont. No action may be brought under this section unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense.

Damages: Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense. The extent, loss or damage shall be taken to be the extent determined by a competent Vermont registered Professional Engineer particularly skilled in the operation and maintenance of water transmission distribution and water treatment works.

Other Remedies: In addition to invoking the penalties hereinabove provided and otherwise available, including all legal and equitable remedies, the Commissioners are authorized to order abatement of any violation and to provide in said order that failure to abate said violation shall require termination of all use and occupancy of any building not in compliance with this ordinance. A property owner receiving a notice of abatement shall be entitled to a public hearing upon request prior to the commencement of any occupancy termination.

Sec. 13-256. Repeal

All ordinances or parts of ordinances in conflicts herewith, are hereby repealed.

Sec. 13-257. Severability/Saving Clause

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Sec. 13-258. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 13-259--13.299. Reserved

APPENDIX 1: APPLICATION FORMS, FINAL PHASE

TOWN OF ST. JOHNSBURY, VERMONT
APPLICATION FOR CONNECTION TO PUBLIC WATER SYSTEM

I. PRELIMINARY PHASE - CAPACITY ALLOCATION

APPLICANT: _____

ADDRESS: _____
_____
_____
PHONE: _____
CONTACT PERSON: _____
DATE: _____
APPLICANT'S ENGINEER: _____
ADDRESS: _____
_____
_____
PHONE: _____
LOCATION OF PROJECT
PROPERTY MAP NUMBER: _____
_____
GENERAL DESCRIPTION OF
PROPOSED PROJECT: _____
_____
_____
_____
ESTIMATED GALLONS - CONSUMPTION OF WATER PER DAY: _____
(BASED ON STATE OF VT DEPARTMENT OF ENVIRONMENTAL CONSERVATION)

SEWER NEEDED (Amount of Flow Projected) _____
SIZES OF LINES _____
FIRE FLOW PROTECTION NEEDS_____
CONCEPT PLAN - PLEASE ATTACH UTILIZE 1"=200 BASE TOPOGRAPHY FOR THE TOWN OF ST. JOHNSBURY

APPLICATION/CAPITAL FACILITIES CHARGE $_____
ESTIMATED TOWN INSPECTION NEEDS (hours) _____ @ $20/hr. = $ _____
-- -
TOWN ACTION ONLY

DATE RECEIVED _____ BY_____. FEE RECEIVED (AMT) _____
ACTION OF BOARD _____ APPROVED _____ DENIED _____
ACTION OF DISTRICT MEETING _____
CONDITIONS OF APPROVAL _____
_____
REASON FOR DENIAL _____

SUPERINTENDENT OF WATER/SEWER BOARD _____ DATE _____

II. FINAL PHASE (COMPLETE ONLY AFTER APPROVAL OF CAPACITY)

PLANS AND SPECIFICATIONS: ATTACH 2 SETS OF PLANS AND SPECIFICATIONS OF PROJECT WITH THE FOLLOWING GENERAL REQUIREMENTS:

-project title
-name of entity or person responsible for project
-area to be served
-location plan at a 1"=200 feet scale
-north arrow
-elevation data shall be feet in msl; relative elevation shall not be accepted
-boundaries of project area to be served
-date, name and address of engineer
-imprint of professional engineer's seal
-legible prints for reproduction
-location and size of all existing water and sewer mains shown in plan at 1"=40'
-locations of all appurtenances included in the project
-profiles for water main are not required; required for sewer lines
-provisions for expansion into future phases
-access road
-site grading
-site drainage
-cut and fill details
-trench hydrant, thrust block, service connection, air release and surface restoration details
-driveways and walkway details
-stream crossings providing profiles and plans at 1"=10' scale
-existing and proposed topography and layout of present and planned structures at a 1"=20 feet scale with contour intervals not greater than 2 feet
-flood elevation data from USGS or FEMA
-size, length, and identity of all sewers, drains and water mains and the location of proposed facilities relative to such structures-schematic flow designs and diagrams with hydraulic profiles for pressure reduction or booster pump facilities
-location and sizes of all taps or connections to Town facilities
-locations and number of test borings including soils data

-long-term demand requirements of the project including calculations
-fire flow requirements in compliance with I.S.O. criteria
-the Board may require other specific data or information

TOWN ACTION ONLY

FINAL PLANS AND SPECIFICATIONS RECEIVED _____ DATE BY _____
SUBMITTED TO TOWN MANAGER _____ DATE _____
ACTION BY BOARD _____ DATE _____
CONDITIONS OF APPROVAL _____
CHAIRMAN, BOARD OF WATER COMMISSIONERS _____ DATE ____

APPENDIX 2: WATER TECHNICAL SPECIFICATIONS

The following are intended for the guidance of most regularly used applications. These specifications are not intended to be applicable to all situations. Variations in design and specification should be reviewed on the basis of intended application by a qualified engineering representative.

A substitute product may be considered equal to the product identified in the Specifications if the contractor certifies (1) it is at least equal in quality, durability, appearance, strength and design; (2) it will perform at least equally the function imposed by the general design for the work being contracted for or the material being purchased; and (3) it conforms substantially, even with deviations, to the detailed requirements for the product in said Specifications.

APPENDIX 3: WATER & SEWER QUARTERLY BILLING PERIODS

TOWN OF ST. JOHNSBURY
WATER & SEWER QUARTERLY BILLING PERIODS
BILLINGS REPRESENTS APPROXIMATELY 90-92 DAYS CONSUMPTION OR ACTUAL USAGE SINCE LAST READ DATE

ROUTE#	MONTHS INCLUDED	DUE DATE
1,11	JANUARY	March 1
2,22	JANUARY	March 1
3,33	FEBRUARY	April 1
4,44	FEBRUARY	April 1
5,55	MARCH	May 1
6,66	MARCH	May 1
1,11	APRIL	June 1
2,22	APRIL	June 1
3,33	MAY	July 1
4,44	MAY	July 1
5,55	JUNE	August 1
6,66	JUNE	August 1
1,11	JULY	September 1
2,22	JULY	September 1
3,33	AUGUST	October 1
4,44	AUGUST	October 1
5,55	SEPTEMBER	November 1
6,66	SEPTEMBER	November 1
1,11	OCTOBER	December 1
2,22	OCTOBER	December 1
3,33	NOVEMBER	January 1
4,44	NOVEMBER	January 1
5,55	DECEMBER	February 1
6,66	DECEMBER	February 1

BE IT ORDERED by the Selectmen of the town of St. Johnsbury that sewer rents established under Section 13.116 and water rents established under Section 13.246-247 of the Ordinances of the Town of St. Johnsbury shall be payable quarterly as listed above:
ST. JOHNSBURY BOARD OF SELECTMEN
Gabriel J. Handy, Chairman
Bryon Quatrini
Bill Thurston.
Reginald Wakeham
(Amended 11/13/00)

A

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[55] The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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