OC, REVISION
April 2020

CODE OF ORDINANCES

Town of

SPRINGFIELD, VERMONT

Looseleaf Supplement

This OC, Revision is printed to correct pages appearing in the Original Codification, and should be inserted as directed below.

Remove Old Pages	*Insert New Pages*
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CODE OF ORDINANCES

TOWN OF

SPRINGFIELD, VERMONT

Published in 2020 by Order of the Selectboard of the Town of Springfield, Vermont

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OFFICIALS

OF THE

TOWN OF

SPRINGFIELD, VERMONT

AT THE TIME OF THIS RECODIFICATION

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Peter E. MacGillivray
George T. McNaughton
Kristi C. Morris
Selectboard

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Town Attorney

Steven Neratko
Town Manager

Barbara A. Courchesne, CVC
Town Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Springfield, Vermont.

Source materials used in the preparation of the Code were the 1990 Code, as supplemented through October 16, 1995, and ordinances subsequently adopted by the Selectboard. 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. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1990 Code, as supplemented, and any subsequent ordinance included herein. During this recodification, at the direction of the town, the ordinance numbering system was made uniform throughout the Code and ordinance numbers containing a two-digit year were updated to include a four-digit year rather than the former two-digit year. Therefore, references to ordinances adopted prior to the four-digit numbering scheme have been updated to utilize the four-digit year number.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. 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. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume.

The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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CODE INDEX	CDi:1

Indexes

The indexes 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 local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages 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.

Acknowledgments

This publication was under the direct supervision of Alyce A. Whitson, Senior Code Attorney, and Ramona Connors, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Barbara A. Courchesne, CVC, Town Clerk, the Ordinance Committee and Selectboard, and Stephen S. Ankuda, Esq., Town Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

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PART I

CHARTER*

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II. Application of general law/proposed Charter.
III. Powers of the town.
IV. Intergovernmental relations.
V. Ordinances.
VI. Open meetings, freedom of information.
VII. Potential or actual conflict of interest, personal financial interest.
VIII. Licenses, fees, charges, user fees, fees for service.
IX. Acquisition and disposition of town property.
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***Editor's note**—Printed herein is the Charter of the Town of Springfield approved in referendum held on May 21, 1985, as amended by vote held at a special town meeting on March 5, 1996. Style and capitalization have been made uniform. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

State law references—Authority of general assembly to grant charters, Vt. Const. ch. II, §§ 6, 69; Town of Springfield Charter, 24 App. V.S.A. § 149-1 et seq.

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ARTICLE ONE. INCORPORATION, GENERAL LAW, MISCELLANEOUS PROVISIONS

I. Incorporation.

The inhabitants of the Town of Springfield shall continue to be a body politic and corporate under the name of "Town of Springfield," and as such shall enjoy all rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to, or incumbent upon them as a municipal corporation. All existing property of the town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.

II. Application of general law/proposed Charter.

A. *Purpose.* This document is drafted to supersede and replace the existing Charter.

B. *Application of general laws.*

Except when modified by the provisions of this Charter, or by any regulation or ordinance of the town, all statutes of the State of Vermont relating to municipalities shall apply to the Town of Springfield.

In the event of any conflict or contradiction, either direct or implied, between the powers conferred herein and state statute, this Charter shall prevail.

III. Powers of the town.

A. The Town of Springfield shall have all the powers and functions conferred upon towns and villages by the constitution and general laws of the state, and shall also have all implied powers necessary to implement such powers and functions. All powers and functions conferred or implied by the Charter shall be in addition to the powers and functions conferred upon the town by laws now in force or hereinafter enacted.

B. Nothing in this Charter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.

IV. Intergovernmental relations.

The town may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other towns, cities and school systems, or one or more states or civil division or agencies thereof, or the United States or any agency thereof.

V. Ordinances.

A. *Town legislation.* Town legislation shall be by ordinance. Ordinances and rules promulgated pursuant thereto shall have the full force of law embodied in this Charter.

B. *Legislative body.*

1. The board of selectmen shall constitute the legislative body of the town with the power, between town meetings, to adopt, amend, repeal or enforce ordinances.

2. Town meeting, as constituted herein, in addition to its other functions, shall also serve as a legislative body and may adopt, amend or repeal an ordinance.

   a. Ordinances to be so considered by town meeting can only be placed on the warning in such manner as authorized by this Charter.

   b. The entire text of ordinances subject to town meeting action must be published in a newspaper or newspapers of general circulation as may be directed or designated by the board of selectmen, at least thirty (30) days before the meeting.

   c. Any ordinance to be considered by town meeting shall be reviewed by the town attorney prior to official warning. Said attorney shall be charged with the duty to correct such ordinance to avoid repetition, illegal or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

   d. The effect of town meeting action on an ordinance shall take place upon passage unless otherwise provided therein.

   e. Ordinances acted upon by town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the board of selectmen, or to the appointment or designation of the selectmen, or their rules of order.

   f. Ordinances passed by town meeting may not alter or limit any provision of this Charter.

   g. Any ordinance to be passed by either town meeting or the board of selectmen must be set forth in a uniform format as follows:

      (1) Ordinances shall be numbered consecutively;

      (2) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance;

      (3) Ordinances shall be short titled and contain a statement of purpose;

      (4) Outline format shall match that used in the existing codification.

C. *Ordinance adoption procedure.*

1. The selectmen shall designate the category into which action an ordinance shall fall.

2. There shall be five (5) categories of action as follows:

   a. New legislation adoption or rejection;

   b. Repeal in total of existing legislation;

   c. Major amendment - changing the nature and substance of the original ordinance;

   d. Minor amendment - minor adjustment in meaning, procedure or definition;

   e. Emergency ordinance as defined herein in paragraph F;

   f. Changes in the town's zoning and subdivision bylaws.

D. *Procedure for drafting, adoption, rejection, major amendment or repeal of ordinances.*

1. *Drafting.* Ordinances, or actions related thereto, shall be drafted by or submitted in draft form to an ordinance subcommittee consisting of no more than two (2) board of selectmen members.

2. *Reporting out.*

   a. The ordinance subcommittee shall review the ordinance for form and report it out to the board of selectmen for first review.

   b. Ordinances reported out for first review must be reviewed beforehand by the town attorney or other counsel, and signed by him/her signifying proper legal form and constitutionality.

   c. Copies of ordinances providing for criminal offenses should be transmitted to the state's attorney for review.

3. *Introduction and first review.*

   a. The proposed ordinance or action shall be introduced at a board of selectmen meeting by the ordinance subcommittee.

   b. During first review, the proposed ordinance or action may be amended.

   c. A final draft must be accepted or rejected at the completion of first review.

   d. Upon completion of first review, a date for second review and public hearing shall be fixed within no less than fourteen (14), but not more than twenty-eight (28) days from first review.

4. *Second review and public hearing.*

   a. Notice of the date of second review must be published no later than seven (7) days before the date of second review itself.

   b. The notice shall contain either the text of the ordinance or an explanation of the nature and purpose of the ordinance along with information as to where a citizen may obtain a copy of the full ordinance text.

   c. At the time and place specified in the notice, a public hearing shall be held.

5. *Amendment during second review.* Should the board of selectmen decide after the public hearing to amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in no less than fourteen (14), but no more than twenty-eight (28) days and all notice requirements to be met in subsection 4 above.

6. *Final action.*

   a. Upon completion of the second review, the board of selectmen shall act to adopt or reject the ordinance.

   b. Failure to act in fourteen (14) days shall constitute a rejection.

7. *Repeal.* The repeal of any existing ordinance shall follow the procedure prescribed herein for passage of an ordinance.

E. *Minor amendments.* An action classed by board of selectmen vote as a minor amendment, pursuant to section C immediately above, may be adopted after the completion of first review.

F. *Emergency ordinances.*

1. To meet a public emergency affecting life, health, property or the public peace, the board of selectmen may adopt one (1) or more emergency ordinances.

2. Emergency ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money.

3. An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the board of selectmen in a form consistent with other ordinances.

4. An emergency ordinance must be clearly titled as such, contain a clear declaration of the emergency, describing it in specific terms.

5. An emergency ordinance may be adopted or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four (4) board of selectmen members is required for adoption.

6. Emergency ordinances shall be effective upon adoption unless the ordinance specifies otherwise.

7. Any emergency ordinance shall automatically stand repealed on the sixty-first (61st) day following adoption; this shall not prevent reenactment of the ordinance if the emergency still exists.

8. In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the board of selectmen, the ordinance must be ratified in a manner similar to other ordinances.

9. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the manner specified in this section for emergency ordinance.

G. *Changes in zoning and subdivision bylaws.* Changes in zoning and subdivision bylaws shall be in accordance with Vermont Statutes.

H. *Standard codes of technical regulations.*

1. The board of selectmen may adopt any standard code of technical regulations by references thereto in an adopting ordinance.

2. The procedure and requirements governing such an adopting ordinance shall be the same as prescribed for ordinances generally except that the requirements of this Charter for distribution and filing of copies of the ordinance shall include the adoption ordinance itself, but shall not include the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the town clerk for distribution or for purchase at a reasonable price.

I. *Authentication and recording, codification, printing.*

1. *Authentication and recording.* The town clerk shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the board of selectmen.

2. *Printing of ordinances and resolutions.*

   a. The board of selectmen shall cause each ordinance and resolution having the force and effect of law to be printed.

   b. Printed ordinances, resolutions, Charters and Charter amendments shall be distributed or sold to the public at reasonable prices set by the board of selectmen.

   c. All printed ordinances, codes, resolutions and Charter amendments should follow a uniform format or style established by the initial codification following this Charter adoption.

3. *Codification.*

   a. Within one (1) year after the adoption of this Charter, and at least every five (5) years thereafter, the board of selectmen shall provide for the uniform codification of all ordinances and resolutions having the force of law.

   b. When completed, the updated codification will be adopted by the board of selectmen by ordinance, shall be published in a form convenient for general use and shall be incorporated into the town code.

J. *Penalties.*

1. The selectmen may provide for and authorize within an ordinance, penalties for the breach of any ordinance which the general law or this Charter authorizes.

2. The town may take actions necessary to prosecute any person who violates ordinances passed under this Charter. Said prosecution may be through the courts or the town grand juror as may be established under this Charter.

VI. Open meetings, freedom of information.

A. *Meetings, workshops, minutes and records.*

1. A meeting as defined by this Charter shall mean any occasion when a public body, created pursuant to this Charter, convenes a quorum for the purpose of voting and doing business, either in person or by telecommunication or video communication. If a meeting is by telecommunication or video communication, all provisions of 1 V.S.A. section 312 shall be met.

2. A workshop shall be defined as the convening of any number of the voting members of a public body for free discussion of predetermined subjects, upon which no action shall be taken, but upon which a nonbinding consensus may be reached.

3. Only actions taken at meetings shall be official and binding.

4. Minutes shall be kept of all meetings, recording results of all votes and major subjects discussed, with a special effort to record comments by voting members.

5. No minutes shall be required at a workshop, but a public record of the workshop must be kept for two (2) years.

B. *Executive sessions.*

1. Any public body, as herein constituted, may only convene an executive session at a meeting publicly warned, by a vote of two-thirds (2/3) of the members.

2. A motion taken to go into executive session shall state the reason, in accordance with this section, but need not state the specific subject matter.

3. A body constituted under this Charter may hold an executive session for one of the following reasons:

   a. For the discussion or consideration of contracts, labor relations agreements with employees, arbitration, grievances, civil actions at law, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;

   b. The negotiating or securing of real estate purchase options;

   c. The appointment or employment or evaluation of a public officer or employee;

   d. A disciplinary or dismissal action against a public officer or employee; but nothing in this act shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

   e. A clear and imminent peril to the public safety;

   f. Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of Title 1, Vermont Statutes Annotated. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;

   g. Deliberations of a public body of the state or of any state agency or authority, or of political subdivisions thereof when considering a case which it is required by law, after hearing and evidence, to decide with finding of fact and conclusions of law.

4. The only binding action which may be taken in executive session shall be the securing of real estate or property purchase options.

5. The public body may admit persons to executive sessions whose presence it judges to be critical to deliberations.

C. *Meetings/warning/agenda.*

1. The regular meeting schedule of a public body shall be posted in the town clerk's office.

2. Workshops must be publicly announced.

3. Special meetings may be called upon twenty-four (24) hour prior notice to the media.

4. Emergency meetings may be called without special notice, provided efforts to notify the media and all members, verbally or in writing, is documented.

5. All regular meetings, special meetings and workshops shall have a printed agenda specifying subjects to be covered, subject to amendment in accordance with the bylaws or rules of the body.

D. *Access to public records.*

1. All public records, as defined by statute, shall be made available for public inspection during working hours, within a reasonable period. Efforts to produce records which require research or special efforts to pull from dead files, shall be required on a timetable with due consideration to the work load of the department, with the person making the request so notified.

2. The board of selectmen shall fix a fee for costs of recovering and reproduction of public records in consideration of their availability and effort involved in production and reproduction.

VII. Potential or actual conflict of interest, personal financial interest.

A. At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the town relating to his/her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.

B. Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.

C. Discussions of salary and benefits shall be exempt from this prohibition.

D. Any officer or employee having such an interest shall immediately make said interest known publicly.

E. Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under Article Two, section III, B.8.b.

F. Any contract, sale or action taken in violation of this section shall be voidable by the board of selectmen.

G. Officers of the town may buy/sell goods and services from/to the town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.

H. The board of selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under Article Two, section III, B.8.b.

I. No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.

VIII. Licenses, fees, charges, user fees, fees for service.

A. The board of selectmen shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to town government, except those prescribed by state statute relating to the office of the town clerk. All fees and charges set by the board of selectmen shall be reasonably related to actual costs.

B. The board of selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the town over which jurisdiction is established by statute, ordinance or this Charter.

C. All licenses required by the town shall be authorized by passage and/or amendment of a license ordinance.

D. All fees, charges, user fees or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the board of selectmen agenda for review and/or update, every three (3) years from its date of passage.

E. No officer of the town shall collect fees or prerequisites for his/her own use, and all fees or charges shall be accrued to the general fund.

IX. Acquisition and disposition of town property.

A. The board of selectmen shall pass an ordinance governing the acquisition or disposition of town property, which shall outline procedures for the handling of such matters.

B. The board of selectmen may acquire or dispose of real property in accordance with such ordinance.

X. Emergency powers.

A. *Declaration of public emergency.* The board of selectmen may, upon majority vote, declare a state of public emergency which threatens life, property or the public health or welfare.

B. *Condemnation, eminent domain.* In the event of a declared public emergency which threatens life, property, the public health or welfare, duly declared by unanimous board of selectmen action at a duly warned meeting, the board of selectmen may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to superior court.

C. *Civil preparedness.* The town manager shall be the designated civil preparedness chairman and shall be duty bound to exercise the powers afforded by statute, and any powers and functions outlined by the board of selectmen in a declared emergency.

XI. Procedures for Charter revision and amendment.

A. The procedures and process for Charter amendment herein may be initiated either by a unanimous vote of the board of selectmen, or by a citizen initiative (petition) equal to five percent (5%) of the voters.

B. The procedure for Charter revision shall be as follows:

1. The board of selectmen shall appoint a charter review committee of not less than ten (10) members, which shall include representatives from the board of selectmen, the administration, and the community at large, with the majority from the community at large.

2. Within one (1) year after appointment, the charter review committee shall report out any amendments, revisions or changes.

3. The board of selectmen shall determine if the proposed amendments are a comprehensive revision, and shall determine the format of the article.

4. Any changes in the Charter must be affected by a town meeting vote with at least twenty-five (25) percent of voters participating.

C. In addition to the procedure set forth above in subdivisions A and B of this section, the Charter may be revised or amended by the submission of a citizen initiative (petition) signed by ten (10) percent of the voters. The petition and subsequent action shall conform to the requirements of state statutes relating to Charter amendment procedures, shall be subject to the determination of the board of selectmen as to whether or not they are comprehensive in nature, and shall be approved by a town meeting vote with at least twenty-five (25) percent of voters participating.

D. Any changes in the town Charter shall become effective immediately upon passage by the voters and approval by the Legislature as prescribed by statute.

E. Charter amendment revote shall be subject to the limits prescribed in Article Two, section II, subsection B.7 herein.

XII. Transitional procedures.

XIII. Use of streets by public utilities and private interests.

Every public utility and private interest that desires to dig up a public street or alley for the purpose of laying pipes or wires shall first obtain from the selectmen a written permit stating the place where and the time when digging may be done. Upon receipt of a permit, the digging up and replacing of the street or alley shall be done under the supervision of the selectmen, they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. section 1525, in the name of the town, with costs.

XIV. Separability.

The sections of this Charter, and the parts thereof are separable. If any portion of this Charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

ARTICLE TWO. ELECTIONS AND LOCAL OFFICIALS

I. Form of government.

All governmental authority of the Town of Springfield rests ultimately with the citizens and voters of the town who shall exercise their power by Australian ballot at the annual town meeting in determining:

A. The election of officers of the town;

B. The approval of the town budgets;

C. All authorizations for major bonding or borrowing;

D. All special appropriations;

E. Any articles placed on the warning which involve the expenditure of tax dollars or in the provision of direction in the exercise of the power vested in elected or appointed officials.

II. Town meeting/elections.

A. *Applicability of general laws.* Except as otherwise herein limited, provisions of the general laws of the state related to voter qualifications, warnings, methods of voting, duties of town officers at town meeting and elections, counting of votes, recount of votes, certification of results and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special town meetings.

B. *Meetings and elections.*

1. *Annual town meeting.*

   a. On the Monday preceding the first Tuesday in March, beginning at 7:30 p.m. at a place designated by the selectmen, the town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot issues and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

   b. A meeting so started shall be adjourned until the following day, the first Tuesday in March at which time business involving Australian ballot will be transacted.

   c. The date of the annual town meeting may be changed by a vote of the citizens at a town meeting duly warned for that purpose.

2. *Special town meetings.*

   a. Special town meetings may be called at any time for reasons as prescribed by Charter, by a majority vote of the board of selectmen; or by the decree of the town clerk upon receipt of a petition signed by no less than five (5) percent of the voters registered at the time the petition is submitted.

   b. A special town meeting, called in accordance with the above section, shall be held within sixty (60) days from the date of the official call to meeting.

3. *Warnings.*

   a. *Timetable and notice.* Public notice of every annual or special town meeting, or town election, shall be given by a warning posted in at least five (5) public places in the town, at least thirty (30), but no more than forty (40) days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the board of selectmen.

   b. *Contents.* The warning shall contain:

      i. The date, time, and location of the meeting;

      ii. Specific indications of separate articles which reflect the business to be voted, in the language to be voted;

      iii. The signatures of a majority of the board of selectmen.

   c. *Placing of articles on a warning for the annual town meeting.*

      i. Articles may be placed on the warning by:

         (a) A majority vote of the board of selectmen;

         (b) A petition of at least five (5) percent of the voters registered at the time the petition is submitted.

      ii. Articles submitted by petition must be filed with the town clerk not less than forty (40) days before the date of the meeting.

4. *Power of selectmen on Australian ballot decree.*

   a. The selectmen may cause any question not covered in section 1(A) of this article to be voted by Australian ballot at any annual or special town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.

   b. Any article to be voted by Australian ballot shall be preceded by a public hearing. The warning of the vote shall include notice of the time and place of said public hearing.

5. *Presiding officials at town meeting and elections.*

   a. The moderator shall preside at all town meetings. In the moderator's absence, the town clerk shall call the meeting to order and the first order of business shall be the election of a moderator pro-tempore to preside for the duration of the meeting.

   b. Town meetings shall be conducted in accordance with state law, this Charter, and Robert's Rules of Order, Revised.

   c. It shall be the duty of the moderator to take such actions deemed necessary to preserve order in the conduct of business and to preserve the principles of free speech, openness and fairness in government.

   d. The town clerk shall be the presiding official at all Australian ballot elections, and in cooperation with the board of civil authority, shall assure that all laws related to elections are faithfully observed.

e. While the polls are open, the town clerk shall rule on all questions covering the conduct of elections, except the resolution of questions concerning the checklist which shall be made by the majority of the board of civil authority members present.

f. In the absence or disability of the town clerk, should it occur before an election, the board of civil authority shall designate an acting clerk for the duration of the election. Should such absence or disability occur on election day, the board of civil authority shall designate an on-site temporary officer to preside for the duration of the election.

6. *Postponing or continuing of town meetings.*

a. The selectmen may postpone the vote on any question to be voted at a special meeting to the later annual meeting if the date of the special meeting would fall seventy-five (75) days prior to the annual meeting.

b. If a special town meeting falls within forty-five (45) days of a later special town meeting called by petition, the selectmen may warn the questions to be voted at such town meeting for the later town meeting, and may by resolution rescind the call of the earlier meeting.

7. *Citizen initiatives/revote/recision of articles other than election of officers.*

a. Any question voted at an annual or special town meeting, except Charter revision or amendment, may be submitted for revote or recision at a subsequent annual or special town meeting, subject to the limits contained herein.

b. Requests for revote or recision must be by resolution of at least four (4) members of the board of selectmen, or by a petition signed by at least five (5) percent of the voters registered on the date of the action.

c. Any action for revote or recision must be taken or filed within thirty (30) days of the date the action was first considered.

d. The town clerk shall warn a special town meeting to be held within sixty (60) days of the date of the call for revote or recision.

e. The town budget shall be subject to a revote only if voted in the negative, or if voted in the affirmative at an election having a turnout of less than fifteen (15) percent of the registered voters at the time of the town meeting.

f. The phrasing and presentation of a revote on any question shall be identical to that used on initial consideration.

g. Any question voted on or considered shall be subject to revote or recision only once in the twelve (12) months following the initial vote, except for the town budget which shall be voted until passed.

h. A proposed amendment or revision of this Charter may be voted only once in three (3) years.

8. *Tie votes.*

a. A tie vote at any town meeting shall be subject to immediate recount, the article or election shall be subject to immediate revote at a special meeting within the timetable prescribed by Charter.

b. Recount other than tie votes may be requested in accordance with state statute.

9. *Nonproductive elections.* In the event that a legal election fails to produce a person to fill any elected town office, the board of selectmen shall, within thirty (30) days of the election, appoint a qualified individual to serve in the position until the next annual town meeting.

10. *Board of civil authority.*

a. The board of civil authority shall consist of the Justices of the Peace residing within the town who shall be elected in accordance with state statute, the town clerk and the board of selectmen.

b. At the first meeting following the first day of February of odd numbered years, the board of civil authority shall elect a chairman and a vice chairman from among its members.

c. The town clerk shall be the clerk of the board of civil authority.

d. The board shall perform all duties as required by this Charter, and all duties as required by statute to the extent that they are not in conflict with this Charter.

III. Local elected officials.

A. *[Local elective offices filled by town voters.]* Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this Charter and shall include:

1. Board of selectmen;

2. Listers;

3. Moderator;

4. First constable;

5. Cemetery commissioners;

6. Town agent;

7. Trustees of public funds.

B. *Provisions related generally to all elected local offices.*

1. *Term.*

a. Terms for elective offices shall begin officially at the point which the town clerk and board of civil authority certify election returns as final.

b. In the event of a recount, or unresolved irregularities in election returns, should emergency action be required, it shall be taken by the elective officials sitting at the time of the election.

2. *Oath of office.*

a. Before taking any official action, an elected official shall take the oath of office prescribed by statute.

b. A signed copy of the oath must be filed with the town clerk within one (1) week from its execution.

3. *Compensation.*

   a. The manner of compensation for the selectmen and the moderator shall be fixed by the voters, and for all other elective offices, by the board of selectmen.

   b. Expenses, actual and necessary to the performance of the duties of office may be paid, provided they are submitted through the administration for processing and payment, except as may be provided by the voters.

4. *Recall of elected officials.*

   a. Any elected official may be removed from office as follows: A petition signed by not less than fifteen (15) percent of the registered voters shall be filed with the selectmen, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than thirty (30) days prior to the filing of the petition. The selectmen shall call a special town meeting, to be held within forty-five (45) days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the town vote as voted in the election wherein the officer was elected, or at least one-third (1/3) of the registered voters of the town vote, whichever is greater, and a majority of the number of votes is cast for removal.

   b. If the town votes for removal of an elected officer, the office shall thereupon become vacant, and the selectmen shall call a special meeting, to be held within forty-five (45) days of the vote for removal, to fill the vacancy until the term of the officer so removed expires. The office shall remain vacant until the next annual town meeting if such special meeting would fall within seventy-five (75) days prior to the annual town meeting.

5. *Attendance.* Any elected official shall be required to regularly attend all meetings.

6. *Holding of more than one office.*

   a. *Elective offices.* Nothing herein shall be interpreted as limiting any person from holding a state or federal elective office at the same time he/she holds local office, provided such service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

   b. *Local appointed boards and commissions.* Elected officials shall not be prevented from serving on local appointed boards and commissions, provided said service does not conflict or interfere with the proper execution of the elective office.

7. *Qualification to run for and hold local office.*

   a. No person shall be qualified to run for or be elected to hold an elective office unless he/she is a duly qualified voter in the Town of Springfield and a resident.

   b. Should an elected holder of local office establish residence in some place other than Springfield, the office shall be declared immediately vacant by the board of selectmen and said vacancy shall be filled in accordance with the provisions of the Charter.

   c. The requirements above dictate that a candidate or officeholder must actually dwell in the town, and not merely maintain a residence therein.

8. *Vacancy.*

a. In addition to the requirement of subsection 7 above, a vacancy shall be deemed to exist in any local office where an officer dies, resigns, is removed or recalled from office, is convicted of a felony or misdemeanor involving a breach of public trust, or is judicially declared to be mentally incompetent, or is no longer a resident.

b. The declaration of a condition for forfeiture of office shall be made by the unanimous vote of the board of selectmen, or in the case of a selectman, by the other members of the board of selectmen, and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the superior court as contested cases are appealed.

C. *Elected officers, duties, responsibilities and conduct.*

1. *Board of selectmen.*

a. *Number and term.* Unless altered by the procedures provided herein, the policy making body for the town shall be a five (5) member board of selectmen, elected at large, on a non-partisan basis, to rotating, three (3) year terms.

b. *Powers and duties.* The board of selectmen shall discharge all duties conferred, imposed or implied, by statute or prescribed by this Charter, for boards of selectmen, except as herein limited, or specifically transferred to the town manager. Further, unless stated in this Charter, the powers and duties of any elected or appointed office not created by this Charter, shall be conferred on the board of selectmen. All committees of the board, and all citizen boards and commissions shall be advisory in nature, unless a specific legal or policy making function is otherwise provided by state law or ordinance as limited by this Charter. In this Charter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers which the board of selectmen would otherwise have.

c. *Organization of the board of selectmen/chairman, vice chairman.*

i. The board of selectmen shall have a chairman who shall be elected annually by a majority vote of the five (5) members.

ii. The board shall, in a similar manner, choose a vice chairman to serve in the absence or disability of the chairman.

d. *Duties of the chairman.*

i. The chairman shall be the official head of the town for all ceremonial purposes.

ii. The chairman shall preside at all meetings of the board of selectmen and may participate in all proceedings as a regular member.

iii. All duties of an administrative nature, except as otherwise provided by this Charter, shall be exercised by the town manager as provided herein.

e. *Meetings.*

i. *Organizational meeting.*

(a) Within seven (7) days after the annual town meeting, the board of selectmen, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a chairman and vice chairman, and the adoption of rules for the transaction of business.

(b) The town clerk shall preside at the organizational meeting of the board of selectmen prior to the election of the board chairman.

(c) The board may transact any other business required at that meeting.

ii. *Regular meetings.*

(a) The board shall hold regular meetings at a regular time, twice a month, with allowances for one (1) monthly meeting during the months of June, July and August.

(b) The time and place of regular board of selectmen meetings shall be publicly announced to the media.

iii. *Agenda.*

(a) The chairman or vice chairman shall, with the town manager, prepare a written agenda for each regular meeting of the board of selectmen.

(b) Any board of selectmen member, citizen in attendance, or the manager, may request at the start of the meeting that items be added to the agenda, provided all selectmen present so vote to add the item.

iv. *Quorums/votes.*

(a) Three (3) members shall constitute a quorum for any board meeting except as provided otherwise by this Charter.

(b) All voting shall be by individual roll call vote.

(c) No action of the board shall be valid or binding unless acted upon by the affirmative vote of three (3) or more members of the board unless otherwise provided for by this Charter.

v. *Clerk/minutes.*

(a) The town clerk shall be the official clerk of the board and shall be responsible for minutes in a form prescribed by the board.

(b) The board of selectmen may employ a stenographer to assist the town clerk in the discharge of duties related to minutes.

vi. *Special meetings and workshops.*

(a) Special meetings may be called at any time by the chairman, or the vice chairman in the absence of the chairman, or by written request, signed by three (3) board members.

(b) Notice of a special meeting shall be served, in a reasonable manner, on all members of the board of selectmen.

(c) Notice of the special meeting shall be released to the local news media.

(d) Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.

(e) If an emergency meeting of the board of selectmen is required, on very short notice, every possible effort shall be made to notify the media.

vii. *Public meetings/citizen input/executive session.*

(a) All meetings of the board of selectmen shall be open to the public, and shall comply with all the pertinent provisions of this Charter.

(b) Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.

(c) The board may, upon a vote of four (4) members hold an executive session to discuss any action in accordance with the provisions of Article One, section VI of this Charter.

viii. *Correction of irregularities.* Any irregularities or defects in the notice of or conduct of any meeting of the board of selectmen may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the board.

ix. *Vacancies.* A vacancy on the board of selectmen shall be filled by a majority vote of the remaining board, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

2. *Listers.*

a. There shall be two (2) elected listers elected on a nonpartisan basis for three (3) year terms which shall not coincide.

b. The chief assessor shall serve as a third lister.

c. Duties and responsibilities of the listers shall be in accordance with state statute and herein limited.

d. Vacancies on the board of listers shall be filled by a majority vote of the board of selectmen, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

4 [3]. *Moderator.*

a. There shall be a moderator elected on a nonpartisan basis for a one (1) year term, who shall perform all duties prescribed by this Charter and state law.

b. Should a vacancy occur in the office of moderator, it shall be filled by a majority vote of the board of selectmen for the unexpired term.

5 [4]. *Town constable.*

a. There shall be elected a town constable, who shall serve a one (1) year term.

b. The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.

c. The constable shall be in attendance at all town meetings thereby serving as a sergeant at arms to assist the moderator as necessary in the maintenance of order.

d. The constable shall have powers of service equal to a deputy sheriff under Vermont Statute.

e. The constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the chief of police.

f. A vacancy in the office of constable shall be filled by a majority vote of the board of selectmen.

6 [5]. *Cemetery commissioners.*

a. There shall be elected five (5) cemetery commissioners for a term of five (5) years on a rotating basis.

b. The town clerk shall be a sixth (6th) cemetery commissioner, but shall not vote.

c. The cemetery commission shall advise the board of selectmen regarding the condition, operation and maintenance of cemeteries, but shall in no way supervise administration of cemetery personnel.

d. The town clerk shall, under the direction of the cemetery commissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.

e. The cemetery commissioners shall issue and update regulations regarding cemetery use, interment and burial fees.

f. Vacancies in the office of cemetery commissioner shall be filled by a majority vote of the selectmen, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

7 [6]. *Trustees of public funds.*

a. There shall be elected three (3) trustees of public funds, each to serve a three (3) year term.

b. The town treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings.

c. The trustees shall perform all duties as provided for by statute as limited or defined by Charter.

d. The trustees shall be charged with maximizing the return on all invested funds while maintaining their security. In service of this goal, they shall file with the board of selectmen an annual plan outlining the program of investments for the year.

e. All funds entrusted to the trustees shall be audited yearly as part of the town's annual audit.

f. Vacancies on the trustees of public funds shall be filled by a majority vote of the board of selectmen, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

IV. Appointed nonadministrative officials.

A. *General provisions applying to all appointed positions.*

1. The appointed positions herein shall all be appointed by a majority vote of the board of selectmen.

2. Terms of appointment shall begin immediately upon board of selectmen action and run for a period as specified herein.

3. All appointees shall be administered the oath of office in the form as provided for by statute.

4. Appointees may be afforded compensation or reimbursement for expenses as determined by the board of selectmen.

5. For the purposes of the administrative code, within one (1) year after the adoption of this Charter, all appointees, positions, boards and commissions shall be required to submit a proposed ordinance to the board of selectmen outlining duties and responsibilities, which the board of selectmen shall amend and adopt.

6. To the highest degree possible, the board of selectmen shall strive for a balance of opinion on all appointive positions, boards and commissions.

7. Although operating independently, all appointive boards and commissions shall be required to cooperate with the board of selectmen in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the town report, and also to file any other reports requested by the board of selectmen, and be in attendance at any meeting so requested by the board of selectmen.

8. If an appointed official misses three (3) consecutive regular scheduled meetings of the appointed body for reasons other than health or personal emergency, that office may be declared immediately vacant by the board of selectmen. The official shall be entitled to a hearing before the board prior to a final determination.

9. Elected officials shall serve in appointed positions, boards and commissions if the specific membership of the board or commission calls for their service, subject to the limits outlined herein.

10. Members of the administrative service may serve in appointive positions as limited by Charter, but may not vote on any issue directly affecting their position or conditions of employment.

B. *Appointed positions.*

1. The following positions are created by this Charter, their functions to be governed by the applicable state statute, as limited by Charter or ordinance.

   a. Weigher of coal.

   b. Fence viewers.

   c. Tree warden.

   d. Surveyor of wood and lumber.

   e. Pound keeper.

   f. Town clerk.

   g. Town attorney.

   h. Town treasurer.

   i. Grand juror.

j. Delinquent tax collector.

C. *Appointed boards and commissions established by Charter.*

1. *Planning commission.*

a. The board of selectmen shall appoint the members of the planning commission in accordance with state statute.

b. The duties and responsibilities of the planning commission shall be in accordance with state statute as limited herein.

2. *Zoning board of adjustment.*

a. The board of selectmen shall appoint the members of the zoning board of adjustment in accordance with state statute.

b. Duties and responsibilities of the zoning board of adjustment shall be in accordance with state statute as limited herein.

3. *Housing authority.*

a. The board of selectmen shall appoint members of the housing authority.

b. The housing authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield.

c. The housing authority shall also advise the board of selectmen on housing issues generally when so requested.

4. *Airport commission.*

a. So long as there is an airport in Springfield, the board of selectmen shall appoint an airport commission, the number of members to be decided by the board of selectmen.

b. The purpose of the airport commission shall be to advise the board of selectmen on airport related matters.

c. The airport commission shall serve as the airport advisory committee as prescribed by state statute.

D. *Boards, commissions, committees created by board of selectmen action.*

1. The board of selectmen may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission or committee.

2. In doing so, the action must clearly state the reason for the creation of the body.

3. Any body created under this section shall not have an effective life of more than three (3) years. At the end of that period the mandate creating the committee shall terminate and the board of selectmen shall be required to review the reason for the body's existence and may act to reconstitute the body.

ARTICLE THREE. THE ADMINISTRATIVE SERVICE

I. The town manager.

A. *Appointment.* The board of selectmen shall appoint, with no fewer than four (4) affirmative votes, a town manager.

B. *Qualifications.* The town manager shall be appointed solely on the basis of his/her executive and administrative skills, based on education, training and experience relative to the duties of the town manager, and without reference to political belief or personal relationships.

C. *Term of appointment.* The manager may be appointed for an indefinite term.

D. *Residency.* The person appointed as town manager need not be a resident of the town, or state, at the time of appointment, but must assume residence within a period judged reasonable by the board of selectmen, but not to exceed six (6) months.

E. *Conditions of employment/compensation.* The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the board of selectmen on the manager's anniversary date, after negotiations in executive session between the manager (candidate) and the selectmen.

F. *Town manager/evaluation.* Before the board of selectmen determines the subsequent annual compensation of the manager, the board and manager shall be required to hold an evaluation session in executive session, at which the manager shall present management goals for the coming year based on townwide goals articulated by the board of selectmen, and shall be evaluated by the board of selectmen regarding performance in relation to such goals set out for the previous year.

G. *Oath and bond.* Before entering into the duties of office, the town manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the town clerk. The manager shall execute a bond in favor of the town for the faithful performance of his/her duties in a sum determined by the board of selectmen. The premium for said surety shall be paid by the town.

H. *Town manager removal.* The town manager may be removed at the discretion of the board of selectmen with no less than four (4) affirmative votes, after the following procedure is followed:

1. The board shall draft, in executive session, a resolution stating its intent to remove the manager. Said resolution must state the reasons for removal and must be served upon the manager personally, not more than five (5) days from the date of drafting.
2. Within five (5) working days from the date of service of the resolution, the manager must file with the board of selectmen, a written request for a public hearing. Failure to file said notice shall constitute waiver of the right to a hearing.
3. No less than fifteen (15) days, but no more than forty-five (45) days from the deadline prescribed in paragraph 2 above, the board of selectmen shall schedule a meeting, or public hearing, for the purpose of considering the resolution.
4. Final action on the resolution shall be taken within five (5) days of the hearing in paragraph 3 above.

5. During the period in which the above proceedings transpire, the manager shall be on administrative leave and accrue full salary until official date of action on the resolution.

6. Action by the board of selectmen in the removal of a manager shall be final.

7. In the event of the removal of a manager for reasons other than poor performance or wrongful conduct, the board of selectmen may negotiate severance pay to the maximum of six (6) months.

I. *Acting town manager/vacancy in the office.*

1. In the event that the town manager shall be absent from the town for a period exceeding two (2) consecutive weeks, he/she shall designate an acting manager who shall exercise the duties of manager. The manager may overrule the actions of the acting manager.

2. In the event that illness or injury renders a manager unable to discharge his/her duties, or in the event that the manager is suspended or placed on administrative leave, the board of selectmen shall declare a vacancy in the office and appoint an acting manager to serve until such time as the manager is able to assume regular duties or a new manager is selected.

3. An acting manager appointed to fill a declared vacancy in the office shall have all the powers and perform all duties of the manager and shall be compensated at a rate of pay not inconsistent with the responsibilities of the position. An acting manager shall not serve for more than one hundred eighty (180) days.

4. In no case shall a selectman act as town manager.

J. *Responsibilities of the town manager and authority.*

1. *In general.* The town manager shall be the chief administrative officer of the town. He/she shall be responsible to the board of selectmen for the administration and general supervision of all business affairs and property placed in his/her charge pursuant to this Charter, state statute, or otherwise.

2. *Limits to authority in general.*

   a. The authority of the manager shall in no way extend to:

      i. The calling or administration of elections;

      ii. The assessment of taxes or property valuation judgments;

      iii. Judicial or legislative functions of the board of selectmen, or other legal bodies, boards and commissions;

      iv. Direct supervision of the town clerk or town treasurer in statutory duties except as otherwise provided by this Charter.

   b. The manager may, upon request, advise or counsel officials in the performance of the above duties.

   c. The town manager may not serve in any elective position in the Town of Springfield. He/she may, however, serve on appointed boards and commissions relevant to town functions in an ex-officio status, as may be determined by the board of selectmen.

3. *Authority and duties in particular.* The manager shall be charged with full authority to, and be responsible for the following:

   a. To organize, reorganize, continue or discontinue such town departments as the board may determine.

   b. To direct and supervise the administration of all departments, offices and agencies of the town except as otherwise provided by the Charter or statute.

   c. To carry out the policies determined by the board of selectmen and report to the board on their disposition.

   d. To maintain an appropriate budget control system.

   e. To keep the board of selectmen informed on the financial condition of the town, including monthly and year end reports showing in detail all receipts and expenditures for town functions.

   f. To keep the board of selectmen informed as to the future needs of the town and make proper administrative provisions for long term planning, in all areas within the scope of the duties of the manager.

   g. To make such reports as the board of selectmen may require, or the manager deems appropriate, or may be required by law or ordinance regarding any and all functions under his/her supervision.

   h. To keep full and complete records of the actions of the manager's office.

   i. To be present at all regular board of selectmen meetings unless excused by the board, and to have the right to attend and take part in all special meetings of the board of selectmen and subcommittees thereof, except when the removal of the manager is being discussed. Nothing herein shall deny the manager any rights outlined in section H, town manager removal.

   j. To appoint, upon merit and fitness alone, and, when the manager deems necessary for the good of the service, suspend or remove any subordinate official, employee or agent under the manager's supervision as provided for in this Charter.

      All such appointments may be without definite terms unless for provisional, temporary or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the personnel rules and regulations.

      The manager may authorize the head of a department, or of an office responsible to the manager, to appoint and remove subordinates in such office or department.

   k. To ensure the proper and equitable administration of the town's personnel system.

   l. To fix the compensation of town employees as provided in this Charter.

   m. To remain ultimately responsible to the board of selectmen for all administrative actions under his/her jurisdiction although he/she may hold subordinate employees' offices or agents responsible for the faithful discharge of their duties.

n. To draft an annual budget document and capital expenditure plan as provided in the financial section of this Charter.

o. To examine, or cause to be examined, with or without notice, the affairs of any department under his/her control, or the conduct of any officer or employee thereof. For this purpose, the manager shall have access to all books, papers, files, reports or records of all departments that may be necessary for the proper performance of his/her duties.

p. To ensure the preservation of the public peace, health and safety of persons and property, and see to the enforcement of this Charter, ordinances and state and federal laws as applicable.

q. To be the general purchasing agent for the town.

r. To have charge and supervision of all town buildings, properties, and facilities, all repairs thereon, and all construction by the town unless otherwise voted.

s. To supervise and expend all special appropriations of the town as if they were a separate town department, unless otherwise voted by the town or provided in this Charter.

t. To cause to be collected by the town treasurer, or to collect, all taxes due the town, except as otherwise provided by statute.

u. To cause duties of municipalities not committed to the care of any particular officer to be duly performed and executed.

v. To perform such other duties consistent with his/her office as may be required by a vote of the board of selectmen, by law, ordinance or mandate not inconsistent with this Charter.

4. *Accountability, noninterference and appointive power.* The town manager shall be responsible to the board of selectmen for the proper and efficient administration of the departments under his/her charge as outlined above in this Charter. Neither the board of selectmen, any individual member of the board, nor any of its committees or committee members shall dictate the appointment or discharge of any town employee by the town manager, or in any manner interfere with his/her exercising of judgment in the appointment and discharge of employees in the administration.

5. *Noninterference with administrative discretion and supervision.* Except for the purposes of formal inquiries or investigations made under this Charter, the board of selectmen and its members shall deal with the administration, town officers and employees, who are subject to the manager's direction and supervision, solely through the town manager. Neither the board of selectmen or any of its members shall give orders to, or request any action publicly or privately of any town employee. Communications for the purposes of information and background shall be considered proper when approved by the manager.

II. Administrative departments.

A. *Plan of administrative organization.* Within one (1) year after the adoption of this Charter, the town manager shall submit to the board of selectmen a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. Said plan shall be reviewed and acted on within thirty (30) days from submission.

B. *Department heads.* Each town department shall have a designated department head appointed by the manager who shall supervise and control the department and employees therein. The manager may, at any time, assume the duties of a department head.

C. *Departmental rules and regulations.* Whenever judged necessary by the town manager, department heads shall draft rules and regulations to be approved by the town manager which shall govern and regulate the affairs of a department consistent with this Charter and general law.

D. *Creation, reorganization, consolidation or abolition of administrative departments.* Departments within the administrative service can only be created, reorganized, consolidated or abolished by formal action of the board of selectmen.

III. Administrative code.

A. *Submission and adoption.* On a timetable prescribed by the board of selectmen, but not to exceed two (2) years in length, the town manager shall assemble an administrative code for review and approval by the board of selectmen, which shall consist of~~, but not be limited to,~~ the following:

1. A copy of the town Charter;
2. A properly indexed and codified volume of all town ordinances;
3. A copy of the town's personnel rules and regulations, classification and pay plan;
4. A copy of the town's financial purchasing and procurement regulations;
5. Any and all collective bargaining agreements and departmental rules and regulations;
6. Enabling legislation, ordinances and resolutions for all town boards, commissions and committees, accompanying an updated list of all elected and appointed officers;
7. A copy of the plan of administrative organization.

B. *Distribution and availability.*

1. Copies of the administrative code shall be considered an official document to which a person may refer for up-to-date information on the town.
2. The document shall be placed in the town hall and library for free public access - and sufficient copies made for sale to citizens at a cost of production fixed by the board of selectmen.

C. *Administrative code update.* The town clerk shall be responsible for the accurate maintenance and update of the administrative code.

Revision note—In the introductory paragraph of subsection (A), deleted ", but not be limited to" following "shall consist of" in accordance with 2013, No. 5, § 4.

IV. Administrative and policy functions prescribed by Charter.

A. *Department of assessment.*

1. There shall be a department of assessment to consist of a chief assessor, the elected listers, as prescribed by Charter and state statute, and such assistants and support staff as may be recommended by the town manager and approved by the board of selectmen.

2. The chief assessor shall be appointed or removed by the town manager with the advice and consent of the board of selectmen.

3. The town manager shall not participate in the process of property valuation and assessment.

4. The department of assessment shall have the same powers, discharge the same duties, proceed in the discharge thereof, and in the same manner be subject to the same liabilities, as are prescribed for assessors, listers or boards of listers under the laws of the State of Vermont, except as herein provided.

5. The department of assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.

6. The department shall review, or cause to be reviewed, their appraisals of all real property in the town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.

7. All employees in the department of assessment shall be governed by applicable rules and regulations promulgated under this Charter.

B. *Town clerk, grand juror, town treasurer, town attorney.*

1. The board of selectmen shall appoint and remove, on the basis of qualifications and performance alone, a town clerk, grand juror, town treasurer and town attorney.

2. The duties of the town clerk, and town treasurer shall be as prescribed by statute, except as provided herein.

3. The town attorney shall, except as otherwise provided herein, represent the town in all legal matters.

4. The term of the grand juror shall not exceed three (3) years. He/she shall be responsible for the prosecution of violations of local ordinances. The salary of the grand juror shall be fixed by the board of selectmen and he/she shall be responsible to the board in the performance of his/her duties. The grand juror shall be duty bound to work in cooperation with the town manager and administrative service. The grand juror may recommend to the board of selectmen the appointment of staff who shall be part of the administrative service.

5. Appointments of the town clerk, grand juror, treasurer and town attorney shall be validated by the voters at the next annual town meeting following the appointment. Until validation, all appointments shall be temporary.

6. Removal of a town clerk, grand juror, town treasurer or town attorney shall be by a process identical to removal of the town manager as outlined in Article Three, [section] I, H.

7. Compensation for the town clerk, town treasurer and town attorney shall be recommended by the manager and approved by the board of selectmen. Any and all fees collected by the town treasurer and town clerk, pursuant to statutory duties, shall accrue as general fund revenues to the town.

8. Support personnel, supplies, material and equipment for the town clerk and town treasurer shall be provided by the board of selectmen upon recommendation by the town manager.

9. The board of selectmen or the town manager may seek legal services outside the offices of the town attorney whenever judged in the best interests of the town.

10. All staff provided to the town clerk, grand juror and town treasurer shall be part of the administrative service and be subject to all rules and regulations promulgated under this Charter.

11. The town clerk may designate an assistant town clerk or clerks.

12. In the absence or disability of the town clerk, town treasurer or town attorney, the board of selectmen shall ensure that the functions are continued and shall have the power to appoint temporary substitutes.

C. *Personnel system.*

1. *Merit principle outlined.* All employment actions relating to town officers and employees shall be made solely on the basis of merit and fitness.

2. *Personnel director.*

   a. There shall be a personnel director who shall be responsible for the ongoing administration of the town's personnel system. The personnel director shall be the town manager or his/her designated agent, but must be a member of the administrative service.

   b. The authority of the personnel director in relation to all town department heads shall be prescribed by the town manager.

3. *Personnel merit system ordinance.*

   a. There shall be adopted, within six (6) months of the passage of this Charter, a new personnel and merit system ordinance which shall carry the full force of law embodied in this Charter.

   b. The personnel ordinance shall enable the enactment of rules and regulations which shall include~~, but not be limited to,~~ the following provisions:

      i. A classification and pay plan for all town employees with uniform procedures for reclassification;

      ii. A system of evaluation for fitness or merit for appointment and promotion;

      iii. A system of discipline and removal for cause or unfitness for duty;

      iv. A system for the reduction in the work force, layoff and recall;

      v. A system dictating hours of work and attendance policies;

      vi. Allowances for provisional and part time appointments;

      vii. A program for in-service training and employee development;

      viii. A system for the hearing, processing and resolution of employee grievances;

      ix. Provisions for relations with employee organizations and/or unions;

      x. A uniform system regulating benefits, sick time and vacations;

xi. Opportunities for employee input related to safety, the quality of the work environment, and increased productivity;

xii. Other practices, procedures and issues as may be necessary to the ongoing administration of the personnel system.

4. *Personnel rules and regulations employee handbook.*

a. The personnel director shall issue and maintain in updated status, a set of comprehensive rules and regulations governing the ongoing administration of the town personnel system.

b. The personnel rules shall be adopted and amended by a procedure established by the board of selectmen and shall carry the full force of law of this Charter.

c. Copies of the personnel rules shall be provided to each town employee.

5. *Town Charter and collective bargaining agreements.*

a. The board of selectmen may not commit the town to any collective bargaining agreement which shall contradict, violate, or circumvent any provision of this Charter or ordinances passed pursuant to this Charter.

b. Board of selectmen may commit the town to bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this Charter.

6. *Service of town employees in elective or appointive office.*

a. A town employee may not, other than membership in the general assembly, hold a local, state or federal elective office which makes policy that shall directly or indirectly affect his/her department or any town functions while employed by the Town of Springfield.

b. A town employee may be appointed to a board or commission, provided that the appointment does not make policy which directly affects the employee's conditions of employment or compensation.

c. A town employee may not be disciplined in any way for failing to electioneer on behalf of any candidate for any local town elective office, contribute financially to a local candidate's campaign, or take or advocate a position on referendum questions.

d. Nothing herein shall limit the right of an employee to express his/her opinion, belong to a political party, or exercise his/her right to vote, except as limited in paragraph c above.

e. Nothing herein shall limit the right of employees to participate in the elective process for state and federal offices.

7. *Surety bonds.* Any town officer or employee, as required by the board of selectmen, shall annually give surety bonds to the satisfaction of the board of selectmen for the faithful discharge of his/her duties. In the event any officer or employee neglects to give a bond as herein specified, after ten (10) days' notice from the board that he/she is required to do so, his/her office shall thereupon become vacant and the vacancy shall be filled as provided in this Charter. Each

bond must be approved by the town attorney. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the town. Such bonds shall be filed with the town clerk.

Revision note—In subdivision (C)(3)(b), deleted ", but not be limited to" following "include" in accordance with 2013, No. 5, § 4.

ARTICLE FOUR. BUDGETS AND FINANCE

I. Fiscal year town government.

The fiscal year for town government shall be fixed by the board of selectmen, in a manner to maximize efficiency in town financial matters.

II. Operating budget timetable and preparation.

A. *Submission of timetable.* At least five (5) months before the scheduled date of town meeting, the manager shall prepare and present to the board of selectmen a proposed timetable which shall project the progress of events leading to the adoption of the town budget.

B. *Statement by the board of selectmen regarding budget policy.* Upon receipt of the timetable, the board of selectmen shall issue an annual budget policy statement, outlining the direction the manager shall take in the drafting or assembly of the budget document.

C. *Departmental submissions.* In following the timetable submitted to the board of selectmen, all department heads, and elected or appointed officials with budget responsibility, shall submit operating budget requests to the manager in a uniform format to be established by the manager.

D. *Drafting of administration's proposed budget.*

1. *Unified administrative request.* The manager shall, upon consultation with department heads, draft a unified, proposed operating budget for submission to the board of selectmen, reflecting a single request from the administration for each department.

2. *Manager's budget message.* The manager's/administration's proposed budget shall be preceded by a budget message which shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of financial policies, revenues, and expenditures, indicating the reasons for the change. The message shall summarize the town's debt position, include a profile of the capital expenditure program for the year, and also include any other material which the manager deems appropriate.

3. *Budget - contents, format.*

    a. The proposed budget shall provide a complete financial plan for all town funded activities for the ensuing fiscal year, and except as required by law, or Charter, shall be in a form the town manager deems appropriate or the board of selectmen may require.

b. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classifications by fund, organizational units, work program, purposes, action and objects.

c. The budget shall begin with a clear, general summary of its contents and shall show, in detail, all proposed revenues/income, and all proposed expenditures.

d. The budget shall be arranged so as to show comparative figures for actual and estimated revenues, income and expenditures for the preceding year, and for the year covered by the proposed budget.

e. The budget shall include in separate sections:

i. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

ii. Amount required to meet the interest on maturing bonds, notes, or other outstanding indebtedness;

iii. Proposed capital expenditures during the ensuing fiscal year detailed, wherever practical, by office, department or agency, along with the method of financing;

iv. Proposed estimated monies to be raised from all sources to be collected, levied or raised by taxation to defray the expenses of the town.

E. *Subsidiary budgets for utilities.*

1. For each utility or enterprise owned and operated by the town, a subsidiary budget shall be drafted in accordance with these guidelines, with the process of review and approval to be dictated by the board of selectmen.

2. Cross subsidy in areas other than fund management between town government operations and utility operations shall be limited to legitimate services and support provided as approved by the board of selectmen.

III. Capital expenditure program.

A. *Preparation and submission.* The manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the board of selectmen at least three (3) months prior to town meeting.

B. *Contents.*

1. The capital expenditure program shall include~~, but not be limited to~~:

a. A clear narrative summary of needs;

b. A list of all capital expenditures to be proposed for the next five (5) years with appropriate supporting data;

c. Actual cost estimates, proposed methods of financing, and necessary time schedules for each improvement;

d. Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

C. *Revision and update.* The above program shall be revised and extended each year to reflect progress or projects still pending.

D. *Inclusion in annual budget.* A summary of the capital expenditure program shall be included in the annual budget with special emphasis on the expenditures for the particular year.

Revision note—In the introductory sentence of subdivision (B)(1), deleted ", but not be limited to" following "shall include" in accordance with 2013, No. 5, § 4.

IV. Capital reserve funds and equipment funds.

A. The board of selectmen may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

1. The construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item of equipment;

2. The construction, reconstruction or acquisition of a type of capital improvement or acquisition of a type of equipment;

3. The size and regulation of capital reserve funds shall be determined by board of selectmen action.

V. Selectmen action on the budget.

A. *Board review.*

1. The board of selectmen shall schedule public meetings, as they deem appropriate, for the review and discussion of the administration's budget proposal.

2. Upon completion of their review, the board of selectmen shall act to finalize their budget proposal.

3. The board shall then schedule a public hearing prior to town meeting, warned as such.

4. Following the public hearing, the board of selectmen shall act to officially fix the budget to be finalized or proposed at town meeting.

5. The selectmen, in fixing the budget, shall place it on the warning as a gross appropriation.

VI. Special appropriations.

In response to a request, or upon their own initiative, should the board of selectmen so judge, the appropriation relative to a special element of town business may be placed on the warning as a special appropriation by a majority vote of the board. In taking their action, the board of selectmen shall maintain the right to reject, alter or reduce a request.

VII. Citizen input/citizen participation in the budget process.

A. *Citizen participation plan/public notice.*

1. *Timetable.* Before the sixth (6th) month of a fiscal year, the board of selectmen shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than eighteen (18) citizens, for the upcoming budget cycle.

2. *Contents.*

   a. The citizen participation plan shall outline, in specific terms, the manner by which the board of selectmen intends to provide for citizen input and public notice of the budget and its contents.

   b. The citizen participation plan must provide for, but shall not be limited to, formal budget workshops before town meeting; along with the publication of a budget summary in the town report indicating budgeted and actual expenditures for the current year and proposed expenditures for the coming year.

   c. The citizen participation plan shall make proper allowances for review of all special appropriations.

VIII. Appropriation - town budget.

A. *Gross appropriation fixed and levy.*

1. The vote of town meeting or other action finalizing the town budget shall make a gross appropriation for the coming fiscal year. The town meeting may not make any budget appropriation not recommended by the selectmen, unless such action was duly warned.

2. As of the effective date of the budget, all amounts stated therein are appropriated (for the specified agency's or department's purpose). Adoption of the budget shall constitute appropriations of the amounts specified therein from the funds indicated. This shall constitute an authorization to raise all monies required.

3. Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, wholly or partly, by the issuance of bonds except as provided in Article Four, section XII.

4. Any officer may, upon approval of the board of selectmen, make a contract or lease for payments beyond the end of the fiscal year.

5. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

6. The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the board of selectmen.

C [B]. *Overruns on gross appropriations, emergency appropriations.*

1. The gross appropriation may not be exceeded, except by consent of the board of selectmen, as herein limited.
2. In the event of an emergency situation officially declared by the board of selectmen, an amount not exceeding five (5) percent of the gross appropriation may be expended.
3. Any amount in excess of five (5) percent shall be warned and voted by special or regular town meeting.

D [C]. *Under expenditures, excess revenues.*

1. *Under expenditures.* If during the fiscal year, the board, upon recommendation and certification of the town manager, determines that there are funds available due to under expenditure of the funds proposed in the budget, the board may make supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five (5) percent of the gross appropriation.
2. *Excess revenues unexpected.* If unexpected revenues or under expenditures equal over five (5) percent of the gross appropriation respectively, such overage shall be carried over as surplus.

E [D]. *Surplus.* Any surplus created, subject to the provisions of section D [subsection C] above, shall be carried over to the next budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the board of selectmen, may be placed in a capital reserve fund as provided for in this Charter.

F [E]. *Transfers - alterations in the work program.*

1. The town manager may transfer, at any time, with a public report to the selectmen, an unencumbered appropriation balance, or portion, between general classifications of expenditures within an office, department or agency.
2. The board of selectmen may transfer, by formal vote, any unencumbered portion or balance of an appropriation from one department or agency to another.
3. In no case shall a transfer violate the gross appropriation as limited by [sub]section A above.

G [F]. *Ongoing appropriation/budget revote.*

1. In the event that the budget is not adopted before the beginning of the fiscal year, the amount appropriated for the prior year shall be deemed adopted.
2. Expenditures during budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted.

IX. Financial administration/town budget.

A. *Financial officer.*

1. The town manager may appoint, on the basis of education, training, experience and performance, an officer who shall serve as financial officer.
2. The financial officer shall be a member of the administrative service and subject to all rules and regulations therein, and may be the town treasurer, or other administrative officer.

3. The financial officer shall perform such duties as the job description submitted by the manager and approved by the board of selectmen shall indicate.

B. *Depository of town funds/cash and fund management.*

1. The board of selectmen shall designate the depository of town funds, and shall ensure the appropriate cash management by the town treasurer and administration.

2. The board of selectmen may provide for such security to town deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

3. The officer responsible for fund management shall issue a regular report of investments and yields to the manager and the board of selectmen.

C. *Independent audit/town auditor.*

1. The board of selectmen shall provide for an independent audit of all town accounts and may require for any special audit it deems necessary.

2. Such audits shall be made by the town auditor who shall be a CPA or firm of such accountants who have no personal interest, direct or indirect, with town government, its fiscal affairs or its officers.

3. The board shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

4. Should the State of Vermont make such an audit at the request of the board, it shall meet the requirements of this section.

D. *Authorization for expenditure of town funds.*

1. Money shall not be paid out of the town treasury unless it is authorized by a payroll or payment authorization signed by at least three (3) members of the board of selectmen.

2. No payment of money on account of any department of which the town manager has supervision shall be made except upon vouchers approved by the manager or his/her designated agent.

3. In the event of the absence, disability or suspension of the manager, the board of selectmen may approve such vouchers or authorize their approval by some other person.

4. The town manager may provide for periodic or quarterly allotments of the appropriations to departments, funds or agencies under such rules as he/she may prescribe.

E. *Budget reports, books, records.*

1. Regular reporting. The manager shall submit, on a schedule prescribed by the board of selectmen, but no less often than quarterly, a budget report indicating the relationship between actual and estimated receipts and expenditures to date.

2. All books of account, in relation to the receipt, holding or disbursement of money of the town kept by any official of the town, shall be paid for by the town, shall remain the property of the town, and shall be turned over to the town clerk whenever the keeper of the books of account retires from office. All books pertaining to town affairs kept by the town manager, town clerk, or

other elective or appointive officer of the town, shall be kept in the town buildings in their proper places and shall not be removed therefrom without an order of a court, or a vote of the board of selectmen.

F. *Purchasing and procurement.*

1. All purchasing and procurement for the town shall be the responsibility of the town manager, who may delegate purchasing authority to the limits allowed by Charter.
2. All purchasing and procurement shall be by competitive bid or quote wherever practical.
3. The town manager shall establish purchasing and procurement guidelines as part of the town Code.

X. Trust funds.

A. Trust funds of the Town of Springfield shall continue to be kept separate and apart from other town funds.

B. Trust funds shall be in the hands of the trustees of public funds in accordance with this Charter and state law.

XI. Taxation and collection.

A. *Authority for taxation.*

1. The town shall retain rights of taxation as afforded by state statute related to real estate and personal property.
2. The board of selectmen shall be the tax authority for all town and school functions and shall fix all rates of taxation as limited by Charter and statute.

B. *Responsibility for taxation and collection.*

1. The town treasurer shall be responsible for tax collection.
2. The board of selectmen shall designate the collector of delinquent taxes.
3. The collector of taxes or delinquent taxes may charge and collect such fees as may be fixed by the board of selectmen and shall deposit them in the general fund. Fees established shall not exceed those provided by statute.

C. *Manner of collection.*

1. The timetable of tax collection in terms of due dates and installments shall be fixed by the town treasurer.
2. Delinquent taxes shall be administered in accordance with state statute.

D. *Tax abatement.* Tax abatement shall be administered in accordance with state statute.

E. *Tax stabilization.*

1. Authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

2. The board of selectmen shall negotiate all stabilization agreements.

3. Under this section, the board of selectmen shall draft uniform guidelines outlining the scope and nature of tax stabilization agreements.

4. The board of selectmen shall confer with the school board on stabilization related matters, but shall retain final authority on stabilization agreements.

F. *Special assessments.*

1. The board of selectmen shall have the authority to negotiate or impose by ordinance, reasonable special assessments or special use charges.

2. The procedures for each special assessment must be outlined and authorized by an ordinance explaining the reason for the assessment, the amounts and basis for the amounts, the collection of the assessments and all other matters related to the assessment.

G. *Tax classification; special nonresidential property tax; repeal of inventory tax.*

1. For purposes of this section:

   a. All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as "special nonresidential property." Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.

   b. "1996 minimum grand list value" means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.

   c. "Special tax" means the additional tax on special nonresidential property and inventory authorized by this section.

2. Beginning with the January 1, 1997 grand list, the inventory tax shall be phased-out over a period of five years and real and personal property shall be taxed as provided in this section.

3. For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the aggregate grand list value of such property and inventory as calculated below or the 1996 minimum grand list value, whichever is greater.

4. Beginning with the January 1, 1997 grand list, special nonresidential property and inventory shall be subject to a special tax. The special tax shall be imposed in any tax year in which the aggregate grand list value of special nonresidential property and inventory is less than the 1996 minimum grand list value. The special tax shall be in addition to taxes imposed on real and personal property generally. The special tax rate shall be sufficient to generate the tax revenues necessary to fully offset the decrease in tax revenues that would result from basing the property tax rate on the 1996 minimum grand list value rather than the actual aggregate grand list value of special nonresidential property and inventory.

5. Inventory shall be valued on the grand list as follows:
   a. 80% percent of fair market value as of January 1, 1997.
   b. 60% percent of fair market value as of January 1, 1998.
   c. 40% percent of the fair market value as of January 1, 1999.
   d. 20% percent of the fair market value as of January 1, 2000.
   e. Zero percent of the fair market value for the year 2001 and thereafter.
6. Properties upon which payments are made in lieu of taxes pursuant to a contractual agreement with the town shall be classified according to their grand list classification and assessed for the purposes of such payments.
7. If a property is used for both residential and nonresidential purposes for both farm and nonfarm purposes, the value of the property shall be apportioned according to such uses and classified and assessed as in this section.

(Amend. of 3-5-1996)

XII. Debt/bonded debt for town and school improvements.

1. Authorization for any long-term bonded debt shall be granted by the voters at an annual or special town meeting duly authorized for that purpose.

2. An article requesting authorization to incur long term debt can only be placed on the warning by a vote of four (4) selectmen, which indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the town.

3. Any vote authorizing long term debt shall only be valid if voted at a town meeting at which the total number of votes casting ballots exceeds ten (10) percent of the total number of names on the checklist on the date of the last annual town meeting.

4. Articles requesting authorization for long term debt shall be warned in accordance with Article Two, section II, B.3 related to town warnings generally.

5. The town treasurer shall be authorized, subject to the approval of the board of selectmen, to incur short term debt in anticipation of taxes for town and school funding.

CHARTER COMPARATIVE TABLE

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

Legislation	Date	Section	Section this Charter
Ref. of 5-21-1985	5-21-1985	—	Char. (note)
Amend. of 3-5-1996	3-5-1996	—	Art. Four, § XI

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Citation of volume and parts; designation.
Sec. 1-2. Rules and construction and definitions.
Sec. 1-3. Catchlines of sections.
Sec. 1-4. History notes.
Sec. 1-5. References.
Sec. 1-6. Code does not affect prior offenses, rights, etc.
Sec. 1-7. Additions and amendments deemed incorporated in Code.
Sec. 1-8. Effect of repeal of ordinance.
Sec. 1-9. Certain ordinances not affected by Code.
Sec. 1-10. Amendments to Code.
Sec. 1-11. Supplementation of Code.
Sec. 1-12. Severability of parts of Code.
Sec. 1-13. General penalty; continuing violations; public nuisances.
Sec. 1-14. Issuing municipal officials.
Sec. 1-15. Appearing municipal officials.

Sec. 1-1. Citation of volume and parts; designation.

(a) The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Springfield, Vermont," and shall be so cited. Such ordinances may also be cited as the "Springfield Code."

(b) The ordinances as contained within this Code of Ordinances shall be designated as civil ordinances and the applicable court civil rules shall apply to proceedings under this Code.
(Code 1990, § 1-1; Ord. No. O-1994-1, § I, 12-19-1994)

Charter references—Codification, art. one, V, I; administrative code, art. three, III.
State law reference—Authority to adopt and amend ordinances, 24 V.S.A. § 1971 et seq.

Sec. 1-2. Rules and construction and definitions.

In the construction of the Code of Ordinances and of all ordinances hereafter enacted, the following interpretations shall be placed on the words and phrases mentioned in this section, unless such construction or interpretation would be manifestly inconsistent with the evident intent of the Selectboard or the voters of the town pursuant to ordinances adopted by referendum or repugnant to the context or to the evident purport of any ordinance:

Charter. The term "Charter" means the Charter of the Town of Springfield, Vermont, printed as Part I of this volume.

Code. The term "Code" means the Code of Ordinances, Town of Springfield, Vermont, printed as Part II of this volume.

Computation of time. The time in which an act is to be done shall be computed by excluding the first day and including the last day, except that, when the last day falls on a Saturday, Sunday or legal holiday, the act may be done on the next succeeding day which is not a Saturday, Sunday or legal holiday. When a public office in which an act is to be performed is closed to the public for the entire day which constitutes the last day of doing such act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

County. The term "county" means the County of Windsor in the State of Vermont.

Delegation of authority. Whenever a provision appears requiring the head of a department, authorized supervisor or other officer of the town to do some act or to make certain inspections, it is to be construed to authorize the head of the department, authorized supervisor or other officer of the town, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision designate otherwise.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provisions imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person or thing, and a word importing the plural number may be applied to one person or thing.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed." The term "engaged" shall be equivalent to the term "sworn" or "affirmed."

Officers, boards, departments, etc. Whenever the title of an officer, department, board or other agency is given without further specification, it shall be construed as though the words "of the Town of Springfield, Vermont" were added.

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

Person. The term "person" includes a corporation, firm, partnership, association, organization, club, society, body corporate or politic or any other group acting as a unit, as well as a natural person.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. Whenever the term "premises" is used, it shall mean place or places.

Property. The term "property" includes real and personal property.

Public place. The term "public place" includes, without limitation, any park, cemetery, schoolyard or open space adjacent thereto and all beaches, canals or other waterways, and any public street, highway or way as defined in 23 V.S.A. § 4(13) and any municipal forest.

Real property, land, real estate. The terms "real property," "land" and "real estate" include lands, tenements and hereditaments and rights thereto and interests therein.

Selectboard means the legislative body of the Town of Springfield, Vermont.
Charter reference—Board of selectmen, art. two, III, C, 1.
State law reference—Town officers, 1 V.S.A. § 139.

Shall, may. The term "shall" is mandatory, whereas the term "may" is permissive.

Signature, subscription. The signature or subscription of a person shall include a mark when the person cannot write.

State. The term "state" shall be construed to mean the State of Vermont.

Streets, highways, ways. The terms "streets," "highways" and "ways" shall be construed as including public boulevards, avenues, courts, lanes, alleys, squares, drives, roads, corners, park roads, trails and sidewalks and any ways as defined in 23 V.S.A. § 4(13).

Tenant, occupant. The term "tenant" or "occupant," applied to a building or land, includes any person holding a written or oral lease of, or who occupies, the whole or a 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 term "town" means the Town of Springfield in the County of Windsor and the State of Vermont.

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

Week. The term "week" shall be construed to mean seven days.

Written, in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
(Code 1990, § 1-2)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall have no legal effect, and, unless otherwise expressly so provided, shall not be deemed or taken to be titles of such sections or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
(Code 1990, § 1-3)

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.
(Code 1990, § 1-4)

Sec. 1-5. References.

The editor's notes, charter references and state law references appearing in the Code are merely information to assist the user of the Code and are of no legal effect.
(Code 1990, § 1-5)

Sec. 1-6. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance 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.
(Code 1990, § 1-6)

Sec. 1-7. Additions and amendments deemed incorporated in Code.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town to make the same a part hereof, shall be deemed to be incorporated herein, so that reference to the Code shall be understood and intended to include such additions and amendments.
(Code 1990, § 1-7)

Sec. 1-8. Effect of repeal of ordinance.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.
(Code 1990, § 1-8)

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:

(1) Any ordinance promising or guaranteeing the payment of money by the town, or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness, or any contract, agreement, lease, deed or other instrument or obligation assumed by the town or creating interest and sinking funds;

(2) Any franchise, permit, or other right granted by any ordinance;

(3) Any personnel regulations and any ordinance establishing salaries of town officers and employees;

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

(5) Any ordinance establishing and prescribing the street grades in the town;

(6) Any appropriation ordinance or any ordinance levying or imposing taxes;

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

(8) Any ordinance dedicating or accepting any plat or subdivision in the town;

(9) Any ordinance establishing the official plat of the town;

(10) Any zoning map amendment or land use, rezoning or zoning ordinance;

(11) Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with such Code;

(12) Any ordinance granting specific tax exemptions;

(13) Any temporary or special ordinance;

(14) Any administrative ordinance;

(15) This ordinance is in addition to all other ordinances of the town and all applicable laws of the state.

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.
(Code 1990, § 1-9)

Sec. 1-10. Amendments to Code.

(a) All ordinances adopted 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 herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission thereof from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the Selectboard.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: "That section _____ of the Code of Ordinances, Town of Springfield, Vermont, is hereby amended to read as follows:…." (Set out new provisions in full.)

(c) In the event a new section (or article, chapter or other designation, as the case may be) not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Town of Springfield, Vermont, is hereby amended by adding a section (or article, chapter or other designation, as the case may be) to be numbered _____ which reads as follows:…." (Set out new provisions in full.)

(d) All sections, articles, chapters or other provisions of this Code and/or ordinances desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

(e) Amendments of ordinances shall additionally follow the requirements in the Charter.
(Code 1990, § 1-10)

Charter reference—Ordinances, art. one, V.

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 Selectboard. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted by the Selectboard or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. 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 the preparation of 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, nonsubstantive 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 catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, 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 _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive 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.

(Code 1990, § 1-11)

Sec. 1-12. Severability of parts of Code.

It is hereby declared to the intention of the Selectboard 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 by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the same would have been enacted by the Selectboard without the incorporation in this Code of any such unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

(Code 1990, § 1-12)

Sec. 1-13. General penalty; continuing violations; public nuisances.

(a) A violation of all ordinances may be punishable as a criminal ordinance violation.

(b) Whenever in this Code or in any ordinance or resolution of the town any act is prohibited or is made or declared to be unlawful or a criminal offense, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or a criminal offense, where no specific penalty is provided therefor either in this Code or in state law, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine or not more than $500.00 or a term of imprisonment not to exceed one year, or both a fine and term of imprisonment. Each day any violation of this Code or any ordinance or resolution shall continue shall constitute a separate offense.

(c) Whenever in this Code or in any ordinance or resolution of the town any act is prohibited or is made or declared to be a civil offense, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be a civil offense, where no specific penalty is provided therefor either in this Code or in state law, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine or not more than $500.00. Each day any civil violation of this Code or any ordinance or resolution shall continue a separate offense.

(d) In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the town, abated as provided by law and equity, including, but not limited to, an injunction, and each day that such condition continues shall be regarded as a new and separate offense.

(Code 1990, § 1-13)

Charter reference—Penalty, art. one, V, J.

State law references—Enforcement and penalty provision of criminal ordinances, 24 V.S.A. § 1974(a); abatement and enjoining of violations of criminal ordinances, 24 V.S.A. § 1974(b); enforcement of violation of civil ordinances, 24 V.S.A. § 1974a.

Sec. 1-14. Issuing municipal officials.

Unless otherwise stated, the issuing municipal officials authorized for enforcing ordinances as contained in this Code shall be:

(1) The town manager;

(2) Any police officer of the town;

(3) The zoning administrator for zoning and subdivision violations only;

(4) Any full-time fire department employee for burn permit violations only;

(5) The health officer and deputy health officers for health and sanitation violations.

(Code 1990, § 1-14; Ord. No. O-1994-1, § I, 12-19-1994)

State law reference—Complaint for civil ordinance violations, 24 V.S.A. § 1977.

Sec. 1-15. Appearing municipal officials.

Unless otherwise stated, the appearing municipal officials at traffic and municipal ordinance hearings and appeals shall be:

(1) The chief of police or the chief's designee on all violations of the Code of Ordinances except zoning and subdivisions.

(2) The zoning administrator on all violations of ordinances dealing with zoning and subdivisions.

(3) The health officer and deputy health officers on all violations dealing with health and sanitation.

(4) Other persons designated by the Selectboard.

(Code 1990, § 1-15; Ord. No. O-1994-1, § I, 12-19-1994)

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-18. Reserved.

Article II. Boards, Commissions, Committees

Division 1. Generally

Secs. 2-19—2-39. Reserved.

Division 2. Library Board of Trustees

Sec. 2-40. Creation.
Sec. 2-41. Membership; quorum.
Sec. 2-42. Terms of members; vacancies.
Sec. 2-43. Compensation of members.
Sec. 2-44. Officers.
Sec. 2-45. Meetings; procedure.
Sec. 2-46. Powers and duties.
Sec. 2-47. Assistance and cooperation from town officers, departments and agencies.
Sec. 2-48. Utilization of trust funds and gifts.
Secs. 2-49—2-69. Reserved.

Article III. Finance

Sec. 2-70. Fiscal year established.
Secs. 2-71—2-98. Reserved.

Article IV. Acquisition and Disposition of Real Property

Sec. 2-99. Authorization to enter into contracts affecting real property.
Sec. 2-100. Acquisition of real property.
Sec. 2-101. Conveyance of real property held other than in a fiduciary capacity or for special purposes.
Sec. 2-102. Disposition of real property acquired by the town in a fiduciary capacity.
Sec. 2-103. Conveyance of special purpose real property.

***Charter references**—Conflict of interest, art. one, VII; elections and local officials, art. two; town manager, art. three, I; administrative departments, art. two, II; administrative code, art. three, III; local elected officials, art. two, III.

State law reference—Administrative code, 24 App. V.S.A. § 149-33.

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. BOARDS, COMMISSIONS, COMMITTEES*

DIVISION 1. GENERALLY

Secs. 2-19—2-39. Reserved.

DIVISION 2. LIBRARY BOARD OF TRUSTEES†

Sec. 2-40. Creation.

There is hereby created a board to be known as the Springfield Town Library Board of Trustees in accordance with article 23 voted at the town meeting on March 3, 1975.
(Code 1990, § 2-41; Ord. No. O-1976-4, § 4-1001, 11-18-1976)

State law references—Establishment of library, 22 V.S.A. § 141; board of trustees, 22 V.S.A. § 143.

Sec. 2-41. Membership; quorum.

The library board shall consist of seven members to be elected at large. Four members shall constitute a quorum. Once a quorum has been obtained, a majority of the quorum shall be sufficient for the conduct of business including the approval and submission of library board studies and recommendations.
(Code 1990, § 2-42; Ord. No. O-1976-4, § 4-1002, 11-18-1976; Ord. No. O-2003-1, § II, 2-24-2003)

Sec. 2-42. Terms of members; vacancies.

(a) The terms to be served by library board members shall be three years commencing upon the expiration of the previous term of the library board member.

(b) If a vacancy occurs, the Selectboard may appoint a replacement to serve until the next town meeting, at which time an election shall be called to fill the unexpired term.

(c) If a member is not present without good cause for three consecutive meetings, the chairperson of the library board may request the appointment of a replacement with a majority of the library board members concurring with such request.
(Code 1990, § 2-43; Ord. No. O-1976-4, § 4-1003, 11-18-1976; Ord. No. O-2003-1, § III, 2-24-2003)

***Charter references**—Board of civil authority, art. two, II, B, 10; cemetery commissioners, art. two, III, C, 6; trustee of public funds, art. two, III, C, 7; planning commission, art. two, IV, C, 1; zoning board of adjustment, art. two, IV, C, 2; housing authority, art. two, IV, C, 3; airport commission, art. two, IV, C, 4; other boards, etc., art. two, IV, A; appointed boards, etc., art. two, IV, D; citizen budget advisory committee, committee of eighteen (18) or less members created the six (6) months before a fiscal year, art. four, VII.

†**State law reference**—Town libraries, 22 V.S.A. § 141 et seq.

Sec. 2-43. Compensation of members.

Members of the library board shall serve without compensation.
(Code 1990, § 2-44; Ord. No. O-1976-4, § 4-1004, 11-18-1976)

Sec. 2-44. Officers.

The library board shall elect from its members a chairperson, a vice-chairperson and such other officers as it may deem advisable to serve for one year. Elections shall be held at the first meeting following the town meeting each year. This shall be referred to as the organizational meeting.
(Code 1990, § 2-45; Ord. No. O-1976-4, § 4-1005, 11-18-1976)

Sec. 2-45. Meetings; procedure.

(a) At the annual organizational meeting the library board shall adopt and may later change or alter rules and regulations of procedure consistent with the ordinances and Charter. The library board shall keep written records of its proceedings referred to as minutes which shall be approved by a majority of the board and shall be kept and maintained by the town clerk and the library director. Such minutes shall be open to public inspection during normal business hours of the department of records and the town library.

(b) Library board meetings shall be public, publicized in advance and shall be held with such frequency and at any reasonably accessible place as the library board deems proper and helpful to its purpose.
(Code 1990, § 2-46; Ord. No. O-1976-4, § 4-1006, 11-18-1976)

Sec. 2-46. Powers and duties.

(a) The library board shall develop and recommend to the Selectboard short, intermediate and long-term community goals and objectives regarding the town library and its programs.

(b) The library board shall review and report to the Selectboard in such detail as it deems appropriate its recommendations regarding the annual budget of the department of libraries. To that end, the town manager in presenting the budget to the Selectboard in the manner specified in the Charter shall forward to the library board copies of the annual budget including those sections relating to the department of libraries. Such transmittal shall be made in such a manner as to allow reasonable opportunity for the library board to review and recommend to the Selectboard prior to the Selectboard taking final action on the proposed annual budget.

(c) The budget report referred to in subsection (b) of this section shall include, but need not be limited to, the following:

(1) The adequacy of proposed funding levels to achieve agreed upon goals and objectives of the town library as specified in subsection (a) of this section.

(2) The appropriateness and effectiveness of specific programs proposed in the annual and capital budgets.

(3) The specific areas, if any, where greater or lesser resources should be invested.

(d) The library board shall serve as an ex officio subcommittee of the planning commission and information resource to assist the planning commission in their continuing effort to review and update the town's municipal development plan as defined in 24 V.S.A. § 4382 in all matters relating to the future development of library services and facilities.

(e) The library board shall study and recommend from time to time to the Selectboard such new programs as it may deem appropriate and beneficial.

(f) The library board shall strive to create and foster an interest and awareness of library services among the citizens of the town and to that end may conduct such public information and publicity programs as it may deem appropriate.

(g) Nothing set forth herein shall be deemed an authorization to expend municipal funds or obligate the town in any way. Neither the library board nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the town manager or any of the manager's subordinates are empowered to appoint. The library board or its members shall deal with town officers and employees solely through the town manager or the manager's designate, and neither the board nor its members shall give orders to any such officer or employee, either publicly or privately.

(h) The operation of the library shall be in accordance with the provisions of the American Library Association Bill of Rights.
(Code 1990, § 2-47; Ord. No. O-1976-4, § 4-1007, 11-18-1976)

State law reference—Power to manage library, etc., 24 V.S.A. § 143.

Sec. 2-47. Assistance and cooperation from town officers, departments and agencies.

The town manager, town attorney and other officers, departments and agencies of the town shall assist and cooperate with the library board and upon request of the library board shall furnish information and advice respecting such matters as the board may reasonably require in order to fulfill its purposes, as set forth in this article. The town manager will provide the services of a recording secretary and whatever other clerical support services may be necessary.
(Code 1990, § 2-48; Ord. No. O-1976-4, § 4-1008, 11-18-1976)

Sec. 2-48. Utilization of trust funds and gifts.

(a) The library trust funds shall be administered under the custodianship of the trustees of public funds. Earnings generated by the library trust funds shall be paid to the town treasurer at least annually for library purposes.

(b) The release of principal from such trust funds shall be as the Selectboard determines with the concurrence of a majority of the library board.
(Code 1990, § 2-49; Ord. No. O-1976-4, § 4-1009, 11-18-1976; Ord. No. O-1992-1, § II, 12-21-1992; Ord. No. O-2003-2, § II, 2-24-2003)

Charter reference—Trustees of public funds, art. two, III, C, 7.

Secs. 2-49—2-69. Reserved.

ARTICLE III. FINANCE*

Sec. 2-70. Fiscal year established.

The fiscal year of the town shall begin on July 1.
(Code 1990, § 2-66; Ord. No. O-1985-1, 2-18-1985)

Charter reference—Fiscal year set by board of selectmen, art. four, I.
State law reference—Fiscal year, 24 V.S.A. § 1683.

Secs. 2-71—2-98. Reserved.

ARTICLE IV. ACQUISITION AND DISPOSITION OF REAL PROPERTY

Sec. 2-99. Authorization to enter into contracts affecting real property.

The Selectboard shall have the authority consistent with the Vermont Open Meeting Law, 1 V.S.A. §§ 310 through 318, to directly or through the town manager negotiate and during executive session authorize the town to enter into purchase and sale agreements affecting real property and acquire real property consistent with the procedures set forth in the following sections of this article.
(Ord. No. O-2018-1, 2-26-2018)

Sec. 2-100. Acquisition of real property.

The Selectboard is authorized to expend town funds to acquire real property without prior public disclosure of such intended acquisition, provided the Selectboard announces at the next regular or special Selectboard meeting called for such purpose to specify in the proposed agenda for such meeting the discussion of such acquisition and with such agenda including a clear and concise statement as to the terms of such acquisition, the reason for such acquisition, and an explanation as to why prior public disclosure of such acquisition would subject the town to some disadvantage or harm.
(Ord. No. O-2018-1, 2-26-2018)

Sec. 2-101. Conveyance of real property held other than in a fiduciary capacity or for special purposes.

Real property held other than for special purposes or in a fiduciary capacity may be conveyed in accordance with the following provisions:

(1) If the Selectboard desires to convey municipal real estate, the Selectboard shall give notice of the terms of the proposed conveyance by posting a notice in at least three public places within the town, one of which shall be in or near the municipal clerk's office. Notice shall also be published in a newspaper of general circulation within the town. Such posting and publication shall occur at least 30 days prior to the date of the proposed conveyance. Unless a petition is filed in accordance with subsection (2) of this section, the Selectboard may authorize the conveyance.

(2) If a petition signed by five percent of the registered voters of the town objecting to the proposed conveyance is presented to the town clerk within 30 days of the date of posting and publication

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***Charter references—**Budgets and finance, art. four; citizen input and participation in the budget process, art. four, VII.

of the notice required by subsection (1) of this section, the Selectboard shall cause the question of whether town shall convey the real estate to be considered at a special or annual meeting called for that purpose. After the meeting, the real estate may be conveyed unless a majority of the voters of the town vote to disapprove the conveyance.

(3) As an alternative to the procedure set forth in subsections (1) and (2) of this section, the Selectboard may elect to have the voters decide, at an annual or special meeting for that purpose, whether the real estate should be conveyed. If a majority of the voters of the town present and voting vote to approve the proposed conveyance, the real estate may be conveyed.

(Ord. No. O-2018-1, 2-26-2018)

Sec. 2-102. Disposition of real property acquired by the town in a fiduciary capacity.

In all circumstances where the town acquires title to real property in its fiduciary capacity such as by way of purchase at a tax sale or other operation of law or process, the town manager shall be authorized to contract and dispose of such property on behalf of the town and without prior Selectboard approval.
(Ord. No. O-2018-1, 2-26-2018)

Sec. 2-103. Conveyance of special purpose real property.

Notwithstanding the provisions of sections 2-100 and 2-101, the Selectboard may authorize the conveyance of town real property if the conveyance:

(1) Is directly related to the control, maintenance, operation, improvement or abandonment of a public water, sewer or electric system.

(2) Is directly related to the control, maintenance, construction, relocation or abandonment of highways.

(3) Involves real estate used for housing and urban renewal projects under 24 V.S.A. ch. 113 (24 V.S.A. § 4000 et seq.).

(4) Is real property held as part of a redevelopment plan adopted by the Selectboard.

(Ord. No. O-2018-1, 2-26-2018)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

Article I. In General

Secs. 4-1—4-18. Reserved.

Article II. Open Containers

Sec. 4-19. Definitions.
Sec. 4-20. Prohibited in public places.
Sec. 4-21. Exception to prohibition.
Sec. 4-22. Permit required for exception; conditions for permit.
Sec. 4-23. Procedures for obtaining permit.
Sec. 4-24. Conduct of the permittee; revocation of permit.
Sec. 4-25. Violation, penalty and fines.
Sec. 4-26. Authorization to conduct background investigations on all liquor license applicants.

***State law reference**—Alcoholic beverage, 7 V.S.A. § 1 et seq.

ARTICLE I. IN GENERAL

Secs. 4-1—4-18. Reserved.

ARTICLE II. OPEN CONTAINERS*

Sec. 4-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means the product of distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, and includes ethyl alcohol and alcohol which is considered nonpotable.

Malt beverage means any fermented beverage of any name or description manufactured for sale from malt, wholly or in part, or from any substitute thereof, known as, among other things, beer, ale and stout.

Possession means the detention and control or the manual or physical custody of a container of a beverage for which possession is prohibited under the terms of this article.

Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. The term "public place" shall also include the front or immediate areas of the above. For the purpose of this article, no place that sells malt, spirituous or vinous beverages for consumption on the premises shall be considered as public, nor shall any premises owned by the state be within the purview of this article.

Spirits means any beverage containing alcoholic obtained by distillation, fortified wines and liquors.

Vinous beverage means all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar contents of fruits, or other agricultural products containing sugar.
(Code 1990, § 3-26; Ord. No. O-1979-3, § II, 5-21-1979; Ord. No. O-1979-5, § II, 7-16-1979)

State law reference—Definitions, 7 V.S.A. § 2.

Sec. 4-20. Prohibited in public places.

It shall be prohibited to carry, hold or have on one's person on the streets, sidewalks or on or within public places of the town, open containers of malt, spirituous or vinous beverages.
(Code 1990, § 3-27; Ord. No. O-1979-3, § II, 5-21-1979; Ord. No. O-1979-5, § III, 7-16-1979)

***State law references—**Consumption or possession of alcohol in motor vehicles, 23 V.S.A. § 1134; consumption or possession of alcohol by passenger in motor vehicles, 23 V.S.A. § 1134a.

Sec. 4-21. Exception to prohibition.

The terms of this article shall not apply to certain social functions, affairs or meetings of a public or private nature where prior approval has been granted by the Selectboard to consume or have open beverage containers on or within a public place pursuant to section 4-22.
(Code 1990, § 3-28; Ord. No. O-1979-3, § III, 5-21-1979; Ord. No. O-1979-5, § IV, 7-16-1979)

Sec. 4-22. Permit required for exception; conditions for permit.

An exception to the general prohibition in section 4-20 may be made only by permit under the following conditions:

(1) Eligibility of permits will be offered to any individual, civic, community or informal group or formal organization only in connection with an activity or event;

(2) The geographic or physical limits of the area under the permit should be accurately defined in the permit application and the permit and shall be strictly adhered to by the permittee; and

(3) Persons availing themselves of this exception must be legitimately connected to or engaged in the activity or group which is the subject of the permit.

(Code 1990, § 3-29; Ord. No. O-1979-3, § III(A), 5-21-1979; Ord. No. O-1979-5, § V(A), 7-16-1979)

Sec. 4-23. Procedures for obtaining permit.

Permits must be obtained in the following manner:

(1) Application forms shall be drafted and be available in the office of the chief of police;

(2) The chief of police will review each application and make any recommendations the chief deems relevant to the town manager who may in turn convey the recommendations to the Selectboard;

(3) Each application shall be considered as a separate agenda item at a regular or special Selectboard meeting with the opportunity for public input as generally afforded at such meetings;

(4) Granting of the permit shall be by majority vote of the Selectboard;

(5) The Selectboard may impose any special or other conditions on the permit which they may deem reasonable and in service of the public interest. No condition may be imposed which discriminates against any person or group of persons.

(Code 1990, § 3-30; Ord. No. O-1979-3, § III(B), 5-21-1979; Ord. No. O-1979-5, § V(B), 7-16-1979)

Sec. 4-24. Conduct of the permittee; revocation of permit.

(a) Aside from any special conditions that the Selectboard may attach to a permit, the permittee shall be responsible for the adherence to the conditions of the permit.

(b) Temporary revocation may be made immediately by the police department upon receipt of two oral complaints by unrelated individuals of disturbing of the peace or any offense that is unlawful.

(c) The holder of a permit subject to revocation as cited above may, upon written request delivered to the town manager or the manager's designee before the next regular Selectboard meeting, have the subject of the permit revocation considered and acted upon by the Selectboard, at which time the person subject to the revocation action shall have the right to appear and be heard and shall have the burden to prove any facts they may deem relevant.
(Code 1990, § 3-31; Ord. No. O-1979-3, § III(C), 5-21-1979; Ord. No. O-1979-5, § V(C), 7-16-1979)

Sec. 4-25. Violation, penalty and fines.

(a) Any police officer observing the consumption or presence of any open beverage container held or upon a person found in a public place in violation of this article shall confiscate the open beverage container and all the malt, spirituous or vinous beverage remaining unconsumed.

(b) A person, if found guilty of violating this article, shall be fined not more than $50.00 for each offense.
(Code 1990, § 3-32; Ord. No. O-1979-5, § VI, 7-16-1979)

Sec. 4-26. Authorization to conduct background investigations on all liquor license applicants.

The chief of police or the chief's designee is authorized to conduct a background investigation on those persons who apply for a liquor license.
(Code 1990, § 3-33; Ord. No. O-1994-1, § II, 12-19-1994)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

Secs. 6-1—6-18. Reserved.

Article II. Dogs

Sec. 6-19. Definitions.
Sec. 6-20. License required.
Sec. 6-21. Restraint and prevention of public nuisance.
Sec. 6-22. Unrestrained dogs impounded.
Sec. 6-23. Notice of impoundment and release from impoundment.
Sec. 6-24. Recovery of impounded dogs.
Sec. 6-25. Dogs declared a public nuisance.
Sec. 6-26. Humane treatment.
Sec. 6-27. Damage by dogs.
Sec. 6-28. Removal of dog defecation from public and private properties.
Sec. 6-29. Enforcement and fines.
Sec. 6-30. Waiver fines.
Sec. 6-31. Pooper scooper.
Sec. 6-32. Investigation of vicious dogs.
Sec. 6-33. Enforcement.

***State law references**—Authority to regulate domestic animals, 20 V.S.A. § 3549; humane and proper treatment of animals, 13 V.S.A. § 351 et seq.; control and care of domestic pets, 20 V.S.A. § 3541 et seq.; enumeration of powers, 24 V.S.A. § 2291.

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. DOGS*

Sec. 6-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canine control officer means the person designated by the Selectboard as responsible for dog control as prescribed by state statute or in the canine control officer's absence any sworn police officer of the town.

Dog means any animal of the canine species, including a wolf-hybrid.

Owner means the person or group of persons who own, harbor or keep any dog.

Public nuisance means a dog which:

(1) Obstructs pedestrian or vehicular traffic;

(2) Bites, jumps upon or injures humans, other animals or dogs;

(3) Damages public or private property; or

(4) Disturbs the quiet, comfort and repose of others by habitual, persistent or frequent barking, whining or howling.

Restraint means:

(1) Secured by a leash or lead not more than eight feet long or under the control of a responsible, competent person and obedient to that person's command;

(2) Within the real property limits of the owner or upon private property with the permission of the owner of the private property;

(3) Upon public property for properly defined purposes such as hunting; and/or

(4) For dogs in heat, the term "restraint" shall be interpreted to mean being kept humanely confined to a building or secured enclosure and under control of the owner.

Running at large means that a dog 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;

(5) Clearly under the verbal or non-verbal control of the owner; or

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***State law reference**—Authority to regulate dogs, 20 V.S.A. § 3549.

(6) Hunting with the owner.

Vicious dog means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term "vicious dog" shall also mean any animal that, while running at large, attacks another dog or animal, as defined in 20 V.S.A. § 3546.

State law reference—Investigation of vicious animals, 20 V.S.A. § 3456.

(Code 1990, § 4-26; Ord. No. O-1980-4, § I, 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-20. License required.

(a) Any person owning, keeping or harboring a dog over six months old within the town must obtain a license for that dog as prescribed by 20 V.S.A. §§ 3581 through 3592.

(b) A surcharge of $5.00 per license shall be levied on all dog licenses issued to assist in the funding of dog control functions.

(c) If an owner licenses a dog after April 1, and before the Selectboard issues the warrant, the owner shall be required to pay the dog licensing late fee as prescribed by 20 V.S.A. § 3581(a).

(d) Upon the issuance of the warrant by the Selectboard, any owner who is visited by the canine control officer or the town constable and is notified of the necessity of having the dog licensed shall be required to pay a $10.00 per dog penalty in addition to the licensing and late fees prescribed by 20 V.S.A. § 3581(a).

(e) Any owner, after being warned by the canine control officer or town constable pursuant to the dog warrant, who does not license their dog within seven calendar days, shall immediately be cited for a fine of $25.00.

(f) Any owner who, after the full provisions of this section have been followed, still does not license the dog shall be subject to having the animal impounded and destroyed as per the dictates of the warrant with any and all fines remaining as binding.

(Code 1990, § 4-27; Ord. No. O-1980-4, § II, 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

State law reference—License, 20 V.S.A. § 3581 et seq.

Sec. 6-21. Restraint and prevention of public nuisance.

(a) All dogs shall be kept under restraint as defined by section 6-19.

(b) No owner shall fail to exercise proper care and control of a dog such that the dog becomes a public nuisance as defined by section 6-19.

(c) Vicious dogs shall be handled as per the dictates of 20 V.S.A. ch. 193 (20 V.S.A. § 3541 et seq.). In addition, a dog which is suspected of being vicious against which a complaint has been issued shall be confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of the owner until such time as a final determination of its status is made.

(d) A dog which has bitten a person shall be confined as per 20 V.S.A. ch. 193 (20 V.S.A. § 3541 et seq.) and such regulations adopted pursuant thereto.

(Code 1990, § 4-28; Ord. No. O-1980-4, § III, 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-22. Unrestrained dogs impounded.

(a) Any dog found unrestrained or running at large, either by discovery or complaint, shall be subject to impoundment by the canine control officer.

(b) Any dog that is determined by a constable, police officer, canine control officer, or humane officer to present an imminent danger to people or other animals shall be immediately impounded.

(c) The first time a dog is observed running at large by the canine control officer or is impounded by the canine control officer, the owner, if known, shall be notified by written notice to keep the dog under restraint.

(d) If, after due notice pursuant to subsection (c) of this section, a dog is observed by the canine control officer as not being under restraint or is impounded by the canine control officer while not under restraint, the owner of the dog shall be considered in violation of this article and subject to all penalties and fees in section 6-29.

(e) Any dog that is apprehended for a third violation of this provision within a 12-month period shall be impounded. If the dog is determined to be a vicious dog it shall be subject to euthanization.

(f) Any dogs impounded shall be impounded in the designated impoundment facility or other appropriate facility.
(Code 1990, § 4-29; Ord. No. O-1980-4, § IV(A)—(D), 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-23. Notice of impoundment and release from impoundment.

(a) The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally, by telephone call, or by written statement sent to the last-known address of the owner. If the owner's address is not known, notification may be posted in the town clerk's office and other usual places for public notice for a one-week period. 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.

(b) If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.

(c) Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and remedial action by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license and providing a plan for compliance with the provisions of this article and with state law.

(d) If the dog is not claimed by the owner within 14 days from the date of notification, or the owner provides written notice of surrender of ownership within the 14-day period, then such dog shall be declared abandoned and disposed of in the discretion of the Selectboard.
(Code 1990, § 4-30; Ord. No. O-1980-4, § IV(E)—(G), 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

State law reference—Impoundment of dog, 20 V.S.A. § 3806.

Sec. 6-24. Recovery of impounded dogs.

(a) *Generally.* Impounded dogs may be recovered only after the payment of the required fees as set forth below.

(1) *Unlicensed dogs.* No unlicensed dog can be recovered unless all license fees, surcharges, and penalties are paid and a license is obtained.

(2) *Licensed dogs.* Impoundment fees and costs are to be paid as follows:

a. First impoundment, a fee of $50.00 paid to the town. An additional fee of $100.00 will be assessed if the dog was transported to the impoundment facility by the canine control officer, plus any additional fees incurred per day paid to the impoundment facility.

b. Second impoundment in a 12-month period, a fee of $100.00 paid to the town. An additional fee of $150.00 will be assessed if the dog was transported to the impoundment facility by the canine control officer, and any additional fees incurred per day paid to the impoundment facility.

c. For the third impoundment and all impoundments thereafter in a 12-month period, a fee of $200.00 paid to the town. An additional fee of $200.00 will be assessed if the dog was transported to the impoundment facility by the canine control officer, and any additional fees incurred per day paid to the impoundment facility.

(b) *Release by license and impoundment fees.* Once an owner has ascertained that said owner's dog has been impounded, a release must be obtained by paying all license and impoundment fees due at the town offices and remitting all fees due to the impoundment facility before the dog can be released.
(Code 1990, § 4-31; Ord. No. O-1980-4, § V, 10-13-1980; Ord. No. O-1994-1, § II, 12-19-1994; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-25. Dogs declared a public nuisance.

(a) If, after investigation, the canine control officer finds that a dog is a public nuisance and/or not restrained, as defined in section 6-19, then any owner, keeper or harborer of the dog shall be issued a state municipal complaint with a fine not to exceed $500.00.

(b) For the purpose of this section, a repeat violation within a 12-month period shall constitute a successive case.
(Code 1990, § 4-32; Ord. No. O-1980-4, § VI, 10-13-1980; Ord. No. O-1994-1, § II, 12-19-1994; Ord. No. O-1995-1A, 10-16-1995; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-26. Humane treatment.

(a) No owner shall fail to provide said owner's dog with sufficient food, water, shelter and proper medical attention.

(b) No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse a dog.

(c) No person shall cruelly or permanently abandon a dog for any reason.
(Code 1990, § 4-33; Ord. No. O-1980-4, § VII, 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-27. Damage by dogs.

The owner of a dog shall be responsible for the costs of all damage done by said owner's dog to public or private property.
(Code 1990, § 4-34; Ord. No. O-1980-4, § VIII, 10-13-1980; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-28. Removal of dog defecation from public and private properties.

(a) An owner or person having custody of any dog shall not permit said dog to defecate on any town park, school ground, town sidewalk, pedestrian walkway, town street, or any private property within the town, other than the premises of the owner or person having custody of said dog, unless said defecation is removed immediately and properly disposed of. Further, no defecation shall be dumped or left on any town park, school ground, town street, town sidewalk, or pedestrian walkway, or any private property within the town.

(b) Any person having control over a dog, whether or not the owner, who allows the dog off said premises (that is, premises occupied by that person) and has knowledge that such dog is defecating on any town park, school ground, town sidewalk, town street, pedestrian walkway, or any private property within the town and does not remove and properly dispose of the defecation shall be in violation of this section.

(c) If, after investigation, the canine control officer finds that a person is in violation of this section, then that person shall be issued a state municipal complaint with a fine not to exceed $500.00.
(Ord. No. O-1996-1, 10-8-1996)

Sec. 6-29. Enforcement and fines.

(a) The canine control officer or the Selectboard may impose a civil penalty of up to $500.00 per violation in accordance with the provisions of this section.

(b) In determining the amount of the civil penalty to be ordered for violations other than as set forth in this article, the Selectboard or canine control officer shall consider the following:

(1) The degree of actual or potential impact on public health, safety, and welfare resulting from the violation.

(2) Whether the respondent has cured the violation.

(3) The presence of mitigating circumstances.

(4) Whether the respondent knew or had reason to know the violation existed.

(5) The respondent's record of compliance.

(6) The deterrent effect of the penalty.

(7) The cost of enforcement.

(8) The length of time the violation has existed.

(c) When the Selectboard or canine control officer has reasonable grounds to believe that a person has violated a provision of this article under its purview, the Selectboard or canine control officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

(1) A civil penalty of up to $500.00.

(2) A brief description of the alleged violation and identification of the law alleged to have been violated.

(3) A statement that the respondent has a right to a hearing before the Selectboard at no cost to the respondent, a description of the procedures for requesting a hearing and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal.

(4) If applicable, a directive that the respondent take actions necessary to achieve compliance with the law.

(d) A person who receives a notice of violation shall be offered an opportunity for a hearing before the Selectboard, provided that the request for hearing is made in writing to the town clerk no later than 21 days after the date of mailing of the notice of violation. If the respondent does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35 days following mailing of the notice of violation. If the respondent does make a timely request for a hearing, the Selectboard shall hold a hearing within 14 days of receipt of the request. After the hearing, the Selectboard may affirm, reduce or eliminate the penalty. The decision shall be delivered or mailed to the respondent in the same manner as the notice of violation and shall be effective five days following mailing of the decision or immediately following delivery of the decision.

(e) Imposition of a penalty under this article precludes imposition of any other administrative or civil penalty under any other provision of law for the same violation.

(f) The civil penalty shall be paid to the town. If the respondent fails to pay the penalty within the time prescribed, the Selectboard may bring a collection action in small claims court or the superior court.

(g) A respondent aggrieved by a decision made following a hearing before the Selectboard may appeal within 30 days of receipt of the decision to the superior court which shall consider the matter de novo.

(h) On application of a municipality, the superior court shall have jurisdiction to enjoin the violation of any provisions of this article. The court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the court determines that there is a threat to the public welfare.
(Code 1990, § 4-36; Ord. No. O-1994-1, § II, 12-19-1994; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-30. Waiver fines.

The waiver fines for violations under this article shall be 50 percent of the applicable fine.
(Code 1990, § 4-37; Ord. No. O-1994-1, § II, 12-19-1994; Ord. No. O-2007-1, 9-10-2007)

Sec. 6-31. Pooper scooper.

(a) The 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.

(b) Any violation of this section will constitute a public nuisance and the fines applicable, after such determination, shall be levied upon the person in control of such dog.
(Ord. No. O-2007-1, 9-10-2007)

Sec. 6-32. Investigation of vicious dogs.

(a) When a dog has bitten a person while the dog 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 Selectboard. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victims, and any other facts that may assist the Selectboard in conducting its investigation.

(b) The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog 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 and place of hearing and the facts of the complaint.

(c) If the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog is euthanized, 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 dog is not a rabies suspect. If a member of the Selectboard or the canine control officer determines that the animal is a rabies suspect, the provisions of 20 V.S.A. § 3801 et seq., 20 V.S.A. ch. 193 (20 V.S.A. § 3541 et seq.) and the rules of the state department of health shall apply.
(Ord. No. O-2007-1, 9-10-2007)

Sec. 6-33. Enforcement.

This is a civil ordinance and shall be enforced by the constable, police, or canine control officer in the state judicial bureau in accordance with 24 V.S.A. § 1974a et seq.
(Ord. No. O-2007-1, 9-10-2007)

State law reference—Enforcement of civil ordinances, 24 V.S.A. § 1974a et seq.

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Unsafe Buildings

Sec. 8-19. Definitions.
Sec. 8-20. Purpose.
Sec. 8-21. Declaration and finding of nuisance.
Sec. 8-22. Standards.
Sec. 8-23. Procedure initiation of complaint.
Sec. 8-24. Duties of Selectboard.
Sec. 8-25. Notice and service.
Sec. 8-26. Order and notice.
Sec. 8-27. Appeal.
Sec. 8-28. Hearing by Selectboard.
Sec. 8-29. Procedure.
Sec. 8-30. Enforcement.
Sec. 8-31. Emergency measures.
Sec. 8-32. Safety of enforcement officials.
Sec. 8-33. Emergency unaffected.

***State law references**—Building inspectors and regulation of buildings, 24 V.S.A. § 3101 et seq.; building codes, 20 V.S.A. § 2731; enforcement of building standards, 20 V.S.A. § 2736; electricians and electrical installation, 26 V.S.A. § 881 et seq.; plumbers and plumbing, 26 V.S.A. § 2171 et seq.; energy standards, 30 V.S.A. § 51 et seq.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. UNSAFE BUILDINGS*

Sec. 8-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous or unsafe building or structure means a building or other structure in the town which may be within one or more of the following classifications which:

(1) Because of faulty construction, abandonment, decay, lack of proper repair or any other cause, is susceptible to fire and constitutes or creates a fire hazard;

(2) By reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by the collapse or fall of any part of such structure;

(3) Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the people of the town;

(4) Has parts thereof which are so attached that they may fall or injure members of the public or property;

(5) By reason of age, neglect, want of repair, action of the elements, destruction, either partial or total, by fire or other casualty or cause is dilapidated, ruinous, decayed, filthy, abandoned, unstable or infested with vermin or dangerous so as to constitute a material menace or danger in any way to adjacent property or to the public.

Nuisance means any building or structure falling within the definitions of this section.

Structurally unsafe buildings means those buildings to which one or more of the following standards shall be applicable:

(1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Those which, exclusive of the foundation, show 33 1/3 percent or more of damage or deterioration of the supporting members or 50 percent of damage or deterioration to the nonsupporting, enclosing or outside walls or covering;

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

***State law references**—Unsafe buildings, notice, 24 V.S.A. § 3113 et seq.; fire safety and carbon monoxide leakage prevention in dwellings, 20 V.S.A. § 2729.

(4) Those buildings existing in violation of any fire prevention code or other safety code of the town, the state or of the United States.

(Code 1990, § 5-26; Ord. No. O-1986-3, § III, 11-17-1986)

Sec. 8-20. Purpose.

This article is enacted to provide for the vacation, removal, repair or demolition of any building or structure which is or threatens to be unsafe, a public nuisance, dangerous to the health, safety or general welfare of the people of the town or which might tend to constitute a fire hazard and to provide for the assessment of the cost of such vacation, removal, repair or demolition for purposes of assessment against such premises and to provide for the recovery of such costs in an action at law. This article is enacted under the police powers to provide for the public welfare, the protection of life and health and the protection of the property of the citizens of the town.

(Code 1990, § 5-27; Ord. No. O-1986-3, § II, 11-17-1986)

Sec. 8-21. Declaration and finding of nuisance.

(a) Any building or other structure in the town which is determined or found to be within the definition of a dangerous or unsafe building or a structurally unsafe building as is defined in section 8-19 is declared to be a public nuisance and shall be ordered repaired, vacated or demolished by the Selectboard.

(b) The Selectboard shall make such orders as shall be equitable and appropriate in each case.

(Code 1990, § 5-28; Ord. No. O-1986-3, § IV, 11-17-1986)

Sec. 8-22. Standards.

The Selectboard may consider but shall not be bound to the following standards as a basis for such orders as they shall make:

(1) If the building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired or secured.

(2) If the building or structure is in such condition so as to make it dangerous to the health, safety or general welfare of its occupants or the people of the town, it shall be ordered to be vacated.

(3) In any case where a building or structure is 50 percent damaged or decayed or deteriorated, it shall be ordered demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered demolished.

(4) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article, it shall be ordered demolished.

(Code 1990, § 5-29; Ord. No. O-1986-3, § V, 11-17-1986)

Sec. 8-23. Procedure initiation of complaint.

(a) The Selectboard, upon their own motion or upon being informed in writing that a structure or anything appurtenant thereto may be unsafe, shall cause an immediate inspection to be made by the fire chief or a deputy and/or the health officer. The result of such inspection is to be reported immediately to

the Selectboard if in session or to the chairperson of the board if the board is not in session. The report shall be written. If the report of the inspection indicates that there is merit to the complaint, then the Selectboard shall within three days following the next regularly scheduled meeting of the Selectboard designate a committee of three persons who shall inspect and file a report with the Selectboard within five working days from the date of their designation. The committee will consist of a qualified structural engineer, the fire chief or a deputy and the health officer or a deputy.

(b) The committee shall prepare one report. The report shall include the findings of fact of each member and the conclusions and recommendations of the committee as a whole. A copy of the report shall be forwarded to the Selectboard within five days following the inspection.

(c) The committee shall have access to any building or structure subject thereto. If access is denied to them, then the committee shall render its report based upon information available.
(Code 1990, § 5-30; Ord. No. O-1986-3, § VI, 11-17-1986)

Sec. 8-24. Duties of Selectboard.

Upon receipt of the report of the committee, the Selectboard may adopt the findings of the committee in whole or in part. The Selectboard may, but shall not be required to, inspect the subject premises prior to taking action on the committee report. The Selectboard shall, if the report and/or their inspection of the premises dictates, declare the building or structure a nuisance within the purview of section 8-19 and order one or more of the remedies set forth in sections 8-21 and 8-22.
(Code 1990, § 5-31; Ord. No. O-1986-3, § VII, 11-17-1986)

Sec. 8-25. Notice and service.

If the Selectboard determines that the building or structure falls within the purview of section 8-19, and remedial action is necessary, then a notice, finding and order shall be served on the record owners of the premises, record mortgagees and record lien holders.
(Code 1990, § 5-32; Ord. No. O-1986-3, § VIII, 11-17-1986)

Sec. 8-26. Order and notice.

The order shall contain the report of the committee, the findings of fact of the Selectboard, the remedial procedures ordered, a copy of this article and the time for compliance. Notice shall be by delivery of a copy of the order to each interested party in hand or by certified mail, return receipt requested. If service cannot be made, then notice may be by publication in a newspaper of general circulation in the town for two successive weeks.
(Code 1990, § 5-33; Ord. No. O-1986-3, § IX, 11-17-1986)

Sec. 8-27. Appeal.

Any party entitled to notice under sections 8-25 may appeal the order of the Selectboard at any time within ten days of the receipt of the notice or within ten days of the last date of publication, if service of notice is by publication, by filing a notice of appeal in writing with the town clerk.
(Code 1990, § 5-34; Ord. No. O-1986-3, § X, 11-17-1986)

Sec. 8-28. Hearing by Selectboard.

Upon the filing of the notice of appeal, the Selectboard shall, at their next regular meeting or at a special meeting, set a date for a full hearing before a majority of the Selectboard, which hearing shall commence within 40 days from the date of the filing of the appeal. Notice of the hearing shall be sent to interested parties, first class mail, postage prepaid. The fire chief, the health officer and the town manager shall also be notified and may appear and participate in the hearing in the interest of the town.
(Code 1990, § 5-35; Ord. No. O-1986-3, § XI, 11-17-1986)

Sec. 8-29. Procedure.

The Selectboard shall conduct the hearing, make findings of fact and an order consistent with the provisions of 3 V.S.A. ch. 25 (3 V.S.A. § 800 et seq.).
(Code 1990, § 5-36; Ord. No. O-1986-3, § XII, 11-17-1986)

State law reference—Appeal from board of selectmen's order, appellate review procedure, 3 V.S.A. ch. 25.

Sec. 8-30. Enforcement.

(a) The Selectboard shall set a time for compliance with the terms of the order, and in the event of noncompliance, the Selectboard may enforce the terms of the order by:

(1) Resorting to appropriate judicial remedy where such remedy is available; or

(2) Correcting the defect or causing the building or structure to be demolished, paying the cost and recovering the cost from the owners.

(b) In the event that the town resorts to the remedy set out in subsection (a)(2) of this section, it shall have a lien against the remaining real property to recover its costs. Such lien to be enforced consistent with the provisions for enforcement of liens under 9 V.S.A. § 1924.
(Code 1990, § 5-37; Ord. No. O-1986-3, § XIV, 11-17-1986)

Sec. 8-31. Emergency measures.

In the event that the fire chief or health officer or a deputy inspecting the premises subject to a complaint or the committee which inspects the premises finds that there is an existing condition which is hazardous and which requires immediate action, they shall report it to the Selectboard. The Selectboard may immediately make such necessary response as may be necessary to secure the premises to protect the public from any dangerous condition which might exist, and they may post the premises prohibiting trespass thereon, barricade, board up or take any other necessary action which may be necessary to protect the health and safety of the citizens of the town after reasonable attempts to contact the property owner. Any expense incurred providing for such emergency or immediate security shall be assessed against the owner of the premises consistent with the provisions of section 8-30.
(Code 1990, § 5-38; Ord. No. O-1986-3, § XV, 11-17-1986)

Sec. 8-32. Safety of enforcement officials.

In the performance of the duties required by this article, the Selectboard, committee member, fire chief, health officer or other town employee or official shall not be required to enter any building or structure which would expose him to any danger to life, health or body.
(Code 1990, § 5-39; Ord. No. O-1986-3, § XVI, 11-17-1986)

Sec. 8-33. Emergency unaffected.

The right of the Selectboard or any town official to react to any emergency or to condemn property in the event of an emergency or catastrophe shall not be enlarged or abridged by this article.
(Code 1990, § 5-40; Ord. No. O-1986-3, § XVII, 11-17-1986)

Chapter 9

RESERVED

Chapter 10

CEMETERIES

Sec. 10-1. Rates.
Sec. 10-2. Use and construction standards.
Sec. 10-3. Access.
Sec. 10-4. Enforcement.

Sec. 10-1. Rates.

(a) The following rates apply within the town:

Opening and closing graves (grass and devise included)		
	Week Day	$450.00
	Weekend	$600.00
Stillborn or baby burial		
	Week Day	$150.00
	Weekend	$250.00
Cremation burials		
	Week Day	$150.00
	Weekend	$250.00
Entombment fees		
	Resident	N/C
	Nonresident	$100.00
Canopy rental (for service)		$50.00
Gravesite, including perpetual care (site $150.00 and perpetual care $150.00)		$300.00

(b) The cemetery commissioners may make future rate adjustments at any duly warned meeting provided they have advised the Selectboard of each intended rate adjustment at a regularly scheduled Selectboard meeting at least 14 days prior to taking such action.

(c) Areas not covered herein will follow state statutes.
(Ord. No. O-2019-1, 7-3-2019)

Sec. 10-2. Use and construction standards.

(a) No cemetery space shall be used for any purpose other than the burial of the human dead.

(b) No monument, marker or headstone may be placed on a cemetery lot until the lot has been paid for. It shall be the responsibility of the monument dealer to check with the town clerk's office to make sure the lot has been paid for and to report the date, time and nature of work to be done, prior to excavation. The monument dealer shall also be responsible for the removal of all dirt resulting from the excavations.

(c) All monument foundations shall have a minimum depth of 4½ feet, see sketch attached. All headstones or grave markers shall have a foundation depth of at least three feet.

(d) All headstones and markers shall be flush with the ground in Section 'G' of Oakland Cemetery.

(e) Corner stones shall be flush with the ground.

(f) There shall be no raised granite or fencing around any lot.

(g) All lots shall be limited to allow one full burial and two urn burials per single grave or three urn burials per single grave.

(h) One upright monument is allowed per grave and two flush markers per grave or three flush markers per grave, if no upright monument is placed on the lot.

(i) Single graves shall allow maximum length and width of 24-inch monument or marker with a maximum length and width of foundation of 30 inches. Double graves shall allow maximum monument length of 60 inches with a foundation length maximum of 66 inches and a maximum width of markers to be 24 inches with maximum foundation width of 30 inches. This allows a minimum of a seven-inch space on each side of the purchased lot to allow room for corner posts. Larger lots will be calculated by the number of total graves and must allow a minimum of seven inches on each side of the foundation to the edge of the purchased lot size to allow room for corner posts.

(j) All double and larger cemetery lots require that four corner posts be installed by the purchaser when a monument is installed or within one year of the lot purchased. The corner posts will be purchased from and installed by a monument dealer of the purchaser's choice.

(k) Any monument dealer found to be in violation of these regulations will be asked to rectify the problem and may lose the right to perform work in the cemetery.

(l) All caskets shall be placed in a vault at the time of burial.

(m) No graves will be opened in the winter between December 1 and April 1, if snow and frost conditions appear to prevent opening, unless approved by the director of public works.

(n) There shall be no permanent plantings such as trees, shrubs or bushes without first endowing their care with an additional $150.00 fee payable to the perpetual care fund and duly noted on the cemetery records in the town clerk's office.

(o) Plastic and other artificial flowers are very much discouraged. Prior to November 1, the family should remove any cemetery decorations it does not wish disposed of.
(Ord. No. O-2019-1, 7-3-2019)

Sec. 10-3. Access.

(a) All cemeteries shall be accessed by foot or vehicle only by way of established vehicle or foot paths.

(b) All cemeteries shall be open to public access only from 6:00 a.m. to 9:00 p.m. during the months of April through September and 6:00 a.m. through 6:00 p.m. during the months of October through March.

(c) Signage shall be placed at all points of ingress and egress and other locations in the discretion of the cemetery commission to notify the public of the hours of public access and to post the entrance against trespass at all other hours.

(d) No domesticated animals, leashed or unleashed, except certified service dogs, are allowed in town cemeteries.
(Ord. No. O-2019-1, 7-3-2019)

Sec. 10-4. Enforcement.

This is a civil ordinance and shall be enforced by the constable, police, or fire chief in the state judicial bureau in accordance with 24 V.S.A. § 1974a et seq.
(Ord. No. O-2019-1, 7-3-2019)

Chapter 11

RESERVED

Chapter 12

HEALTH, SANITATION, NUISANCES

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Nuisances

Division 1. Generally

Sec. 12-19. Public nuisance defined.
Sec. 12-20. Abatement of nuisances and penalty.
Sec. 12-21. Littering prohibited.
Secs. 12-22—12-45. Reserved.

Division 2. Health Nuisances

Sec. 12-46. Defined.
Sec. 12-47. Prohibited.
Sec. 12-48. Certain animals restricted.
Sec. 12-49. Transportation of certain materials restricted.
Secs. 12-50—12-71. Reserved.

Division 3. Nuisances Affecting Morals and Decency

Sec. 12-72. Certain exhibitions prohibited.
Sec. 12-73. Disorderly houses prohibited.
Sec. 12-74. Certain pictures, literature, etc., prohibited.
Sec. 12-75. Games of chance prohibited.
Secs. 12-76—12-93. Reserved.

Division 4. Nuisances Affecting Property

Sec. 12-94. Destruction of public property prohibited.
Sec. 12-95. Destruction of private property prohibited in public ways.
Sec. 12-96. Certain activity in public places restricted.
Sec. 12-97. Stolen or overdue library materials.
Secs. 12-98—12-122. Reserved.

Division 5. Nuisances Affecting Peace and Safety

Sec. 12-123. Disturbing lawful assembly prohibited.
Sec. 12-124. Certain noises prohibited.
Sec. 12-125. Discharging certain fireworks and explosive devices prohibited.
Sec. 12-126. Discharge of firearms restricted.
Sec. 12-127. Disorderly conduct, inhibiting use or access to public and private property.
Secs. 12-128—12-152. Reserved.

Division 6. Enforcement

Sec. 12-153. Penalty; appeals to town manager; violations brought before judicial bureau.
Secs. 12-154—12-174. Reserved.

Division 7. Certain Nuisances Within School and Licensed Day Care Zones

Sec. 12-175. Purpose.
Sec. 12-176. Prohibition.
Sec. 12-177. Definitions.
Sec. 12-178. Penalty and enforcement.
Secs. 12-179—12-209. Reserved.

Division 8. Certain Nuisances Caused by Vacant Buildings

Sec. 12-210. Authority.
Sec. 12-211. Purpose.
Sec. 12-212. Definitions.
Sec. 12-213. Obligations of vacant building owners.
Sec. 12-214. Penalty and enforcement.
Sec. 12-215. Appeals of town manager's or the town manager's designee's actions.
Secs. 12-216—12-238. Reserved.

Article III. Hazardous Wastes

Sec. 12-239. Purpose.
Sec. 12-240. Applicability.
Sec. 12-241. Restrictions.
Sec. 12-242. Designation by resolution.
Sec. 12-243. Notice required for restrictions, etc.
Sec. 12-244. Form and contents of notice.
Sec. 12-245. Hearing and disposition.
Sec. 12-246. Record.
Sec. 12-247. Evidence and transcripts.

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. NUISANCES

DIVISION 1. GENERALLY

Sec. 12-19. Public nuisance defined.

A public nuisance is hereby declared to be a thing, act, failure to act, and an occupation or use of property which shall:

(1) Annoy, injure or endanger the safety, health, comfort or repose of the public;

(2) Offend the public morals and decency;

(3) Unlawfully interfere with, obstruct or tend to obstruct, or render dangerous for passage, any public park, commons, street or highway;

(4) In any way render any number of persons insecure in life or in use of or damage to property.

(Code 1990, § 7-26; Ord. of 5-4-1955, art. 0, §§ 1—4)

Sec. 12-20. Abatement of nuisances and penalty.

(a) If any complaint shall be made in writing alleging a violation of this article, it shall be the duty of the Selectboard to investigate it or cause it to be investigated.

(b) After the finding of a nuisance by the Selectboard, a notice shall be delivered by certified mail, return receipt requested, or by personal service upon any person who is maintaining a nuisance requiring said person to abate such nuisance within a reasonable time to be fixed by the Selectboard in such notice. Each day such nuisance shall be maintained shall constitute a separate offense and be punishable as such.

(c) If such nuisance is not abated within the time fixed in the notice, the Selectboard shall cause such nuisance to be abated. Such person shall pay all the expenses of abating the nuisance.

(Code 1990, § 7-27; Ord. of 5-4-1955, art. 6, §§ 1—3)

Sec. 12-21. Littering prohibited.

(a) The health, safety and welfare of the citizens of the town requires that highways and private and public lands be kept free from littering with rubbish, garbage, refuse and other noxious materials.

(b) 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 thing on lands of others or within 300 feet of the lands of others, public or private, or into the waters of any stream or the banks in the town or on or within view of a public highway in the town.

(c) If the throwing, placing or depositing was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of such motor vehicle.

(d) Nothing in this section shall be construed as affecting the lawful operation of an automobile graveyard or junkyard, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste. Sanitary landfills, recycling centers and incinerators and solid waste from mining, quarrying, farming operations or logging and sawmill operations are exempt from the restrictions set forth above concerning the distance of 300 feet and visibility from a public highway.

(Code 1990, § 7-28; Ord. No. O-1987-2, §§ I—IV, 7-13-1987)

State law reference—Similar provision, 24 V.S.A. § 2201.

Secs. 12-22—12-45. Reserved.

DIVISION 2. HEALTH NUISANCES*

Sec. 12-46. Defined.

Whatever is dangerous to human life or health and whatever renders soil, food, water and drink unwholesome, are declared to be nuisances affecting health.

(Code 1990, § 7-46; Ord. of 5-4-1955, art. 1, § 1)

Sec. 12-47. Prohibited.

(a) No person shall:

(1) Expose or offer for sale any decayed or unwholesome food;

(2) Allow any diseased animals to run at large;

(3) Allow any pond, pools of water or vessels holding stagnant water in which there is any obnoxious odor or in which vermin breed or permit any nuisance to remain on said person's premises to the annoyances of any other person;

(4) Allow carcasses of animals to be buried or otherwise disposed of in an unsanitary manner and not within 24 hours after death;

(5) Allow the accumulation of manure, swill or other noxious substances or rubbish which may be breeding places for flies, mosquitoes or vermin;

(6) Allow privy vaults and garbage cans to not be flytight;

(7) Allow dense smoke, noxious fumes, gas, soot or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

***State law references—**Water pollution, 18 V.S.A. § 1201 et seq.; public drinking water, 18 V.S.A. § 1231 et seq.; public buildings, 18 V.S.A. § 1301 et seq.; offenses against public health, 18 V.S.A. § 1501 et seq.; smoking, 18 V.S.A. § 1741 et seq.; lead poisoning, 18 V.S.A. § 1751 et seq.; cleaning products in schools, 18 V.S.A. § 1781 et seq.

(8) Allow stable manure, swill, rubbish, papers or other noxious substances to be transported through the streets of the town except in covered containers and in such manner as to prevent a nuisance;

(9) Place or cause to be placed in a river, brook or stream flowing in or through the town any stone, log, timber, ashes, dirt, tin cans or other refuse, garbage, carcass, vegetable, or any other matter which will tend in any way to obstruct the natural flow of the water in any of the streams or will be injurious to the health of the public or individuals or in any way fill up or litter or render unsightly or obstruct the channel or banks of streams.

(b) No person shall smoke tobacco while standing, sitting, pacing, kneeling or lying upon a public sidewalk, street (except while occupying a motor vehicle in traffic), curb, crosswalk, or walkway, or within the entrance way to a private home, business or apartment complex immediately connected to a public sidewalk, within the following areas of the designated downtown:

(1) While on the same side of the street as the Springfield Public Library and within 175 feet to either side of the main public entrance to the library.

(2) In front of any residence, church, business establishment or apartment complex whose owner or authorized agent has posted a no smoking sign in its front door or front window and has notified in writing the town clerk and the chief of police of said posting.

(Code 1990, § 7-47; Ord. of 5-4-1955, art. 1, §§ 2—8, 11, 12, art. 4, § 9; Ord. No. O-2015-1, 3-9-2015)

State law reference—Smoking in certain public places, 18 V.S.A. § 1741 et seq.

Sec. 12-48. Certain animals restricted.

No horses, cattle, goats or swine or dog, fox or mink kennels or hen yards or rabbitries shall be kept so near the dwelling house of any other persons or so near to any public street, lane or alley, so as to be a nuisance or deleterious to persons residing in the vicinity. The determination and orders of the Selectboard in such cases shall be final. All horse, cattle and goat farms, hog pens, hen yards or rabbitries must be kept clean and sanitary, and deodorized by the application of dried muck, dried earth or some other effective absorbent or disinfectant.

(Code 1990, § 7-48; Ord. of 5-4-1955, art. 1, § 13; Ord. of 8-15-1956)

Sec. 12-49. Transportation of certain materials restricted.

No person shall transport any ashes, tin cans, garbage or rubbish of any description on any street, highway or other public thoroughfare within the town except in an enclosed truck, vehicle or container or in an open truck or vehicle which has a tarpaulin covering tied down or secured over the refuse being transported.

(Code 1990, § 7-49; Ord. of 5-4-1955, art. 1, § 9; Ord. of 2-24-1969)

Secs. 12-50—12-71. Reserved.

DIVISION 3. NUISANCES AFFECTING MORALS AND DECENCY

Sec. 12-72. Certain exhibitions prohibited.

No person shall publicly make any indecent, immodest, or immoral exhibition of their person or of any animal or thing or cause or procure any person to do so.
(Code 1990, § 7-66; Ord. of 5-4-1955, art. 2, § 1)

Sec. 12-73. Disorderly houses prohibited.

No person shall permit said person's building or other place to be used, frequented or resorted to by riotous or disorderly persons, vagrants, gamblers or common prostitutes or shall permit any riotous or disorderly conduct therein or thereabout.
(Code 1990, § 7-67; Ord. of 5-4-1955, art. 2, § 3)

Sec. 12-74. Certain pictures, literature, etc., prohibited.

No person shall sell, offer to sell, offer for sale or display any indecent or immoral literature, pictures, articles or other object or thing of an indecent or immoral nature.
(Code 1990, § 7-68; Ord. of 8-15-1956)

Sec. 12-75. Games of chance prohibited.

No person shall expose in or upon a street, public place or common a table or device of any kind for the purpose of having any game of chance played, nor play any game at such table or device in or upon any street, public place or common within the limits of the town.
(Code 1990, § 7-69; Ord. of 5-4-1955, art. 3, § 1)

Secs. 12-76—12-93. Reserved.

DIVISION 4. NUISANCES AFFECTING PROPERTY

Sec. 12-94. Destruction of public property prohibited.

No person shall injure, deface or destroy a guidepost, guide board, traffic sign, lamp or electric light post or light thereon or a building, fence post, or anything set, erected or made for the ornament of the town.
(Code 1990, § 7-86; Ord. of 5-4-1955, art. 3, § 2)

Sec. 12-95. Destruction of private property prohibited in public ways.

No person shall move, mutilate or destroy, without the consent of the Selectboard, a sign, signpost, awning or other thing the private property of individuals lawfully set, erected or placed in or upon a street, highway or public place.
(Code 1990, § 7-87; Ord. of 5-4-1955, art. 3, § 3)

Sec. 12-96. Certain activity in public places restricted.

(a) No person shall beg in or upon a street or other public place, or lurk, loiter, or prowl about the premises of a citizen or in or about a restaurant, eating house, hotel or other place without giving a satisfactory account of said presence or the honesty of said person's intentions.

(b) No person shall commit any nuisance in or on any street, highway, or public square, or in any stairway, hallway, or other public place.

(c) No person shall, by noise, gesture or other means, wantonly and designedly frighten a horse in the street or public place.

(d) No person shall throw stones or other missiles in or upon any public street, common or other public place in the town.

(e) No person shall course, coast or slide upon any board, sled, vehicle or other thing upon any sidewalk or footwalk within the limits of the town.

(f) No person shall course, coast, or slide upon any sleigh, sled, vehicle or other thing in any streets or highways within the limits of the town, except such streets as shall be designated by the Selectboard.

(g) No person shall ride or use a bicycle upon any sidewalk or footpath within the town.

(h) No person shall suspend or cause to be suspended or displayed any sign, flag, article or merchandise or other thing over any sidewalk or street in the town unless the lowest part thereof is at least ten feet above the sidewalk or street. No such sign, flag, article or merchandise or other thing shall be so suspended or maintained without written permission from the Selectboard, which permission shall be revocable. Any person having such permission and suspending or displaying any such signs, flags, articles or merchandise or other things shall in all respects conform to any direction in relation to the location, extent, construction and maintenance thereof which shall be given by the Selectboard.

(i) No signs, articles or merchandise or any other thing shall be displayed or maintained on any street or sidewalk within the limits of the town except that, when authorized by the Selectboard, a person maintaining a regular place of business may display articles from their stock of merchandise in front of their place of business within an area prescribed in such authorization.

(j) A person owning or controlling a building from which snow, ice or water slides or falls or may slide or fall upon a street or sidewalk within the town shall construct and maintain a guard upon the roof of the building to prevent snow, ice or water from sliding or falling from the building upon the street or sidewalk.

(k) No person shall project, by means of any air pipe, blow-pipe, air gun, popgun, spring gun, bow gun, cross-bow or slingshot, any missile or substance whatsoever in or into any public street, highway, court, square, park, avenue or place within the town.

(l) No person shall place, replace or maintain any awning or shade over any part of any sidewalk unless it is safely and securely fastened and located and constructed so as to leave the walk obstructed. The lowest part of such awning or shade shall be not less than seven feet above the sidewalk and in no case shall it extend beyond the line thereof.

(m) No person shall allow limbs of trees, shrubbery, fence posts, gates or other material to obstruct the sidewalks interfering with the free use by pedestrians.

(n) No person, except by permission of the Selectboard, shall use the public streets or sidewalks in a manner which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.

(o) No person shall operate an automobile in a public way in such a manner as to cause to be thrown mud, oil or water onto a pedestrian on any public sidewalk in the town.
(Code 1990, § 7-88; Ord. of 5-4-1955, art. 2, §§ 2, 7, 8, art. 3, § 4, art. 4, §§ 1—8, 10, 13, 15)

Sec. 12-97. Stolen or overdue library materials.

Any person who willfully damages, defaces or removes without authorization any book, recording, object or other property from the town library, or who detains any property borrowed from the town library for more than 30 days, after receiving written notice to return the property by certified mail, shall be fined the replacement value of the book, recording, object or other property. Each piece of library property shall be a single offense.
(Code 1990, § 7-89; Ord. No. O-1994-1, § II, 12-19-1994)

Secs. 12-98—12-122. Reserved.

DIVISION 5. NUISANCES AFFECTING PEACE AND SAFETY

Sec. 12-123. Disturbing lawful assembly prohibited.

No person shall willfully disturb or annoy a lawful assembly of people, or organized meeting of any kind or cause the same to be done in any manner or by any unlawful means whatsoever.
(Code 1990, § 7-106; Ord. of 5-4-1955, art. 2, § 4)

Sec. 12-124. Certain noises prohibited.

No person shall make loud or unusual noises and annoying vibrations which offend the public peace and quiet.
(Code 1990, § 7-107; Ord. of 5-4-1955, art. 4, § 12)

Sec. 12-125. Discharging certain fireworks and explosive devices prohibited.

No person shall, except in the performance of some duty required by law, discharge any squibs, firecrackers, fireworks of any kind or other preparation whereof gunpowder or other explosive substance is an ingredient, or which consists wholly of the same, within the principal inhabited areas of the town or within 500 feet of any dwellinghouse or into or across a public highway therein except by authority from the Selectboard.
(Code 1990, § 7-108; Ord. of 5-4-1955, art. 3, § 5; Ord. of 10-31-1956; Ord. No. O-1989-04, §§ I—IV, 10-23-1989)

Sec. 12-126. Discharge of firearms restricted.

(a) The health, safety and welfare of the inhabitants of the town requires the restriction of the discharge of firearms within certain areas of the town.

(b) No person shall discharge or fire, or cause to be discharged or fired, any revolver, pistol, rifle, shotgun, air rifle, BB gun or other similar firearm or weapon within 500 feet of any dwelling, residence, barn, stable or from any road or street or on any property owned by the town. This section does not apply to those areas within the town that are zoned by the zoning regulations as land reserve, residential agriculture or low density residential; nor shall it apply to the Bryant Municipal Forest.

(c) This prohibition shall not apply to the use thereof by a duly constituted law enforcement officer when such use is reasonably necessary in the performance of the officer's duties. This section shall not prevent the discharge of firearms on any properly constructed range or in conduct of a contest, shoot, meet or game when reasonable precautions are taken for the protection of the public safety and permission for the use has first been obtained by the chief of police. This prohibition shall not prevent the use of firearms for the disposal of animals when permission for such use had been first obtained by the chief of police.

(d) A person who violates any provision of this section shall be fined not less than $25.00 nor more than $50.00, or be imprisoned for not more than 30 days.

(Code 1990, § 7-109; Ord. No. O-1989-10, §§ I—IV, 10-23-1989)

State law references—Authority to regulate or prohibit the use or discharge of firearms consistent with 24 V.S.A. § 2295 and exemption for sport shooting ranges, 10 V.S.A. § 5227, 24 V.S.A. § 2291(8); authority regarding regulation of firearms, 24 V.S.A. § 2295.

Sec. 12-127. Disorderly conduct, inhibiting use or access to public and private property.

(a) No person shall intentionally cause public inconvenience, disturbance or annoyance, or with reckless disregard of the risk thereof, by:

(1) Obstructing or impeding vehicular or pedestrian traffic upon any street, highway or sidewalk; or

(2) Obstructing, impeding, or in any way inhibiting access to an entrance to public or private property.

(b) Violation of this section shall constitute a crime. Prior to issuing a citation to any person under subsection (a)(2) of this section, a law enforcement officer shall give notice to the person that said person's conduct is in violation of town ordinance and shall order the person to cease such conduct and leave that place. Upon the person's failure to comply with such order, a citation for violation of subsection (a)(2) of this section may be issued and the person's refusal to comply with the order of the law enforcement officer shall create a presumptive inference that the proscribed conduct was done intentionally or recklessly.

(c) In addition to citing a person for violating the provisions of subsections (a)(1) and (2) of this section, whenever any law enforcement officer shall observe any act or conduct proscribed in such subsections, said officer may, if deemed necessary for the preservation of the public peace and safety, order the person engaged in such act or conduct to leave that place. Any person who shall refuse to leave after being ordered to do so by a law enforcement officer shall be guilty of a violation of this subsection.

(d) A person who violates any provision of this section shall be fined not more $500.00 or be imprisoned for not more than 60 days, or both.
(Ord. No. O-1997-1, 6-9-1997)

Secs. 12-128—12-152. Reserved.

DIVISION 6. ENFORCEMENT

Sec. 12-153. Penalty; appeals to town manager; violations brought before judicial bureau.

(a) A civil penalty of not more than $100.00 may be imposed for violation of divisions 1 through 5 of this article.

(b) Any fine or penalty may be appealed to the town manager. The appeal shall be in writing and shall be filed with the town manager within ten days of the invoice date. The appeal shall be acted upon by the town manager within 15 days after the receipt of the appeal notice. Upon such appeal, the town manager shall act to reserve, affirm or modify in any regard the original invoicing determination of the administrative officer. The town manager shall issue a written decision to the aggrieved party.

(c) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to 4 V.S.A. § 1 et seq. and 24 V.S.A. § 1971 et seq. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under 24 V.S.A. § 4301 et seq. in which instance the action shall be brought in the environmental division of the superior court.

(d) The judicial bureau, on application of the town, may order that a civil ordinance violation cease.

(e) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of 24 V.S.A. § 4301 et seq.
(Ord. No. O-2015-1, 3-9-2015)

Secs. 12-154—12-174. Reserved.

DIVISION 7. CERTAIN NUISANCES WITHIN SCHOOL AND LICENSED DAY CARE ZONES

Sec. 12-175. Purpose.

(a) The quality and character of the areas which are proximate to schools and state licensed or registered child care programs are of special concern to the town community for a variety of reasons, including, but not limited to, the following:

(1) Such areas are areas frequented by children and vulnerable adults;

(2) Such areas are areas frequently surveyed by persons interested in investing in the community, or becoming a resident of the community.

(b) The federal and state governments have found it to be in the best interest of the public health, safety and welfare to prohibit certain persons who have been found guilty of certain crimes from residing in or near such areas, and enhance certain penalties for drug activity in school zones.

(c) In recognition of the increased pedestrian traffic, especially that of children, the town and the state have provided for decreased speed limits within such areas, all in the best interest of the health, safety and welfare of the community.

(d) There have been several studies linking the existence of dilapidated buildings, buildings which are poorly maintained, or having other signs of blight such as broken windows, boarded up windows, graffiti, haphazard use of flake board or plywood to replace siding or windows to crime or less than wholesome activities.

(e) There has been local input from real estate professionals which indicates that run down neighborhoods located near schools have a disproportionate adverse effect on the value of property throughout the community.

(f) It is in the best interest of the health, safety and welfare of the community that a high priority be assigned to cleaning up and requiring appropriate exterior maintenance of structures within a school zone.
(Ord. No. O-2016-1, 3-28-2016; Ord. No. O-2018-2, 7-28-2018)

Sec. 12-176. Prohibition.

No owner or occupant of land within a school or state licensed or registered child care program zone within the town shall cause, allow or suffer any structure within said zone to become blighted or dilapidated and/or ill-maintained or ill-repaired.
(Ord. No. O-2016-1, 3-28-2016; Ord. No. O-2018-2, 7-28-2018)

Sec. 12-177. 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:

Blighted, dilapidated, ill-maintained or ill-repaired includes the following:

(1) Broken windows not repaired within 14 days by replacing the glass window;

(2) Graffiti not promptly removed;

(3) Use of any unfinished building material such as Tyvek, plywood or flake board or metal roofing as an exterior veneer, or to board up broken doors or windows, except on a temporary basis not exceeding 14 days;

(4) Failure to maintain surfaces which were designed to be protected from the elements by continuous roofing, paint, stain or siding;

(5) Use of porches or decks visible from the sidewalk or street for storage of trash, or junk;

(6) Failure to keep the structure secure from the elements or the use of tarps to secure the structure from the elements except on a temporary basis not to exceed 14 days.

School or state licensed or registered child care program zone means within 500 feet of the property boundary of a public or accredited private school or state licensed or registered child care program. In July of each year, the map that defines the parcels included in the zone will be updated.
(Ord. No. O-2016-1, 3-28-2016; Ord. No. O-2018-2, 7-28-2018)

Sec. 12-178. Penalty and enforcement.

A violation of this division shall be a civil matter which may be enforced in the state judicial bureau or in the county superior court, at the election of the town manager.

(1) Violations enforced in the judicial bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq.

a. A municipal ticket will be issued 15 days after written notification of violation is mailed by the town manager or town manager's designee if the violation has not been corrected in accordance with this division. Each day that the violation continues shall constitute a separate violation of this division.

b. For purposes of issuing the municipal ticket or enforcement in the judicial bureau, the town manager or town manager's designee shall be the designated enforcement officer. Said designee shall issue tickets and may be the appearing officer at any hearing.

(2) Violations enforced in the superior court shall be in accordance with the Vermont Rules of Civil Procedure. The town may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than $800.00 per violation may be imposed for violation of this division. A civil action may be initiated in the superior court within 30 days after written notification of violation is mailed by the town manager or town manager's designee. Each day that the violation continues shall constitute a separate violation of this division.

(3) The Selectboard, town manager, or the town manager's designee may grant an extension of any time deadline set forth herein if the property owner presents a bona fide reasonable justification for such an extension made in writing before the time period has expired.
(Ord. No. O-2016-1, 3-28-2016; Ord. No. O-2018-2, 7-28-2018)

Secs. 12-179—12-209. Reserved.

DIVISION 8. CERTAIN NUISANCES CAUSED BY VACANT BUILDINGS

Sec. 12-210. Authority.

This division is adopted by the Selectboard of the town under authority granted in 24 V.S.A. §§ 2291(13) through (15), and 1971 et seq.
(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Sec. 12-211. Purpose.

(a) The town Selectboard finds and declares that:

(1) There exist in the town, vacant buildings or mobile homes that have become dangerous or unsafe.

(2) Buildings that are vacant or vacant in a state of disrepair, are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the street and town and have other undesirable effects. This is especially true within the more densely developed portions of the town.

(3) Buildings that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire, presenting a danger to neighborhoods.

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

(5) Buildings 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 within the more densely developed portions of the town where there are commercial areas, industrial areas, and residential neighborhoods.

(6) Allowing buildings to remain indefinitely vacant in the developed portions of the town, even in the absence of code violations or boarding, is detrimental to the public health, safety and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other property within the neighborhood; may pose a danger to first responders in an emergency; and detracts from the appearance and good order of the neighborhood.

(7) Rehabilitation of these buildings 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 public safety and to ensure and enhance the vitality and livability of our neighborhoods, and economic viability of our commercial and industrial areas.

(b) The purpose of this division is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, health and safety hazards, and other harmful effects that arise from vacant buildings, in densely developed commercial, industrial and residential areas of the town consistent with the authority vested in the town to protect the health, safety, and welfare of the public.

(c) This division shall apply to all vacant buildings and their associated properties within areas served by water or the municipal sewer in the town.

(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Sec. 12-212. 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:

Town manager or the town manager's designee is the officer appointed by the town Selectboard to enforce this division. Nothing in this division shall prevent the town manager or town manager's designee

from performing their duties under other regulations or divisions that he or she may be designated to administer and enforce. This division shall be considered cumulative in nature and therefore may be enforced in addition to any other division which may also apply. A determination made under the provisions of this division shall not be considered a determination by a zoning official, but rather strictly a determination regarding enforcement of a nuisance division of the town.

Vacant building.

(1) The term "vacant building" means any building or structure that is unoccupied by a person or occupied by unauthorized persons for more than 60 days, excepting any residential accessory building, garage, barn, vacation property, building or structure used only on a seasonal basis or a building subject to a town Selectboard or town manager accepted redevelopment plan.

(2) For residential buildings, the term "vacant building" means that no one is legally maintaining a residence in the building. For two-family and multifamily dwellings, this means that none of the units are legally occupied. Housing which is used seasonally is not considered vacant.

(3) For businesses, the term "vacant building" means the building is not open for business on a regular basis.

(4) For industrial buildings, the term "vacant building" means there are no employees arriving on a regular basis and no work is being performed.

(5) A building subject to a redevelopment plan accepted and approved by the town Selectboard means a building where the bona fide estimate of the cost of redeveloping or rehabilitating the building exceeds $500,000.00 and the owner of the building has submitted a plan with accompanying studies for redeveloping the building including a short-term plan for making the building secure and improving the exterior aesthetics of the building and its surrounding site. The plan shall, in addition, provide:

a. Proof of reasonable liability insurance coverage for the premises.

b. A bona fide and reasonable plan for the physical redevelopment of the building and site and shall include, where applicable:

1. A study supporting said plan or preliminary engineering plans or architectural plans in support thereof.

2. Proof of compliance with permits.

3. For commercial/industrial buildings, evidence that at least a Phase I Environmental Statement has been completed.

4. Evidence of commencement of processing of any state required hazardous material investigation.

5. Evidence of sufficient capital to complete the demolition/redevelopment of the building or site, or reasonable bona fide evidence that funds will be forthcoming for such completion.

6. Assurance that the portion of the building and grounds visible from the street will be made to have a presentable and safe appearance within 14 days and will be kept in such a manner for the duration of the plan period.

7. Provision for inspection by town or state officials.
8. Provision for a reasonable completion period, and if the period is for more than two years, provide for an updated report and required town acceptance every two years.
9. The plan must have been approved as to form and assurances by the town manager and confirmed by the Selectboard.

Where the bona fide estimate of the cost of redeveloping or rehabilitating the building is $500,000.00 or less, the redevelopment plan must only include a short-term plan for making the building secure and improving the exterior esthetics of the building and the surrounding site, and further such plan must satisfy the requirements set forth in subsections (5)b.6 and 8 of this section. Such plan must be approved by the town manager.

(6) For these and other uses, the town manager or the town manager's designee shall use their best judgment to establish standards to determine whether a building is vacant. Adjoining property owners may request in writing that the town manager or the town manager's designee make a determination as to whether a building is vacant. Upon receipt of such a request, the town manager or the town manager's designee shall make such a determination within 30 days unless there has been a previous determination within the last 12 months.

(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Sec. 12-213. Obligations of vacant building owners.

(a) *Measures to secure building vacancy.* A vacant building owner shall ensure that the following measures have been undertaken to secure a vacant building:

(1) *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 shall be repaired or replaced, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather-protected, and tightly fitted and secured to the opening.

(2) *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. The use of tarps to secure the structure from the elements shall not be allowed to exceed 14 days.

(3) *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.

(4) *Foundation walls.* Foundation walls shall be maintained structurally sound so as not to pose a threat to public health and safety, and shall be capable of supporting the load which normal use may cause to be placed thereon.

(5) *Exterior walls.* Exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Exterior walls shall not be covered with unfinished building material such as Tyvek, tarps, plywood or flake board or metal roofing as an exterior veneer.

(6) *Exterior features.* Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(7) *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. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(8) *Chimneys and towers.* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(9) *Walkways.* Walkways shall be safe for pedestrian travel.

(10) *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 vacant building maintenance standards.

(11) *Premises.* The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris, graffiti, litter, portable toilets, rodents, standing water, excessive and unmaintained vegetation, and other deleterious features, and shall not pose a threat to the public health or safety.

(12) *Liability insurance.* Owners of a vacant building shall be required to maintain liability insurance for as long as the building is vacant, and, upon request of the town manager or the town manager's designee, provide proof of such insurance within 14 days. Owners who choose to self-insure shall be required to demonstrate a bond or other proof of financial assets sufficient to cover liability claims. The owner maintains the burden of proof to demonstrate compliance with this provision.

(b) *Continuing obligations of owners.* The obligations of owners of vacant buildings are continuing obligations that are effective throughout the time of vacancy.
(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Sec. 12-214. Penalty and enforcement.

A violation of this division shall be a civil matter which may be enforced in the state judicial bureau or at the election of the town manager or the town manager's designee, in the state superior court, civil division, Windsor unit.

(1) Where it is necessary to make an inspection to enforce this division, or where the town manager or the town manager's designee has reasonable cause to believe there is a structure which is vacant, the town manager or the town manager's designee shall first make a reasonable effort to locate the owner or other person having charge of the structure or premises and request entry. If

entry is refused or permission cannot be gained, the town manager or the town manager's designee may secure access by commencing an action in the state superior court, civil division, Windsor unit.

(2) Where requested by the town manager or the town manager's designee, the owner shall allow for a code compliance inspection of the interior of the vacant building. Such inspection will determine the extent of compliance with town property, building, health, fire, water, and sewer codes.

(3) Violations enforced in the judicial bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than $500.00 per violation may be imposed for violation of this division.

a. Upon receipt of information that a building is vacant and in violation of this division, the town manager or the town manager's designee shall mail a written notification of violation to the building owner and a copy shall be posted on the entrance of said building.

b. The Selectboard, town manager, or the town manager's designee may grant an extension of any time deadline set forth herein or in the notice, if the property owner presents a bona fide reasonable justification for such an extension made in writing before the time period has expired.

c. A municipal ticket will be issued 30 days after written notification of violation is mailed by the town manager or the town manager's designee if the violation has not been corrected in accordance with this division. Each day that the violation continues shall constitute a separate violation of this division.

d. For purposes of enforcement in the judicial bureau, the town manager or the town manager's designee shall be the designated enforcement officer. Said designee shall issue tickets and may be the appearing officer at any hearing.

(4) Violations enforced in the superior court shall be in accordance with the state rules of civil procedure. The town may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than $500.00 per violation may be imposed for violation of this division. A civil action may be initiated in the superior court within 30 days after written notification of violation is mailed by the town manager or town manager's designee(s) if the violation has not been corrected in accordance with this division. Each day that the violation continues shall constitute a separate violation of this division.

(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Sec. 12-215. Appeals of town manager's or the town manager's designee's actions.

Any owner or agent aggrieved by an order of the town manager or the town manager's designee under this division may appeal within seven days of the issuance of the municipal ticket, to the Selectboard. The notice of appeal must be in writing and filed with the town clerk. The decision of the Selectboard shall be final.

(Ord. No. O-2016-2, 7-25-2016; Ord. No. O-2018-3, 7-28-2018)

Secs. 12-216—12-238. Reserved.

ARTICLE III. HAZARDOUS WASTES*

Sec. 12-239. Purpose.

For protection of the health, safety, and welfare of the inhabitants of the town, it is necessary for the Selectboard to have authority to determine, where and when necessary, that certain parcels of land within the town contain hazardous wastes, toxic materials or harmful chemical matter. Upon such determination, the Selectboard may restrict the uses and activities upon the lands consistent with the provisions in this article.
(Code 1990, § 7-126; Ord. No. O-1988-2, § I, 4-18-1988)

Sec. 12-240. Applicability.

(a) This article shall apply to any parcel of land determined to contain hazardous waste, harmful or toxic substances by the United States Environmental Protection Agency (EPA) and declared to be a superfund site or an otherwise hazardous place.

(b) This article shall also apply to any parcel of land determined to contain hazardous waste, harmful or toxic substances by the Selectboard or any applicable agency of the state.

(c) The restrictions in this article may apply to any parcel of land adjacent to land determined to be subject to section 12-239 and subsections (a) and (b) of this section or to any parcel of land which carries seepages or any above or below ground watercourse containing hazardous or toxic materials from land described in section 12-239 and subsections (a) and (b) of this section.
(Code 1990, § 7-127; Ord. No. O-1988-2, §§ II—IV, 4-18-1988)

Sec. 12-241. Restrictions.

The Selectboard, to protect the health and welfare of the inhabitants of the town, may, by resolution, upon the designation that a parcel of land contains hazardous, harmful or toxic wastes or chemicals, restrict the subject land in one or more of the following ways:

(1) Prohibit the construction of or the maintenance of habitable buildings or other structures upon the subject premises;

(2) Prohibit the breaking of the surface of the soil by digging, trenching, drilling, boring or disruption of the soil surface;

(3) Prohibit the growing of crops upon the subject premises, the consumption or transportation thereof;

(4) Prohibit any residential, commercial or recreational use of the premises;

(5) Prohibit the taking, use or consumption of water from or which flows through the subject premises either above or below the soil surface;

(6) Prohibit the excavation, filling or depositing of any solid or liquid material on the subject premises, including the sewage, sludge or other waste material;

***State law references**—Waste management, 10 V.S.A. § 6601 et seq.; hazardous waste, 10 V.S.A. §§ 6606—6621c.

(7) Prohibit the making of any change in the topography of the subject premises;

(8) Prohibit the entry upon the subject premises by any person where the degree of danger is such as to be a threat to life or to health;

(9) Prohibit any activity on or near the subject premises which would tend to alter the water table thereon;

(10) Place any other restriction on the subject premises which may in the exercise of prudence be necessary for public protection, including posting or fencing of the premises.

(Code 1990, § 7-128; Ord. No. O-1988-2, § V, 4-18-1988)

Sec. 12-242. Designation by resolution.

The Selectboard shall designate such parcels of land as are subject to this article by resolution. In the resolution the Selectboard shall determine the applicable restrictions necessary to carry out the purposes of this article.

(Code 1990, § 7-129; Ord. No. O-1988-2, § VI, 4-18-1988)

Sec. 12-243. Notice required for restrictions, etc.

Prior to the adoption, modification or removal of a limitation imposed by resolution pursuant to the terms of this article, the Selectboard shall cause notice to be given to each affected landowner and to any other person who may have a record interest in the premises and to any necessary state or federal agency.

(Code 1990, § 7-130; Ord. No. O-1988-2, § VII, 4-18-1988)

Sec. 12-244. Form and contents of notice.

(a) The notice shall include:

(1) A statement of the time, place and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved; and

(4) A short and plain statement of the matters at issue.

(b) If the Selectboard or other agency is unable to state the matters in detail at the time notice is served, the initial notice may be limited to a statement of the issues involved. As soon as possible thereafter, a more definite and detailed statement shall be furnished.

(Code 1990, § 7-131; Ord. No. O-1988-2, § VII(A), 4-18-1988)

Sec. 12-245. Hearing and disposition.

(a) *Hearing.* All persons who respond to the notice shall have an opportunity to present evidence and an argument on all issues involved.

(b) *Informal disposition.* Unless precluded by law, informal disposition may be made by stipulation, agreed settlement, consent order, or default.

(Code 1990, § 7-132; Ord. No. O-1988-2, § VII(B), (C), 4-18-1988)

Sec. 12-246. Record.

The record in each case shall include:

(1) All pleadings, motions, and intermediate rulings;

(2) All evidence received or considered;

(3) A statement of matters officially noticed;

(4) Questions and offers of proof, objections and rulings thereon;

(5) Proposed findings and exceptions; and

(6) Any decision, opinion or report.

(Code 1990, § 7-133; Ord. No. O-1988-2, § VII(D), 4-18-1988)

Sec. 12-247. Evidence and transcripts.

(a) *Evidence.* Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(b) *Transcripts.* Oral proceedings or any part thereof shall be transcribed on request of any party subject to other applicable provisions of law and upon payment by the requesting party of the reasonable costs thereof.

(Code 1990, § 7-134; Ord. No. O-1988-2, § VII(E), (F), 4-18-1988)

Chapter 13

RESERVED

Chapter 14

LICENSES AND BUSINESS REGULATIONS*

Article I. In General

Sec. 14-1. Enforcement.
Secs. 14-2—14-20. Reserved.

Article II. Licenses

Sec. 14-21. License required, fee.
Sec. 14-22. Fee payable to and issued by town clerk's offices.
Sec. 14-23. Unlawful not to obtain license when required.
Sec. 14-24. Suspension and revocation of license.
Secs. 14-25—14-51. Reserved.

Article III. Sewer Plumbers and Drain Layers

Sec. 14-52. Requirements.
Sec. 14-53. Application and fee.
Sec. 14-54. Decision on application.
Sec. 14-55. Bond and insurance.
Sec. 14-56. License fee.
Sec. 14-57. License expiration.
Sec. 14-58. Revocation of license.
Sec. 14-59. Responsibilities of licensed drain layers.

***Charter reference**—Licenses, art. one, VIII, B, C.

State law references—Regulation of entertainment, 31 V.S.A. § 401 et seq.; regulation of dance halls, bowling alleys, pool halls, 31 V.S.A. § 501.

ARTICLE I. IN GENERAL

Sec. 14-1. Enforcement.

(a) A civil penalty of not more than $100.00 may be imposed for violation of a civil ordinance under this chapter.

(b) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to 4 V.S.A. § 1 et seq., and 24 V.S.A. § 1971 et seq. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under 24 V.S.A. § 4301 et seq., in which instance the action shall be brought in the environmental division of the superior court.

(c) The judicial bureau, on application of the town, may order that a civil ordinance violation cease.

(d) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of 24 V.S.A. § 4301 et seq.
(Ord. No. O-2013-3, 9-9-2013)

Secs. 14-2—14-20. Reserved.

ARTICLE II. LICENSES

Sec. 14-21. License required, fee.

(a) The Selectboard hereby adopts the following provisions to license the following businesses open and available to the general public and conducted within the town and to collect the fee as follows:

Category	*Fee*
Concessionaires	$10.00
Junk dealers	$10.00
Moving picture theatres	$10.00
Itinerant photographers	$10.00
Peddlers of clothing	$10.00
Peddlers of jewelry	$10.00
Peddlers of rugs and floor covering	$10.00
Peddlers of office supplies	$10.00
Peddlers of hardware	$10.00
Peddlers of automobile parts	$10.00
Peddlers of electrical appliances and accessories	$10.00
Peddlers of dishware and glassware	$10.00
Peddlers of silverware	$10.00
Peddlers of furniture and household supplies	$10.00

Category	*Fee*
Peddlers of meats and groceries	$10.00
Peddlers of cosmetics	$10.00
Peddlers of kitchen utensils	$10.00
Peddlers of merchandise other than the above specified lines of merchandise	$10.00
Pool rooms, billiard rooms, video arcades or bowling alleys	$10.00
Restaurants, lunch carts or other public eating places	$10.00
Taxi, each vehicle	$10.00
Sewer plumbers and drain layers	$10.00

(b) All licenses shall expire May 31 of each year.

(Code 1990, § 8-1; Ord. of 5-4-1955, § 1; Ord. of 10-31-1956, § 1; Ord. of 5-14-1958; Ord. of 5-17-1961; Ord. of 8-1-1961; Ord. No. O-2013-3, 9-9-2013)

Sec. 14-22. Fee payable to and issued by town clerk's offices.

The fees or charges set forth in section 14-21 shall be payable at the town clerk's office by those subject to the payment. Upon such payment a license shall be issued unless contrary to the public good as defined in section 14-24.

(Code 1990, § 8-2; Ord. of 5-4-1955, § 3)

Sec. 14-23. Unlawful not to obtain license when required.

It is unlawful for any individual, firm or corporation, whether principal, associate or agent, to carry on or participate in any business or operation requiring a license under section 14-21 without first having paid the fees or charges required and secured a license when due.

(Code 1990, § 8-3; Ord. of 5-4-1955, § 2)

Sec. 14-24. Suspension and revocation of license.

A majority of the Selectboard may suspend any license for cause after a hearing. The Selectboard shall give such licensee a hearing to show cause why the license should not be revoked, and at such hearing may revoke the license if they find the public use of the license is contrary to the public good. The term "contrary to the public good" shall be defined as follows:

(1) Conduct offensive to the public morals or the public health;

(2) Allowing loud, noisome or offensive conduct on or about the licensed premises;

(3) Violation of any ordinance or law by any licensee, or any licensee's agents, representatives, or associates;

(4) Employment of trickery or chicanery in transactions with the public; or

(5) Conduct likely to result in the aforesaid.

(Code 1990, § 8-4; Ord. of 5-4-1955, § 4)

Secs. 14-25—14-51. Reserved.

ARTICLE III. SEWER PLUMBERS AND DRAIN LAYERS

Sec. 14-52. Requirements.

Plumbers and drain layers of established reputation and experience will be licensed by the Selectboard as master drain layers authorized to perform work, subject to compliance with the requirements in this article.
(Code 1990, § 8-26; Ord. No. O-1976-2, § 17-309(A), 11-29-1976)

Sec. 14-53. Application and fee.

Applicants for licenses are required to pay a filing fee of $10.00 as master drain layer which is payable to the town. All of which will be refunded to the applicant if the applicant's application is rejected.
(Code 1990, § 8-27; Ord. No. O-1976-2, § 17-309(A)(1), 11-29-1976)

Sec. 14-54. Decision on application.

Applicants for licenses will be approved or disapproved within a period of 31 days after filing the application.
(Code 1990, § 8-28; Ord. No. O-1976-2, § 17-309(A)(4), 11-29-1976)

Sec. 14-55. Bond and insurance.

(a) If approved by the Selectboard, applicants for licenses shall file with the Selectboard a proper and acceptable performance and guarantee bond in the amount of at least $1,000.00, which shall remain in full force and effect for a period of one year from the date of application.

(b) Applicants for licenses, after approval by the Selectboard, shall file with the Selectboard a certificate of insurance in the sums of $50,000.00/$100,000.00 to cover public liability and a certificate of insurance in the sum of $10,000.00 covering property damage. In addition, a certificate of insurance covering worker's compensation shall be filed. All of which shall remain in full force and effect for a period of at least one year from the date of approval.

(c) The insurance shall indemnify the Selectboard and the town against any and all claims, liability or action for damages incurred in or in any way connected with the performance of the work by a master drain layer and for or by reason of any acts or omission of the master drain layer in the performance of such work.

(d) All policies shall be written so that the Selectboard will be notified in writing of cancellation or restrictive amendment at least 15 days prior to the effective date of such cancellation or amendment.
(Code 1990, § 8-29; Ord. No. O-1976-2, § 17-309(A)(2), (3), 11-29-1976)

Sec. 14-56. License fee.

The Selectboard will license journeyman plumbers and drain layers who are personally engaged in making physical installation of sewer and drain connections upon payment of the license fee in section 14-21. If acting in the capacity of a contractor, all provisions of sections 14-52 through 14-55 shall apply to this category.
(Code 1990, § 8-30; Ord. No. O-1976-2, § 17-309, 11-29-1976)

Sec. 14-57. License expiration.

All licenses expire on June 30 of each year. No licenses are transferable. The fee for each renewal shall be $10.00 which shall be due and payable on or before June 30.
(Code 1990, § 8-31; Ord. No. O-1976-2, § 17-309, 11-29-1976)

Sec. 14-58. Revocation of license.

(a) The Selectboard reserves the right to revoke any license if any provision of the license is violated.

(b) Whenever, in the opinion of the Selectboard or its authorized agent, any licensee hereunder has violated any of the provisions of this article or section 26-73 et seq., the Selectboard may revoke the license.
(Code 1990, § 8-32; Ord. No. O-1976-2, §§ 17-309, 17-310(H), 11-29-1976)

Sec. 14-59. Responsibilities of licensed drain layers.

All licensees issued licenses pursuant to this article are required to give personal attention to all installations and shall employ only competent workers.
(Code 1990, § 8-33; Ord. No. O-1976-2, § 17-310, 11-29-1976)

Chapter 15

RESERVED

Chapter 16

PERSONNEL*

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Merit System

Sec. 16-19. Declaration of policy.
Sec. 16-20. Coverage.
Sec. 16-21. Personnel director.
Sec. 16-22. Personnel advisory board.
Sec. 16-23. Adoption of rules.
Sec. 16-24. Appointments.
Sec. 16-25. Preparation of position classification and pay plan.
Sec. 16-26. Adoption and amendment of classification and pay plans.
Sec. 16-27. Probationary period.
Sec. 16-28. Suspensions, demotions, and dismissals.
Sec. 16-29. Appeals.
Sec. 16-30. Political, religious, racial and sex discrimination.
Sec. 16-31. Anti-nepotism.
Sec. 16-32. Political activity.
Sec. 16-33. Status of present employees.
Sec. 16-34. Right to contract for special service.
Sec. 16-35. Consultation with employees.
Sec. 16-36. Recommended retirement age.
Sec. 16-37. Prohibitions.

***Editor's note**—The personnel rules and policies and classification and pay plan of the town are on file in the town clerk's office.

Charter references—Appointed nonadministrative officials, art. two, IV; appointed personnel, art. two, IV, B; personnel system, art. three, IV, C.

State law references—Personnel practices, 21 V.S.A. § 381 et seq.; authority to adopt personnel policies, 24 V.S.A. § 1121.

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. MERIT SYSTEM*

Sec. 16-19. Declaration of policy.

Employment in the town government shall be based on merit and free of personal and political considerations. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in operation of the town government. Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis. Appointments, promotions and other personnel action requiring the application of the merit principle shall be based on systematic tests and evaluations. Every effort shall be made to stimulate high morale by fair administration and by every consideration of the rights and interest of employees, consistent with the best interest of the public and the town. Continuity of employment covered by this article shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.
(Code 1990, § 9-26; Ord. No. O-1973-2, § 1-1, 2-5-1973)

Sec. 16-20. Coverage.

(a) All offices and positions of the town shall be and are hereby allocated to the exempt service and classified service. The exempt service shall include all elected officials and members of citizen boards and commissions, the town manager, members of the volunteer fire department, part-time employees and all other personnel appointed to serve without compensation. Persons within the exempt service are not covered by personnel policies or rules unless specifically provided for in the policy or rule.

(b) All other personnel shall be included in the classified service. The department heads, administrative secretaries and assistants in the town manager's office within the classified service are exempt from only those personnel rules pertaining to appointment and removal, but shall otherwise be considered within the merit system. All actions of appointment and removal of all town employees in the classified service shall be based on fitness and without regard to sex, race, religion, political affiliation or personal belief.

(c) Competitive service, where mentioned in this article, shall include all personnel under the supervision and control of the town manager.
(Code 1990, § 9-27; Ord. No. O-1973-2, § 1-2, 2-5-1973)

Sec. 16-21. Personnel director.

The town manager shall serve as personnel director or may appoint a personnel director who shall be responsible for the administration and technical direction of the town personnel program. The personnel director shall:

(1) Administer, under the direction of the town manager, the personnel program as set forth in this article and the personnel rules;

***Charter reference—**Personnel merit requirement, art. two, IV, C, 1, 3.

(2) Perform all lawful and necessary duties essential to the effective administration of the personnel system;

(3) Recommend to the town manager rules and revisions and amendments thereto for the consideration of the Selectboard;

(4) Recommend to the town manager a position classification plan and pay plan for approval by the Selectboard and install and maintain such plans;

(5) Establish and maintain a roster of all persons in the town service;

(6) Develop and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent employees;

(7) Be responsible for certification of all payrolls;

(8) Develop and coordinate training and educational programs for town employees;

(9) Investigate periodically the operation and effect of the personnel provisions of this article and rules and report findings and recommendations; and

(10) Perform such other duties as may be assigned by the town manager.

(Code 1990, § 9-28; Ord. No. O-1973-2, § 1-4, 2-5-1973)

Sec. 16-22. Personnel advisory board.

(a) *Creation and membership.* There shall be constituted a personnel advisory board of five members who are in sympathy with the merit system principle. The membership shall be as follows:

(1) *Employee membership.* Four representatives shall be elected by the employees from each of the groups of public works, fire, police and administration employees. All employees other than fire, police and public works personnel shall be represented by and have a vote in the selection of the administration representative. Each employee representative shall have one vote. Department heads shall not be eligible for membership on the personnel advisory board. To be eligible for membership to the personnel advisory board, the individual must be a permanent, full-time employee filling an authorized position with at least one year of prior town service.

(2) *Citizen member.* One member shall be selected by vote of the department heads. The town manager shall vote in the selection of the citizen member only to break a tie. Appointments to this office shall be made with special reference to prior experience in the field of personnel administration. While serving in this capacity, the citizen member shall hold no other elected or appointed town office. The citizen member shall serve as chairperson and must be a qualified elector of the town and shall serve without compensation.

(b) *Powers.* The personnel advisory board shall hear appeals submitted by any regular employee relative to any suspension, demotion or dismissal. The personnel advisory board shall also consider any personnel matter referred to it by the town manager for its recommendation. The personnel advisory board shall submit a written statement of facts, findings and recommendations to the town manager which shall be advisory only, and the action taken by the town manager shall be final and conclusive. Any hearing conducted by the personnel advisory board relating to an employee shall be open to the public if requested by the employee.

(c) *Terms of office.* The employee representatives shall be elected annually at a time to be specified and shall serve one-year terms. The citizen member shall be appointed at a time to be specified and shall serve a two-year term.

(d) *Conflicts of interest.* If any member of the personnel advisory board is involved as a party in a grievance before the board, they shall remove themselves from both the deliberation and the preparation of the recommendation to the town manager on the grievance. The town manager may, after consultation with the parties involved, appoint a temporary replacement on the board to hear the grievance.
(Code 1990, § 9-29; Ord. No. O-1973-2, § 1-5, 2-5-1973)

Sec. 16-23. Adoption of rules.

(a) The town manager shall present to the Selectboard personnel rules and regulations to be adopted by resolution by the Selectboard and shall be kept on file in the town clerk's office. The rules shall cover specific procedures and policies to govern the following phases of the personnel program:

(1) Administration of position classification and pay plans;

(2) The procurement, promotion, evaluation, transfer and separation of town personnel;

(3) Establishment of hours of work, attendance and leave regulations, and working conditions;

(4) Rules governing the outside employment of town employees;

(5) Rules governing relationships with employee organizations;

(6) Maintenance and use of necessary records and forms;

(7) A uniform system of handling all grievances; and

(8) Such other matters as may be necessary and proper to carry out the intent and purpose of this article.

(b) Amendments to the rules and regulations may be proposed by the town manager and shall become effective upon approval by the Selectboard.
(Code 1990, § 9-30; Ord. No. O-1973-2, §§ 1-6, 1-7, 2-5-1973)

Sec. 16-24. Appointments.

The personnel rules and regulations shall provide procedures for the employment of persons on the basis of merit in conformity with this article. Such procedures shall include, but need not be limited to, an orderly and systematic method of recruitment to ensure that all those employed shall be hired on a merit and equal opportunity basis.
(Code 1990, § 9-31; Ord. No. O-1973-2, § 1-8, 2-5-1973)

Sec. 16-25. Preparation of position classification and pay plan.

The personnel director shall prepare, install and maintain a position classification plan. In addition, the personnel director shall develop a uniform and equitable pay plan. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in other public and private

employment in the area, cost of living data, suggestions of department heads and employees, maintenance or other benefits received by employees, the financial policy of the town, and other economic considerations.
(Code 1990, § 9-32; Ord. No. O-1973-2, § 1-9, 2-5-1973)

Sec. 16-26. Adoption and amendment of classification and pay plans.

After consultation with department heads, the town manager shall submit the classification and pay plans to the Selectboard. The Selectboard shall adopt such plan by resolution as presented or shall modify the plan prior to adoption, as soon as is practicable after submission. The plan may be amended from time to time in the same manner as provided for its adoption.
(Code 1990, § 9-33; Ord. No. O-1973-2, § 1-10, 2-5-1973)

Sec. 16-27. Probationary period.

The rules and regulations shall provide that all original and promotional appointments shall be for a probationary period of not more than 12 months. During this probationary period, an employee may be dismissed at any time without right of appeal or hearing in any manner. The employee dismissed during the probationary period from a position to which the employee has been promoted shall be reinstated to the position from which the employee has been promoted unless charges are filed and the employee is discharged as provided in this article and the rules and regulations adopted and in effect.
(Code 1990, § 9-34; Ord. No. O-1973-2, § 1-11, 2-5-1973)

Sec. 16-28. Suspensions, demotions, and dismissals.

(a) Department heads, with the approval of the town manager, may suspend an employee without pay for disciplinary purposes. No employee shall be suspended for more than 30 days in any calendar year, except that extensions may be made pending any investigation and hearing. Department heads, with approval of the town manager, may demote or dismiss an employee whose work is unsatisfactory. Written notice of the action shall be served upon the employee affected and filed with the personnel director before it shall become effective.

(b) All suspensions, demotions and dismissals are subject to the conditions and constraints contained in this article and subsequently adopted personnel rules referenced in section 16-23.
(Code 1990, § 9-35; Ord. No. O-1973-2, § 1-12, 2-5-1973)

Sec. 16-29. Appeals.

Any regular employee who is suspended, demoted or dismissed may appeal to the personnel advisory board within a specified period of time as established by the rules and regulations in effect but in no case later than 30 days after such action.
(Code 1990, § 9-36; Ord. No. O-1973-2, § 1-13, 2-5-1973)

Sec. 16-30. Political, religious, racial and sex discrimination.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race, sex or religious beliefs.
(Code 1990, § 9-37; Ord. No. O-1973-2, § 1-14, 2-5-1973)

Sec. 16-31. Anti-nepotism.

Unless the town manager shall, following the recommendation of the department head, determine that the best interests of the town shall be served, the son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouses of any of them of any elective or appointive officer or other town employee in the competitive service are disqualified from employment within the same department. All relationships shall include those arising from adoption. The provisions of this section shall not apply to any town personnel employed as of February 5, 1973.
(Code 1990, § 9-38; Ord. No. O-1973-2, § 1-15, 2-5-1973)

Sec. 16-32. Political activity.

No employee shall engage in any political activity during working hours. Any employee who wishes to accept or seek election to any office of the town shall take a leave of absence without pay upon indicating such intention by formal declaration or other evidence of candidacy. No employee, who is not on leave of absence pursuant to this section, shall solicit, orally or by letter, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any party or political purpose whatever. No employee shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment for any party or any political purpose whatever from any employee in any department of the town. Any willful violation, or violation through culpable negligence, of any of the above prohibitions shall be sufficient grounds for the discharge of any employee guilty of such violation.
(Code 1990, § 9-39; Ord. No. O-1973-2, § 1-16, 2-5-1973)

Sec. 16-33. Status of present employees.

Any person holding a position included in the classified service who shall have served continuously in such position, or in some other position included in the competitive service, who has completed the probationary period, immediately prior to February 5, 1973, shall assume regular status in the classified service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this article. Persons who have held positions less than the regular probationary period established for their positions shall be regarded as probationers and may be certified in the same manner when they satisfactorily complete the regular working test period from the date of original appointment.
(Code 1990, § 9-40; Ord. No. O-1973-2, § 1-17, 2-5-1973)

Sec. 16-34. Right to contract for special service.

The Selectboard may contract with any competent agency for the performance by such agency of any service if such is deemed to be in the best interest of the town.
(Code 1990, § 9-41; Ord. No. O-1973-2, § 1-18, 2-5-1973)

Sec. 16-35. Consultation with employees.

The town manager is authorized to consult with, or receive suggestions from, individual town employees, groups of employees, or representatives of town employees concerning matters of personnel policy. Where appropriate, the town manager may refer any requests from employees to the personnel advisory board for its consideration and recommendations. On matters within the discretion of the town manager, the manager shall give due consideration to the views of employees. However, nothing herein shall be interpreted as depriving the Selectboard or the town manager of the right to make a final decision on matters for which they have ultimate responsibility.
(Code 1990, § 9-42; Ord. No. O-1973-2, § 1-19, 2-5-1973)

Sec. 16-36. Recommended retirement age.

The recommended retirement age for full-time employees and appointed officers shall be the age of 65 years. The personnel director is hereby directed to notify the town manager at such date as any town employee shall reach the age of 64 years. Such employee may, if said employee shall elect, retire at the age of 65 years. Service of such notice shall be by the United States mail.
(Code 1990, § 9-43)

Sec. 16-37. Prohibitions.

(a) *Impersonation.* It shall be unlawful for any person to impersonate without lawful authority any town officer or employee.

(b) *Interfering with officers.* It shall be unlawful to interfere with or hinder any officer or employee of the town while engaged in the duties of such office or employment.
(Code 1990, § 9-44; Ord. No. O-1973-2, §§ 1-21, 1-22, 2-5-1973)

Chapter 17

RESERVED

Chapter 18

PROTECTIVE SERVICES

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ARTICLE I. IN GENERAL

Sec. 18-1. Use of fire personnel and equipment outside town limits.

No fire department personnel or equipment shall go beyond the geographical limits of the town in case of fire in a neighboring town except for mutual aid calls or by express orders of the fire chief or, in the chief's absence, the next in command.
(Code 1990, § 6-1; Ord. of 6-8-1955, § 10)

Secs. 18-2—18-20. Reserved.

ARTICLE II. FIRE DEPARTMENT*

Sec. 18-21. Established.

The fire department is hereby established which shall consist of a fire chief and a deputy fire chief and full-time firefighters and paid-callpersons who shall be under the direction of the fire chief. The department shall be subject to all rules and policies adopted by the town for the government of the fire department.
(Code 1990, § 6-26; Ord. of 6-8-1955, § 1)

Sec. 18-22. Appointment of the fire chief.

The fire chief and deputy fire chief shall be appointed by the town manager and shall hold office at the manager's pleasure.
(Code 1990, § 6-27; Ord. of 6-8-1955, § 2)

Sec. 18-23. Deputy fire chief.

The deputy fire chief, in the absence of the fire chief, shall have the same control and command at all fires, drills and gatherings as the fire chief.
(Code 1990, § 6-28; Ord. of 6-8-1955, § 3)

Sec. 18-24. Residency requirements.

The fire chief and the deputy fire chief shall be residents of the town. The fire chief shall have control and command of the company and equipment.
(Code 1990, § 6-29; Ord. of 6-8-1955, § 3)

Sec. 18-25. Badges, etc.

The fire chief and deputy fire chief while on duty shall wear badges clearly indicating their respective ranks and shall wear such other insignia of office as may be designated by the Selectboard.
(Code 1990, § 6-30; Ord. of 6-8-1955, § 3)

***Charter reference**—Administrative departments, art. two, II.

Sec. 18-26. Control and command at fires.

(a) The fire chief shall have the sole control and command over all members of the fire department and all other persons present at fires.

(b) The fire chief shall have power and authority at times of fire to:

(1) Suppress tumults and riots by force if necessary;

(2) Direct the labor of all persons present during the continuance of such fires;

(3) Remove all effects endangered by such fires and protect the same from waste and depredation;

(4) Pull down or remove any house or store or other buildings where the chief may deem it necessary to prevent the spreading of fires, for which the chief and the chief's assistants shall not be held responsible;

(5) Require the aid and assistance of the inhabitants of the town.

(Code 1990, § 6-31; Ord. of 6-8-1955, §§ 4, 5)

Sec. 18-27. Membership.

A person may become a member of the fire department by appointment by the fire chief, with the approval of the town manager. The fire chief, with the approval of the town manager, shall determine the number of firefighters to be employed in the fire department. The fire chief shall determine how the personnel shall be divided into department organizations.

(Code 1990, § 6-32; Ord. of 6-8-1955, § 17)

Sec. 18-28. Training.

The fire department shall hold regular meetings for department drills at the time and place as shall be designated by the fire chief.

(Code 1990, § 6-33; Ord. of 6-8-1955, § 15)

Sec. 18-29. Conduct at fires.

Whenever a fire alarm is given, it shall be the duty of the officers and members of the fire department to report to their designated posts of duty and to conduct themselves in the most orderly and efficient manner under the direction of the officers to carry out any duties necessary or incidental to their employment as firefighters.

(Code 1990, § 6-34; Ord. of 6-8-1955, § 8)

Sec. 18-30. Records of the membership of fire department.

It shall be the duty of the fire chief to keep, or cause to be kept, fair and exact rolls of the members of the fire department specifying the date of their admission, their regularity of attendance at drills or fires and the date of the discharge of any member. The fire chief shall make or cause to be made true and accurate inventory as may be required of the apparatus and property entrusted to the chief's care. The fire chief shall make a report of the inventory as required by the Selectboard.

(Code 1990, § 6-35; Ord. of 6-8-1955, § 7)

Sec. 18-31. Certain conduct prohibited.

Any officer or member of a fire department in the town who shall willfully neglect or refuse to perform said officer or member's duty or is guilty of disorderly conduct or disobedience to said officer or member's superiors, or is under the influence of intoxicating liquor or other drugs so as to be in violation of 23 V.S.A. § 1201, shall be dismissed from the fire department. Any officer or member who shall violate any ordinance of the town relating to the fire department shall also be subject to punishment as provided by the general penalty for violation of a town ordinance in section 1-13.
(Code 1990, § 6-36; Ord. of 6-8-1955, § 9)

Secs. 18-32—18-50. Reserved.

ARTICLE III. INSPECTIONS

Sec. 18-51. Performed by fire chief or designee.

(a) The fire chief and the chief's designees may inspect the manner of manufacturing and keeping matches, lights, fireworks of all kinds, petroleum products and other combustibles and the construction and repairing of fireplaces, stoves, furnaces, heating equipment and chimneys in the town. If the fire chief deems such manufacture or the manner of storage creates a fire hazard, the chief shall order the manner in which such manufacture shall be done and the manner in which the same shall be kept. It shall be unlawful for any person to neglect to obey such order.

(b) The fire chief or the chief's designee may inspect any building within the town whenever, in the chief's judgment, an inspection is required as a matter of public safety or for the purpose of determining if a fire hazard affecting the public safety exists and this may be done upon the chief's own motion.

(c) The fire chief or the chief's designee shall inspect any particular premises at any time upon the written request of two or more discreet and trustworthy persons stating that such inspection is believed to be in the public good and for the public safety.
(Code 1990, § 6-56; Ord. of 6-8-1955, §§ 5, 11)

Sec. 18-52. Right of entry.

It is unlawful for the owner or occupant of any building to refuse to allow the fire chief or the chief's designee to examine said owner's or occupant's premises with references to the public safety or for a fire hazard if such refusal shall continue for five days after a notice in writing to such owner or occupant shall be given by the chief.
(Code 1990, § 6-57; Ord. of 6-8-1955, § 13)

Sec. 18-53. Order to repair.

Whenever the fire chief shall determine as a result of an inspection that alterations or repairs are necessary in any building for the public safety or as a preventative measure against fire, the chief shall issue an order, in writing, specifying the alterations or repairs necessary to be made in the structure or the manner combustible materials shall be kept. The fire chief shall give notice of such order to the owner or

occupant of the premises, either by certified mail, return receipt requested, addressed to such owner or occupant or by personal service of such order. Such order shall state the maximum period of time for compliance with such order that the fire chief shall deem reasonable under the circumstances.
(Code 1990, § 6-58; Ord. of 6-8-1955, § 12)

Sec. 18-54. Failure to comply with order to repair.

If the owner or occupant of such premises shall fail to comply with such order within the time specified, the fire chief shall issue a report to the Selectboard for appropriate action pursuant to the provisions of section 18-53. Such owner or occupant shall be liable for the civil penalties applicable for the violation of this article and the penalties provided for under section 1-13.
(Code 1990, § 6-59; Ord. of 6-8-1955, § 12)

Secs. 18-55—18-81. Reserved.

ARTICLE IV. PERMITS

Sec. 18-82. Required for open burning.

(a) A person shall not kindle or authorize another to kindle a fire in the open air for the purpose of burning grass, weeds, or brush of any kind, without first obtaining a burn permit from the fire chief or the chief's designee. The burn permit shall state when and where such fire may be kindled.

(b) During periods of extreme fire hazard, no burning permits shall be issued.

(c) The provisions of this section shall not apply to fires built in stone or brick outdoor grills.
(Code 1990, § 6-75; Ord. No. O-1994-1, § II, 12-19-1994)

Sec. 18-83. Enforcement.

A state municipal complaint may be issued under this section by any police officer or full-time fire department employee of the town.
(Code 1990, § 6-76; Ord. No. O-1994-1, § II, 12-19-1994)

Sec. 18-84. Penalties.

The penalty for violation of this article shall be a fine in the amount of $50.00 for the first offense. All successive offenses in a 12-month period shall result in the fine being doubled. If a person is in violation of this article and the fire department responds with apparatus, then the fine shall be in the amount of $125.00.
(Code 1990, § 6-77; Ord. No. O-1994-1, § II, 12-19-1994)

Secs. 18-85—18-111. Reserved.

ARTICLE V. RENTAL REGISTRY

Sec. 18-112. Required.

(a) All rental property owners shall file a yearly landlord registry report with the administrative officer identifying their rental residential dwelling units for each building in the town.

(b) Regulatory authority.

(1) The state defines buildings in which people rent accommodations, whether overnight or for a longer period of time, as a public building in 20 V.S.A. § 2730(a)(1)(D).

(2) The town board of health, health officer, and the planning and zoning administrator ("administrative officer") are responsible for ensuring that all public buildings in the town are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants.

(3) The state department of public safety, division of fire safety maintains building and life safety code enforcement to the state, adopted codes and standards. The town, through statutory responsibility conveyed in 18 V.S.A. § 101 et seq. (Vt. Statute, Title 18, Chapter 3), investigates and enforces the state department of health "Environmental Health Handbook" as well as related ordinances adopted by the town.

(Ord. No. O-2013-1, 2-24-2014)

Sec. 18-113. Administration.

Administration and enforcement is the responsibility of the administrative officer. All records filed with the administrative officer shall be available for public inspection.

(Ord. No. O-2013-1, 2-24-2014)

Sec. 18-114. Registry information required.

(a) Rental property owners must certify the following information to the administrative officer in the planning and zoning department annually on or before October 1:

(1) The physical address of the rental property.

(2) The number of rental units at that address.

(3) The physical address (not post office box) of each dwelling unit and the number of bedrooms.

(4) The name, address and phone number of the property owner, corporation, or registered corporate agent, along with email addresses where notice of renewals are to be sent.

(5) The name, address and phone number of any managing agent.

(6) The name, address and phone number of a local emergency contact located in Windsor/Windham County or the adjacent New Hampshire counties and/or a designated person in the state responsible for services on the property.

(7) Date of last full building code fire and safety inspection.

(8) List of any structure or layout changes since last landlord registry report.

(b) Upon purchase or transfer of each property containing one or more rental units, the purchaser shall file a new landlord registry report.

(c) Prior to occupancy of any newly constructed rental unit or any conversion of the use to a rental unit, the owner shall file a landlord registry report with the administrative officer.

(d) It shall be a violation of this Code for an owner of any rental dwelling unit within the town to fail to register as required by this section.

(e) Property owners shall have a continuing obligation to notify the administrative officer of any changes in the information required above during the periods between filings of the landlord registry report.
(Ord. No. O-2013-1, 2-24-2014)

Sec. 18-115. Violation.

(a) It shall be a violation of the town rental registry code for an owner of a rental dwelling unit within the town to rent or allow any person to occupy any dwelling or dwelling unit without such dwelling or dwelling unit to be registered with the administrative officer.

(b) A certificate of occupancy under section 30-944 will not be issued by the administrative officer for public buildings without a current landlord registry report.
(Ord. No. O-2013-1, 2-24-2014)

Sec. 18-116. Registry fees.

There is no fee for the annual registration of rental properties.
(Ord. No. O-2013-1, 2-24-2014)

Sec. 18-117. Enforcement.

(a) A civil penalty of not more than $100.00 may be imposed for violation of this article. Each day the violation continues shall constitute a separate violation.

(b) Any fine or penalty may be appealed to the town manager. The appeal shall be in writing and shall be filed with the town manager within ten days of the invoice date. The appeal shall be acted upon by the town manager within 15 days after the receipt of the appeal notice. Upon such appeal, the town manager shall act to reverse, affirm or modify in any regard the original invoicing determination of the administrative officer. The town manager shall issue a written decision to the aggrieved party.

(c) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to 4 V.S.A. § 1 et seq., and 24 V.S.A. § 1971 et seq. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under 24 V.S.A. § 4301 et seq., in which instance the action shall be brought in the environmental division of the superior court.

(d) The judicial bureau, on application of the town, may order that a civil ordinance violation cease.

(e) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of 24 V.S.A. § 4301 et seq.
(Ord. No. O-2013-1, 2-24-2014)

Secs. 18-118—18-147. Reserved.

ARTICLE VI. FIRE SERVICE REIMBURSEMENT

Sec. 18-148. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm activations/automatic alarms means audible and/or visual alarm activations within or outside of a protected property, including those systems incorporating automatic fire department notification.

Emergency incident means those incidents that require fire and/or emergency medical response in an immediate fashion, following established emergency response protocols.

Emergency personnel means the personnel appointed by the town manager who are employees of the town fire department during their involvement in an emergency or non-emergency incident/event.

Emergency systems means a system within any given property provided for activation and occupant and/or emergency services notification in the event of a fire and/or medical emergency.

Fire alarms. See *Alarm activations/automatic alarms.*

Fire chief means the individual appointed by the town manager as the department head responsible for the town fire department.

Hazardous materials incident means those incidents involving the release of any product that could prove a danger to health or the environment.

Malicious incident means those emergency incidents which stem from an individual's intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for other than an actual emergency.

Medical calls means those emergency incidents in which the town fire department responds in conjunction with the provider of ambulance services.

Motor vehicle accidents means incidents involving one or more motorized vehicles, including cars, trucks, buses, trains, motorcycles, ATVs, snowmobiles, boats, planes and the vehicles and trailers being pulled by motorized vehicles.

Non-emergency incident means those incidents which allow for fire and/or emergency medical response in a less urgent fashion, following established non-emergency response protocols.

Non-permitted burns means the intentional disposal of debris out-of-doors via burning, without the written permission of authorized officials within the fire department.

Nuisance incident means those incidents that are of the same nature, on a repetitive basis, at the same location, due to the lack of servicing to mechanical and/or electrical equipment of an emergency system, or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident.

Permitted burn means the intentional disposal of outside debris via burning, with the written permission of authorized officials within the fire department.

Primary coverage area of the town fire department means within the limits of the town.

Special event means those non-emergency events that occur within the town, requiring the presence of emergency personnel and/or permitting by the town, as required by town ordinance, state division of fire safety, the fire department, or as requested by the owner of the involved property or event coordinator.

Technical rescue event means those incidents that require rope rescue, confined space rescue and/or trench rescue services and/or extrication.

Wildland fire means any outside fire involving general natural combustible materials, other than a permitted burn, with no restriction concerning area involved, or size of any damaged area.
(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-149. Fire service invoicing eligible occurrences/incidents.

(a) The following types of occurrences and incidents within the primary coverage area of the town fire department are eligible for invoicing pursuant to this article:

(1) Malicious incidents.

(2) Nuisance incidents.

(3) Motor vehicle accidents.

(4) Hazardous materials incidents.

(5) Non-permitted burns.

(6) Permitted burns that get out of control due to negligence.

(7) Wildland fires caused by negligence.

(8) Special events.

(9) Medical calls.

(10) Technical rescue events.

(11) Fire incident response.

(b) Negligence shall be determined by the fire chief based on the investigation performed by the fire chief or the chief's designee, subject to the right of appeal as described in section 18-152.
(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-150. Administrative responsibility.

(a) The responsibility for invoicing and for application of this article concerning fire service reimbursement is the responsibility of the fire chief.

(b) The fire chief is authorized to conduct investigations and take other steps that are necessary and provided by law to enforce this article.
(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-151. Invoicing.

(a) Malicious incidents shall be invoiced per occurrence, with the perpetrator to be held responsible.

(b) Nuisance incidents shall be invoiced per occurrence, after three occurrences per calendar year. The property owner shall be held responsible.

(c) Motor vehicle accidents in the town and surrounding communities where extrication is performed shall be invoiced per occurrence. In the event multiple vehicles are involved, responsibility for costs may be prorated, as determined by the fire chief, among persons, operators, or vehicle owners involved.

(d) Hazardous materials incidents shall be invoiced per occurrence, with the property owner and/or supplying company being held responsible.

(e) Non-permitted burns shall be invoiced per occurrence, with the individual responsible for the burn being held responsible. Invoices shall be in the sole discretion of the fire chief.

(f) Permitted burns that get out of control due to negligence shall be invoiced per occurrence, with the individual to whom the burn permit was issued being held responsible.

(g) Wildland fires caused by negligence shall be invoiced per occurrence, with the individual responsible for the fire being held responsible.

(h) In circumstances where the responsible party in the preceding circumstances provided in section 18-149(a) through (g) cannot be identified and/or located and/or reimbursement cannot be obtained from the person, the property owners shall be responsible for the invoiced costs if the fire chief determines that services were made necessary due to the fault of the property owner.

(i) Special events shall be invoiced per occurrence, with the property owner or event organizers responsible as indicated at the time of the event planning.

(j) Medical calls shall be invoiced per occurrence, with the individual being treated held responsible for the costs pursuant to a schedule of rates and fees established by the Selectboard and on file at the fire station and town hall. Invoices shall be in the sole discretion of the fire chief.

(k) Technical rescue events in the town and surrounding communities where services are performed shall be invoiced per occurrence. In the event multiple individuals are involved, responsibility for costs may be prorated, as determined by the fire chief, among the persons involved.

(l) Fire incident response. All costs associated with non-durable or consumable goods used to mitigate an incident, such as, but not limited to, extinguishing agent additives, fire extinguisher recharging and consumables associated with atmospheric monitoring, shall be invoiced per occurrence to the owner of the property where the incident occurs and those responsible for causing the incident in the fire chief's discretion.

(m) Invoicing/reimbursement rates for any incident and/or occurrence shall be as established by the Selectboard. Rates shall be on file at the fire department and available for inspection.

(n) Reimbursement of costs incurred by the town for emergency and non-emergency responses by the town fire department shall be sought only for the occurrences and incidents types provided in section 18-149(a)(1) through (11) and only as follows:

(1) Occurrences and incidents of types provided in section 18-149(a)(1), (2), and (4) through (11) shall be invoiced to both town residents and non-town residents.

(2) Occurrences and incidents of the type provided in section 18-149(a)(3) (that is, motor vehicle accidents) in the town shall be invoiced to both town residents and non-town residents for motor vehicle accidents in circumstances where a traffic ticket or citation is issued by a police officer or a physical arrest by a police officer has occurred, or extrication is performed. Separate billing is established for ambulance and EMS response per patient.

(o) This article shall be managed by the fire chief or the chief's designee.

(p) The town shall be reimbursed by the responsible party designated in this section for reasonable and necessary expenses incurred by the town fire department pursuant to the following procedures:

(1) Invoices shall be issued by the fire chief or the chief's designee.

(2) Invoices shall include the dates on which services were provided by the town fire department, the type of incident under this section that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.

(3) Invoices shall provide that payment shall be made to the town treasurer and returned to the town fire department within 30 days of the date of invoice with interest to accrue at the rate of one percent per month beginning on the 31st day.

(4) The invoice shall be mailed first class mail to the last-known address of the person responsible for paying the invoice.

(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-152. Appeal.

Any invoice may be appealed to the town manager. The appeal shall be in writing and shall be filed with the town manager within ten days of the invoice date. The appeal shall be acted upon by the town manager within 15 days after the receipt of the appeal notice. Upon such appeal, the town manager shall act to reverse, affirm or modify in any regard the original invoicing determination of the fire chief. The town manager shall issue a written decision to the aggrieved party.

(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-153. Enforcement.

This is a civil ordinance and shall be enforced by the constable, police, or fire chief in the state judicial bureau in accordance with 24 V.S.A. § 1974a et seq.

(Ord. No. O-2011-1, 5-23-2011)

Secs. 18-154—18-174. Reserved.

ARTICLE VII. POLICE SERVICE REIMBURSEMENT

Sec. 18-175. Police service administrative fees and services.

The following types of administrative and protective services are eligible for invoicing pursuant to this article:

(1) Alarm termination fees.

(2) False alarms.

(3) Dispatching.

(4) Bank/business escorts.

(5) Fingerprints.

(6) Vehicle identification number verification.

(7) Accident report duplication.

(8) Video or audio recording duplication.

(9) Contractual traffic or security service.

(10) Open container permit processing.

(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-176. Administrative responsibility.

(a) The responsibility for invoicing and the application of this article concerning police service administrative fees and service is the responsibility of the police chief.

(b) The police chief is authorized to conduct investigations and take other steps that are necessary and provided by law to apply this article.

(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-177. Invoicing.

The following types of administrative and protective services are eligible for invoicing pursuant to this article:

(1) Alarm termination fees shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(2) False alarms shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(3) Dispatching shall be invoiced per contract.

(4) Bank/business escorts shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(5) Fingerprints shall be invoiced per occurrence to the individual requesting service in the police chief's discretion.

(6) Vehicle identification number verification shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(7) Accident report duplication shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(8) Video or audio recording duplication shall be invoiced per occurrence to the individual requesting service or the property owner or both in the police chief's discretion.

(9) Contractual traffic or security service shall be invoiced per contract in the police chief's discretion.

(10) Open container permit processing shall be invoiced per occurrence to the individual requesting such permit in the police chief's discretion.

(11) Invoicing/reimbursement rates for administrative service and fees shall be as established by the Selectboard. Rates shall be on file at the police department and available for inspection.

(12) Reimbursement of costs incurred by the town for administrative services and fees by the town police department shall be sought only for the same types as provided in section 18-175(1) through (10) and only as follows:

a. Administrative services of types provided in section 18-175 (1), (2), (4), (5), and (7) through (10) shall be invoiced to both town residents and non-town residents.

b. Administrative services of the type provided in section 18-175(6), vehicle identification number verification, shall not be invoiced to town residents.

(13) This article shall be managed by the police chief or the chief's designee.

(14) The town shall be reimbursed by the responsible party designated in this section for reasonable and necessary expenses incurred by the town police department pursuant to the following procedures:

a. Invoices shall be issued by the police chief or the chief's designee.

b. Invoices shall include the dates on which services were provided by the town police department, the type of incident under this section that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.

c. Invoices shall provide that payment shall be made to the town treasurer and returned to the town police department within 30 days of the date of invoice with interest to accrue at the rate of one percent per month beginning on the 31st day.

d. The invoice shall be mailed first class mail to the last-known address of the person responsible for paying the invoice.

(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-178. Appeal.

Any invoice may be appealed to the town manager. The appeal shall be in writing and shall be filed with the town manager within ten days of the invoice date. The appeal shall be acted upon by the town manager within 15 days after the receipt of the appeal notice. Upon such appeal, the town manager shall act to reverse, affirm or modify in any regard the original invoicing determination of the police chief. The town manager shall issue a written decision to the aggrieved party.
(Ord. No. O-2011-1, 5-23-2011)

Sec. 18-179. Enforcement.

This is a civil ordinance and shall be enforced by the constable, police, or fire chief in the state judicial bureau in accordance with 24 V.S.A. § 1974a et seq.
(Ord. No. O-2011-1, 5-23-2011)

Chapter 19

RESERVED

Chapter 20

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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Secs. 20-2—20-20. Reserved.

Article II. Streets

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Division 2. Names and Numbers

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Sec. 20-47. Naming of highways—Authority.
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Sec. 20-49. Naming of highways—Permanency of names.
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Article III. Driveways

Sec. 20-120. Standards and specifications.

***Charter references—**Use of streets, excavation, art. one, XIII; special assessments, art. four, VIII, F; town property, art. one, IX.

ARTICLE I. IN GENERAL

Sec. 20-1. Placing ice or snow onto public way; removal.

(a) No person shall throw, shovel, propel or deposit, or cause to be thrown, shoveled, propelled or deposited, snow or ice from private property into the streets or public sidewalks.

(b) If snow or ice is thrown, shoveled, propelled or deposited on the street or public sidewalk from private property, the public works department shall remove such snow and ice at the expense and charge of the abutting property owner or tenant, which expense and charge may be recovered with full costs in an action of contract in the name and behalf of the town from the person causing such snow or ice to be thrown, shoveled, propelled or deposited from private property onto the street or public sidewalk. A warning will be issued for the first offense. There will be a fine of $50.00 for each additional offense.

(c) The police department shall promptly notify the public works department of any violation of the provisions of this section.
(Code 1990, § 10-1; Ord. No. O-1978-1, 3-13-1978; Ord. No. O-1985-3, §§ 1—3, 11-18-1985)

Secs. 20-2—20-20. Reserved.

ARTICLE II. STREETS*

DIVISION 1. GENERALLY

Sec. 20-21. Excavation; written permission required.

No person shall dig up any right-of-way before receiving written permission by the director of public works.
(Code 1990, § 12-32(a); Ord. No. O-1976-3, § 13-129(a), 11-18-1976)

Secs. 20-22—20-45. Reserved.

DIVISION 2. NAMES AND NUMBERS

Sec. 20-46. Applicability and purpose.

(a) This division shall apply to any highway within the legal limits of the town.

(b) This division is adopted in order to maintain uniformity in all recordkeeping related to highway names, to avoid confusion which may result from unclear responsibility related to naming of highways, to allow for the proper provision of public safety related services (i.e., police, fire, ambulance and public works), and to allow the effective delivery of general services provided by the town and the post office.
(Code 1990, § 10-36; Ord. No. O-1982-4, § I, 11-22-1982)

***State law reference—**Town highways, 19 V.S.A. § 301 et seq.

Sec. 20-47. Naming of highways—Authority.

The Selectboard shall have the sole authority for the naming of highways within the town.
(Code 1990, § 10-37; Ord. No. O-1982-4, § II(A), 11-22-1982)

Sec. 20-48. Naming of highways—Nature of Selectboard action.

The official naming of highways shall be by resolution of the Selectboard and requires a majority vote of all Selectboard members.
(Code 1990, § 10-38; Ord. No. O-1982-4, § II(B), 11-22-1982)

Sec. 20-49. Naming of highways—Permanency of names.

Once a highway has been officially named by the Selectboard, it cannot under any circumstances be changed unless an error or omission is identified in the process leading to the naming of a highway. In the event that an error or omission ensues in any highway naming or numbering activity, residents affected must notify the Selectboard in writing within six months of the adoption of the resolution.
(Code 1990, § 10-39; Ord. No. O-1982-4, § II(C), 11-22-1982)

Sec. 20-50. Naming of highways—Recordkeeping.

Any resolutions adopted by the Selectboard regarding naming or numbering of highways shall be appended to the original ordinance and made a permanent part of the records in the town clerk's office immediately following adoption.
(Code 1990, § 10-40; Ord. No. O-1982-4, § II(D), 11-22-1982)

Sec. 20-51. Numbering of highways.

(a) Highways to be officially named by the Selectboard shall be measured by the director of public works and the chief assessor in segments of 25 feet from a designated starting point which is usually that end of the highway nearest an existing town highway.

(b) These segments will be numbered consecutively, starting with the number one, with odd numbers on the right side of the highway and even numbers on the left side of the highway.

(c) For segments which are occupied or which have an official plot plan, the center of a driveway or entrance to a location is the essential numbering point. However, the center of the house could be used as the point of numbering and should be indicated by an "H" on the adopted resolution.

(d) For an unoccupied segment, the numbering point shall be approximately the measured center of the segment abutting on the highway.

(e) Highways within the urban area will retain numbers as presently assigned unless a new subdivision is created, in which case they shall be handled as noted in subsections (a) through (d) of this section.
(Code 1990, § 10-41; Ord. No. O-1982-4, § III, 11-22-1982)

Sec. 20-52. Procedure for official numbering.

(a) The numbering plan of any subdivision created after the adoption of the master resolution must accompany any highway naming resolution and shall be adopted as a separate resolution along with the resolution naming the highway.

(b) Recordkeeping for all future numbering resolutions shall parallel that for highway naming resolutions and they must all be appended to the original ordinance immediately after adoption.

(c) The segment number of an occupied segment will be displayed at the access to the residence in a manner visible from the highway.
(Code 1990, § 10-42; Ord. No. O-1982-4, § IV, 11-22-1982)

Sec. 20-53. Official map.

The Selectboard shall have drafted an official town map incorporating all of the new highway names. Every five years after the completion of the official town map, it shall be updated by the town.
(Code 1990, § 10-43; Ord. No. O-1982-4, § V, 11-22-1982)

Sec. 20-54. Street signs.

The Selectboard shall institute a program for the installation and maintenance of street name signs in accordance with the names established by ordinance. All signs should conform to a uniform format established by the town. All signs shall be installed and maintained to the highest degree possible allowed by budget considerations.
(Code 1990, § 10-44; Ord. No. O-1982-4, § VI, 11-22-1982)

Sec. 20-55. Private highways.

(a) For the purpose of this section, a private highway shall be defined as any access to more than one residence, upon which the post office enters to deliver services. Any other access to multiple residences shall be considered a common driveway. Common driveways need not bear a street name, and shall be afforded letters of the alphabet added to the parcel number corresponding to the point of access to the town highway.

(b) A private highway shall be required to bear a name and a street sign. The name shall be assigned by the Selectboard upon request by the residents for mail delivery. The sign bearing the name shall conform to town standards for road signs and shall indicate that it is a private highway. A private highway shall be numbered in accordance with this division.
(Code 1990, § 10-45; Ord. No. O-1982-4, § VII, 11-22-1982)

Sec. 20-56. Notice and implementation.

The Selectboard shall make reasonable efforts to ensure that the public is notified of the existence of this division for the naming and numbering of town highways. The town shall ensure, through cooper-

ative efforts with the post office, that each individual homeowner on an occupied segment is notified of the new ordinance and any changes in highway naming and numbering. After a highway name has been adopted, any affected homeowner must be notified within six months.
(Code 1990, § 10-46; Ord. No. O-1982-4, § VIII, 11-22-1982)

Secs. 20-57—20-85. Reserved.

DIVISION 3. OBSTRUCTIONS*

Sec. 20-86. Permit required.

It shall be unlawful to develop, construct or regrade any driveway, entrance or approach or build a fence or building or deposit material of any kind within or which in any way will affect the grade of a highway right-of-way or obstruct a ditch, culvert or drainage course that drains a highway or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way without a written permit from the Selectboard.
(Code 1990, § 10-61; Ord. No. O-1973-1, § 1, 1-15-1973)

Sec. 20-87. Application for permit.

Prior to the commencement of such development, a person shall make application for a permit to the town in the form as provided in section 20-88 and only upon receipt of approval of such application by the town shall commencement begin.
(Code 1990, § 10-62; Ord. No. O-1973-1, § 2, 1-15-1973)

Sec. 20-88. Application form and approval restrictions.

(a) The form of the application shall be on file in the town clerk's office.

(b) The permit is issued with the following directions, restrictions and conditions and covers only the work described hereinafter and then only when the work is performed as directed and subject to the following special conditions:

(1) The petitioner does hereby waive, release and discharge the town of and from any liability incurred or any damage or claim of damage of any kind or nature which the petitioner or others has or may claim to have now or in the future in connection with this work to be done.

(2) No work shall be done under the permit until the petitioner to whom it is granted shall have communicated with and received instructions from the director of public works or the director's authorized agent.

(3) All the work herein contemplated shall be done under the supervision and to the satisfaction of the director of public works or the director's authorized agent. If any work is done or not completed to the satisfaction of the director of public works or the director's authorized agent

***State law reference—**Obstructing highways, 19 V.S.A. § 1111.

which after due notice is not satisfactorily corrected, the director of public works may with or without notice make or cause to be made such corrections and the petitioner shall reimburse the town for any expense incurred in making the corrections.

(4) The driveway is to be constructed insofar as possible with state department of highway standards.

(5) Particular attention should be made to construct driveways so water does not run onto highways.

(6) Maintenance of the drive shall be the responsibility of the petitioner.

(7) The permit may be modified or revoked at any time by the Selectboard.

(Code 1990, § 10-63; Ord. No. O-1973-1, § 2, 1-15-1973)

Secs. 20-89—20-119. Reserved.

ARTICLE III. DRIVEWAYS

Sec. 20-120. Standards and specifications.

(a) A residential driveway shall have a minimum width of 12 feet and shall have a maximum width of not more than 16 feet. A commercial driveway shall have a minimum width of 12 feet and a maximum width of not more than 20 feet. A driveway shall have a depressed ramp from its intersection with the edge of the public highway or street onto the property of the owner to a depth of 12 feet. Such depressed ramp shall depress a total of nine inches in the total depth of 12 feet. A driveway shall be so constructed that it will divert water from the driveway away from the highway or street.

(b) A driveway shall be paved from the edge of the highway pavement to the right-of-way line. The depth of subbase, base and pavement shall be a minimum of 18 inches of gravel and 1½ inches of bituminous concrete pavement within the limits of the highway right-of-way. No portion of any driveway shall be located less than 100 feet in rural areas and 50 feet in urban areas from theoretical intersection of pavement edges of intersection of a highway or street with another highway or street unless no other reasonable access is available and approved by the Selectboard.

(Code 1990, § 10-64; Ord. No. O-1973-1, §§ 3, 4, 1-15-1973)

Chapter 21

RESERVED

Chapter 22

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ARTICLE I. IN GENERAL

Sec. 22-1. Enactment.

In accordance with the Vermont Planning and Development Act, 24 V.S.A., ch. 117, subch. 6, §§ 4401 and 4411 through 4419 (24 V.S.A. §§ 4401 and 4411 through 4419), the town hereby adopts these subdivision regulations. These regulations shall be known and cited as the "Town of Springfield Subdivision Regulations."
(Code 1990, § 11-2(a); Ord. No. O-1987-3, §§ 105, 110, 12-21-1987; Ord. No. O-1999-1, § 101(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 101, 8-17-2009)

Sec. 22-2. Policy and purpose.

(a) *Policy.* It is declared to be the policy of the planning commission to consider land subdivision as part of a plan for the orderly, efficient, and economical development of the town. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. It is, therefore, to the interest of the town and its citizens that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

(b) *Purpose.*

(1) It is the purpose of these regulations to implement the recommendations of the town plan. As such, these regulations are to ensure that development is in harmony with the surrounding area and the town plan. This involves regulations for such things as water supply, surface water drainage, erosion, stormwater, sewage disposal, traffic, recreation, public utilities and any other feature of the subdivision that may affect the health or wellbeing of the public.

(2) It is also the purpose of these regulations to ensure that the design and construction of all subdivisions and the various required improvements are in accordance with the town's construction standards, which are incorporated herein by reference.

(3) It is also the purpose of these regulations to ensure that the cost of installation and maintenance of all public improvements, prior to acceptance by the town, shall be borne by the developer or parties directly benefited by them.

(c) *Land suitable for development.* All land to be used for any purpose on the plat submitted for approval shall be of such character that it can be used for that intended purpose without danger to health, life and property due to floods, poor drainage, unstable soils, or unsanitary condition.
(Code 1990, §§ 11-2(b)—(d), 11-187; Ord. No. O-1987-3, §§ 105, 110, 506.5, 12-21-1987; Ord. No. O-1999-1, § 102, 4-12-1999; Ord. No. O-2009-1, § 102, 8-17-2009)

Sec. 22-3. Definitions.

(a) *Clarification of word meaning.* Any ambiguity as to the precise meaning of any word used in these regulations shall be clarified by the development review board.

(b) *Specific definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. ch. 117 (24 V.S.A. § 4301 et seq.), and amendments.

Adjacent property owners means owners of properties that actually abut the property subject to these subdivision regulations without regard to the public right-of-way in accordance with 24 V.S.A. § 4464(a)(1)(c).

Administrative officer (AO) means an individual nominated by the development review board for a three-year term and appointed by the legislative body in accordance with 24 V.S.A. § 4448.

Application means an application for review and approval under these regulations, and which contains all information required by these regulations. An application typically includes maps or plans plus written supporting information.

Authorized agent or representative means a person, or group of persons, who have been duly authorized by the owner or subdivider to act on the owner's or subdivider's behalf relative to a subdivision.

Board means the development review board commonly referred to as the "board," created under 24 V.S.A. § 4433 and 24 V.S.A. § 4460.

Boundary adjustment means an exchange of small parcels (less than one acre) between adjoining property owners to adjust property boundaries.

Building includes structures and shall be construed as if followed by the phrase "or part thereof."

Construction drawings means drawings showing the location, profile, grades, size and type of drains, sewer, water mains, erosion control, stormwater and retention ponds, underground fire alarm ducts, underground power ducts and underground telephone ducts, roads, streets, cross-section of streets, miscellaneous structures, etc.

Construction standards means designs and engineering standards for the construction and installation of required improvements adopted and as may be amended by resolution of the Selectboard, and which are on file in the town clerk's office.

Director of public works means a department head, under the jurisdiction of the town manager, that is responsible for the construction and maintenance of all town properties, including roads, streets, water and sewer lines, public buildings, etc.

Dwelling unit means a room or rooms for the combined purpose of living, sleeping, cooking and eating and/or a room for the purpose of occupancy by a single family, including independent facilities for living, sleeping, cooking, eating and sanitation.

Easement means the authorization of a property owner for the use by another person for a specific purpose, of any designated part of a property.

Final subdivision plat means the final drawings, in a form specified by statute and of a size specified by the town clerk, on which the subdivider's plan of a subdivision is presented to the development review board for approval and which, if approved, shall be filed for record with the town clerk.

Inspection fee means a fee paid by the subdivider or authorized agent to cover the inspection of a subdivision by the department of public works.

Lot means a parcel of land defined by boundary lines. Land which is in common ownership but which is divided by a federal, state or Class I, II or III town highway shall be considered to be two separate lots. Land in common ownership which is divided by roads other than the above shall be considered as a single lot.

Maintenance surety means a surety posted by the subdivider or authorized agent to secure satisfactory condition and operation of required improvements. The term "maintenance surety" is interchangeable with "irrevocable letter of credit," "construction bond" or "certified check" which may have been filed for the same purpose.

Monument means a permanent marker designating corners, points of curvature or tangency, or points of intersection of lot lines. (See article IV, division 7 of this chapter for details.)

Official map means the Official Map of the Town of Springfield, adopted in accordance with the provisions of 24 V.S.A. §§ 4401(b)(3) and 4420.

Official submittal date. The official date of submission of a subdivision plat is considered to be the date of the regular monthly meeting of the development review board following the submission of a complete application for plat approval to the administrative officer, accompanied by the required fee and all data required by these regulations, provided that such submission has occurred at least ten days prior to such regular meetings for a minor subdivision and 20 days prior to the meeting for a major subdivision.

Open space means the undeveloped portion of any development parcel which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Performance surety means a surety given by the subdivider or authorized agent, to secure the payment of funds for completion of the improvements required by these regulations. The term "performance surety" is interchangeable with "construction bond," "irrevocable letter of credit" or "certified check" which may have been filed for the same purpose.

Plat means a detailed drawing showing all aspects of the subdivision, including dimensioned boundary lines, lot areas, physical features and other items required by these regulations. A final plat shall also meet all requirements for filing documents required in 27 V.S.A. § 1401 et seq.

Preliminary subdivision plat means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the development review board for approval in accordance with the provisions of article III, division 5 of this chapter.

Principal structure means a structure housing a primary use which is or could be independent of other uses located on the same parcel of land.

Private access easement means an easement granted by the owner of one lot to the owner of another lot, permitting the owner of the second lot to cross the first lot in order to gain access to a public street or road.

Real estate means any leasehold or other estate or interest in, over or under the land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land through not described in the contract of sale or instrument of conveyance. The term "real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air and water in accordance with 27A V.S.A. § 1-103(25).

Regional planning commission means a planning commission for a region created under 24 V.S.A. ch. 117, subch. 3 (24 V.S.A. § 4341 et seq.).

Resubdivision means a change of a recorded subdivision plat if such change affects any street layout shown on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded.

Right-of-way. See *Private access easement.*

Road includes the terms "expressway," "highway" and "thoroughfare."

Shopping plaza means an area with three or more permanent business structures served by common parking. These business structures may or may not have common walls.

Sketch plan means a sketch of a proposed subdivision showing information specified in article III, division 3 of this chapter. A sketch plan enables the subdivider to save time and expense in reaching general agreement with the development review board on the form of the subdivision and compliance with these regulations.

Street means any road, highway, avenue, street, parkway, lane or other way between right-of-way lines, commonly used for vehicular traffic, which serves as access to more than one single-family dwelling unit (defined for the purposes of this chapter) or any public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The term "street" includes the terms "avenue," "lane," "boulevard" and "court."

Subdivider means any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale, lease, transfer or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term "subdivider" shall include an applicant for subdivision approval.

Subdivision means the division or proposed division of any real estate into lots, parcels, sites, plots, units or interests for the purpose of sale, lease, transfer or development. All subdivisions are major subdivisions, minor subdivisions, or boundary adjustments, and shall include resubdivision.

Subdivision, major, means any subdivision containing five or more lots or units, or any subdivision requiring any new public street extensions, or the extension of municipal sewer and water facilities. For purposes of classification, all lots created within ten years shall be counted.

Subdivision, minor, means a subdivision containing not more than four lots or units, none of which have been involved in a subdivision in whole or in part in the previous ten years, which has access to an existing public street, and which does not require any new municipal street, street extension or extension of municipal sewer and water facilities.

Surety means a pledge, guarantee or bond, usually to back the performance of an individual or company.

Town plan means the town plan for the Town of Springfield, Vermont, adopted pursuant to 24 V.S.A. § 4385, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Watercourse includes the terms "channel," "creek," "ditch," "drain," "dry run," "spring," "river" and "stream."
(Code 1990, § 11-1; Ord. No. O-1987-3, §§ 301, 302, 12-21-1987; Ord. No. O-1989-3, 4-17-1989; Ord. No. O-1999-1, §§ 201—204, 4-12-1999; Ord. No. O-2006-1, 7-17-2006; Ord. No. O-2009-1, §§ 201—203, 8-17-2009)

State law reference—Adoption of plan, 24 V.S.A. § 4385.

Secs. 22-4—22-26. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 22-27. Administrative officer (AO).

In accordance with 24 V.S.A. § 4442, an administrative officer shall be appointed to perform the necessary administrative and enforcement requirements of this chapter.
(Code 1990, § 11-26; Ord. No. O-1987-3, § 701, 12-21-1987; Ord. No. O-1999-1, § 601, 4-12-1999; Ord. No. O-2009-1, § 601, 8-17-2009)

State law reference—Appointment and powers of administrative officer, 24 V.S.A. § 4442.

Sec. 22-28. Appeals.

Decisions of the development review board may be appealed to the environmental court (created under 4 V.S.A. ch. 27 (4 V.S.A. § 1001 et seq.)) in accordance with 24 V.S.A. §§ 4471 and 4475, as it may be amended. Such appeals shall be governed by 3 V.S.A. §§ 801 through 816.
(Code 1990, § 11-28; Ord. No. O-1987-3, § 703, 12-21-1987; Ord. No. O-1999-1, § 602, 4-12-1999; Ord. No. O-2009-1, § 602, 8-17-2009)

Sec. 22-29. Enforcement.

Enforcement of this chapter shall be in accordance with 24 V.S.A. §§ 4451 and 4452.
(Code 1990, § 11-29; Ord. No. O-1987-3, § 704, 12-21-1987; Ord. No. O-1999-1, § 603, 4-12-1999; Ord. No. O-2009-1, § 603, 8-17-2009)

Sec. 22-30. Fees.

In accordance with 24 V.S.A. § 4420, fees for administration of subdivision review shall be as established by the Selectboard, and shall include the costs of publishing notices, holding public hearings and conducting inspections during construction of public improvements. Such fees shall be due with each application for subdivision review and approval.
(Ord. No. O-1999-1, § 604, 4-12-1999; Ord. No. O-2009-1, § 604, 8-17-2009)

Sec. 22-31. Amendments.

Amendments to these regulations may be made in accordance with 24 V.S.A. §§ 4403 and 4404.
(Code 1990, § 11-31; Ord. No. O-1987-3, § 706, 12-21-1987; Ord. No. O-1999-1, § 605, 4-12-1999; Ord. No. O-2009-1, § 605, 8-17-2009)

Secs. 22-32—22-55. Reserved.

DIVISION 2. WAIVERS

Sec. 22-56. Development review board to verify variation from regulations.

Where the development review board finds that extraordinary and unnecessary hardship may result from strict compliance with these subdivision regulations or where there are special circumstances of a particular plat, it may waiver the requirements of these subdivision regulations so that substantial justice may be done and the public interest secured. The development review board shall first find that the waivers will not have the effect of nullifying the intent and purpose of the official map, the town plan, or the zoning regulations, where such exist.
(Code 1990, § 11-3(a); Ord. No. O-1987-3, §§ 201—203, 12-21-1987; Ord. No. O-1999-1, § 301(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 301, 8-17-2009)

Sec. 22-57. Procedural waivers.

Where the development review board finds that, due to special circumstances of a particular plat, strict adherence to the procedures of these regulations will cause an unnecessary hardship on the subdivider and is not necessary to achieve the objectives of these regulations, the development review board may waive or modify the procedures herein. In addition to the inclusion of the basis stated in the preceding sentence, the waiver or modification shall include the explicit findings and conclusions that the waiver or modification will not negatively impact the purposes and objectives of these regulations. In no case shall there be a procedural waiver of notice requirements or substantive state or local regulations.
(Ord. No. O-1999-1, § 301.1, 4-12-1999; Ord. No. O-2009-1, § 301.1, 8-17-2009)

Sec. 22-58. Improvement waivers.

Where the development review board finds that, due to special circumstances of a particular plat, the provision of certain required improvements, as outlined in article IV of this chapter, is not a requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision it may waive such

requirements, subject to appropriate conditions. In addition to the inclusion of the basis stated in the preceding sentence, the waiver shall be accompanied by explicit findings and conclusions that the waiver or modification will not negatively impact the purposes and objectives of these regulations.
(Code 1990, § 11-3(b); Ord. No. O-1987-3, §§ 201—203, 12-21-1987; Ord. No. O-1999-1, § 301.2, 4-12-1999; Ord. No. O-2009-1, § 301.2, 8-17-2009)

Secs. 22-59—22-89. Reserved.

DIVISION 3. CONDITIONS

Sec. 22-90. Approval by development review board.

The development review board may set conditions to the approval of any subdivision if it deems the conditions necessary to the achievement of the purpose and objectives of these regulations.
(Ord. No. O-1999-1, § 302.1, 4-12-1999; Ord. No. O-2009-1, § 302.1, 8-17-2009)

Sec. 22-91. Conditions with waivers.

In granting waivers, the development review board shall require such conditions that will, in its judgment, substantially secure the objectives of the requirements so modified. Waivers granted by the development review board shall pertain to the subdivision application before it only and shall not set a precedent for another application for the same subdivision or a similar action relative to any other subdivision.
(Code 1990, § 11-3(c); Ord. No. O-1987-3, §§ 201—203, 12-21-1987; Ord. No. O-1999-1, § 302.2, 4-12-1999; Ord. No. O-2009-1, § 302.2, 8-17-2009)

Secs. 22-92—22-110. Reserved.

ARTICLE III. PROCEDURES FOR SUBDIVISION REVIEW

DIVISION 1. GENERALLY

Sec. 22-111. Preparation and review of subdivision applications; approval from development review board necessary.

These regulations concerning the preparation and review of subdivision applications are necessary for the information of the development review board and of the public at public hearings as provided in this section. Careful preparation of maps and other information will facilitate the development review board's review of the proposed subdivision. No parcel may be sold or offered for sale, and no grading, clearing, or other construction shall be undertaken, until the subdivider has received subdivision approval from the development review board in accordance with these regulations.
(Code 1990, § 11-51; Ord. No. O-1987-3, Art. IV, 12-21-1987; Ord. No. O-1999-1, § 401(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 401, 8-17-2009)

Sec. 22-112. Revisions to plans after submitting applications.

Once plans for a subdivision have been submitted as part of any application required by these regulations, lot layouts and building locations may not be revised until after they have been reviewed by the development review board. If the subdivider wishes to make such revisions, the original application must be withdrawn, a new application submitted, and new meetings scheduled.
(Ord. No. O-1999-1, § 401.1, 4-12-1999; Ord. No. O-2009-1, § 401.1, 8-17-2009)

Sec. 22-113. Approval of state and municipal agencies.

The subdivider shall apply for all municipal and state permits required by the proposed development and, upon request, submit copies of these applications to the development review board. Such permits may include, but are not limited to, a zoning permit, highway access permit, Act 250 permit, and state subdivision permit.
(Code 1990, § 11-118; Ord. No. O-1987-3, § 403.7, 12-21-1987; Ord. No. O-1999-1, § 401.2, 4-12-1999; Ord. No. O-2009-1, § 401.2, 8-17-2009)

Sec. 22-114. Request for acceptance of streets, utilities or other community facilities.

The applicant shall submit a request in writing to the Selectboard for a preliminary determination of the town's willingness to accept any streets, utilities, or other community facilities in the subdivision. A copy of such letter shall be submitted along with the sketch plan application.
(Code 1990, § 11-52(e); Ord. No. O-1987-3, § 401, 12-21-1987; Ord. No. O-1999-1, § 401.3, 4-12-1999; Ord. No. O-2009-1, § 401.3, 8-17-2009)

Sec. 22-115. Connection to public utilities and public acceptance of streets, utilities, or other community facilities.

(a) The approval by the development review board of a subdivision plat does not constitute acceptance by the town of any street, utility, easement or other open space shown on such subdivision plat. However, within 30 days of rendering a decision, the development review board shall submit to the Selectboard, in writing, a recommendation for or against such action.

(b) When a proposed development would have extraordinary impact on the provision of town services by requiring, for example, purchase of new fire, emergency or highway equipment or loss of substantial excess capacity in a sewer plant development, the development review board shall forward a recommendation to the Selectboard regarding such impacts and how they might be addressed.
(Code 1990, § 11-168; Ord. No. O-1987-3, § 407.2, 12-21-1987; Ord. No. O-1999-1, § 401.4, 4-12-1999; Ord. No. O-2009-1, § 401.4, 8-17-2009)

Sec. 22-116. Survey.

Prior to obtaining approval of any subdivision as defined herein, a developer must submit to the development review board a survey or plat meeting the requirements of section 22-217 for a minor

subdivision or sections 22-262 and 22-301 for a major subdivision. The plat or survey shall encompass all other remaining lands and parcels owned by the subdivider within the subdivision, except as excluded by the provisions set forth in section 22-217.
(Code 1990, § 11-71(b); Ord. No. O-1987-3, § 602, 12-21-1987; Ord. No. O-1989-3, 4-17-1989; Ord. No. O-1999-1, § 401.5, 4-12-1999; Ord. No. O-2009-1, § 401.5, 8-17-2009)

Sec. 22-117. No work to start prior to endorsement of final plat.

No grading, clearing, construction or other improvements can begin before approval of the final subdivision plat by the development review board. Violators shall be subject to enforcement under 24 V.S.A. §§ 4451 and 4452.
(Code 1990, § 11-162; Ord. No. O-1987-3, § 405.2, 12-21-1987; Ord. No. O-1999-1, § 401.6, 4-12-1999; Ord. No. O-2009-1, § 401.6, 8-17-2009)

Sec. 22-118. Revisions resulting from reviews by other regulatory bodies.

If, as part of review and approval by any other regulatory body, changes are made to an approved subdivision that affects the overall layout, street alignment or lot boundaries, the subdivision must be submitted to the development review board for approval as an amended subdivision.
(Ord. No. O-1999-1, § 401.7, 4-12-1999; Ord. No. O-2009-1, § 401.7, 8-17-2009)

Secs. 22-119—22-149. Reserved.

DIVISION 2. BOUNDARY ADJUSTMENTS

Sec. 22-150. Approval and filing required.

Any boundary adjustment, as defined in section 22-3, shall be approved and filed according to the provisions of this division.
(Ord. No. O-1999-1, § 402(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 402, 8-17-2009)

Sec. 22-151. Application materials.

The applicant shall provide a scale drawing of the lots being adjusted which shows the following:

(1) The existing and proposed boundaries of both lots;

(2) The existing and proposed perimeter dimensions of both lots;

(3) The existing and proposed area of both lots; and

(4) The names and addresses of the owners of both lots and of adjacent properties.

(Ord. No. O-1999-1, § 402.1, 4-12-1999; Ord. No. O-2009-1, § 402.1, 8-17-2009)

Sec. 22-152. Fees.

A fee, as may be established by the Selectboard, shall be submitted with the scale drawing of the boundary adjustment.
(Ord. No. O-1999-1, § 402.2, 4-12-1999; Ord. No. O-2009-1, § 402.2, 8-17-2009)

Sec. 22-153. Notification.

The administrative officer shall attempt to notify the owners of all adjacent properties, in writing, of the proposed adjustment and invite comment by a specified date.
(Ord. No. O-1999-1, § 402.3, 4-12-1999; Ord. No. O-2009-1, § 402.3, 8-17-2009)

Sec. 22-154. Review and approval.

The administrative officer shall review and approve the proposed boundary adjustment if the following conditions are met:

(1) No new lots are being created;

(2) No lot is being made nonconforming or more nonconforming; and

(3) No structure is being made nonconforming or more nonconforming.
(Ord. No. O-1999-1, § 402.4, 4-12-1999; Ord. No. O-2009-1, § 402.4, 8-17-2009)

Sec. 22-155. Filing.

If the proposed boundary adjustment is approved, the applicant shall prepare a Mylar drawing, at a scale recommended by the administrative officer and (consistent with the requirements of 27 V.S.A. ch. 17 (27 V.S.A. § 1401 et seq.) and the town's Mylar checklist available from the town clerk or administrative officer) suitable for filing in the town land records and submit it to the administrative officer. The administrative officer shall determine that the Mylar shows the boundary adjustment as approved, note and date the approval on the Mylar, and submit it to the town clerk for filing. A fee for filing may be charged, and will be due at the time of submittal.
(Ord. No. O-1999-1, § 402.5, 4-12-1999; Ord. No. O-2009-1, § 402.5, 8-17-2009)

Secs. 22-156—22-178. Reserved.

DIVISION 3. APPLICATION AND REVIEW PROCESS

Sec. 22-179. Procedure.

All subdivisions other than boundary adjustments shall be reviewed in accordance with the procedures set forth in these regulations. The general procedure is outlined as follows:

(1) The first step is a sketch plan review where the subdivider has the opportunity for informal discussions with the development review board about the proposed subdivision. At the sketch plan review, the development review board will classify the proposed subdivision as a major or minor subdivision.

(2) A minor subdivision must then be submitted to the development review board for final review and approval at a meeting which includes a public hearing. Upon approval, the plat must be filed with the town land records in conformance with the requirements of 27 V.S.A. ch. 17 (27 V.S.A. § 1401 et seq.).

(3) A major subdivision must be submitted to the development review board for preliminary review and approval, and then for final review and approval at meetings which include a public hearing. Upon approval, the plat must be filed with the town land records.

(Ord. No. O-1999-1, § 403, 4-12-1999; Ord. No. O-2009-1, § 403, 8-17-2009)

Sec. 22-180. Sketch plan review.

A sketch plan review is intended to be an informal discussion between the subdivider and the development review board to ensure that the proposed subdivision is consistent with the requirements of these regulations, and to explore optional layouts prior to the investment in detailed site layout and engineering. Applicants are encouraged to be prepared to discuss options on tracing overlays of the scale drawing submitted to the development review board.

(Ord. No. O-1999-1, § 404(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 404, 8-17-2009)

Sec. 22-181. Submission of sketch plan.

Any subdivider of land shall, prior to submitting an application for subdivision or resubdivision of land, submit to the administrative officer, at least ten days prior to the regular meeting of the development review board, two copies of a sketch plan of the proposed subdivision, which shall contain all information specified in section 22-184.

(Code 1990, § 11-52(a); Ord. No. O-1987-3, § 401, 12-21-1987; Ord. No. O-1999-1, § 404.1, 4-12-1999)

Sec. 22-182. Scheduling of meetings.

(a) *General.* Upon receipt of all required material, the administrative officer will schedule a sketch plan review at the next regularly scheduled development review board meeting. Should the agenda of the next meeting be full, the administrative officer will place the sketch plan review on the schedule of the next available development review board meeting. In no case, however, shall there be more than 60 days between the date of receipt of the complete application with fees and the date on which the application is considered at a development review board meeting. The administrative officer will notify the subdivider of the date of the meeting for sketch plan review and classification.

(b) *Fast track for certain minor subdivisions.* If the administrative officer determines that the proposed subdivision will most likely be classified as a minor subdivision, and that there are few, if any, layout or design issues to be addressed in the sketch plan review, the administrative officer may offer the following fast track option to the subdivider.

(1) The administrative officer will schedule sketch plan review and classification, a public hearing and final approval at the same development review board meeting, and publish the required notice for the public hearing.

(2) The subdivider shall provide, in addition to all materials required under section 22-184, all materials required under section 22-217 (for minor subdivision final approval).

(3) The administrative officer will advise the subdivider that the development review board will ultimately decide if the subdivision can be approved via the fast track option.

a. If the development review board does not classify the proposed subdivision as a minor subdivision, the subdivider must proceed with the procedures set forth in article III, division 5 of this chapter.

b. If the development review board classifies the proposed subdivision as a minor subdivision, but determines that revisions must be made to the proposed subdivision before presenting it to a public hearing and reviewing it for final approval, the development review board shall recess the hearing to a date certain or cancel the hearing and final approval previously scheduled, and the subdivider shall make necessary revisions and resubmit for review and approval in accordance with article III, division 4 of this chapter.

c. If the development review board classifies the proposed subdivision as a minor subdivision and determines that the submitted material is satisfactory and that the proposed subdivision satisfies all parts of these regulations, it may proceed immediately with the previously warned public hearing and final approval, using the standards set forth in article III, division 4 of this chapter.

(Ord. No. O-1999-1, § 404.2, 4-12-1999; Ord. No. O-2009-1, § 404.2, 8-17-2009)

Sec. 22-183. Attendance at meetings.

The subdivider, or the subdivider's duly authorized representative, shall attend a meeting with the development review board to discuss the requirements of these regulations for general layout, lot configuration, street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. If the subdivider does not attend, the development review board may review it in the subdivider's absence, table it to a date certain, or deny it.

(Code 1990, § 11-52(b); Ord. No. O-1987-3, § 401, 12-21-1987; Ord. No. O-1999-1, § 404.3, 4-12-1999)

Sec. 22-184. Required application materials.

The following information and materials shall be submitted with an application for sketch plan approval for all subdivisions other than boundary adjustments:

(1) A site plan, drawn to scale, providing a reasonably accurate representation of the parcel's size, shape and general location;

(2) Proposed subdivision name or identifying title;

(3) Name and address of the record owner, subdivider and designer;

(4) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other important physical features such as steep slopes, wetlands, wellhead protection areas, natural habitats, archeological resources, and other such features noted in the town plan and shown on the associated resource maps available at the town offices. The location and acreage of land adjacent to the proposed subdivision, which the subdivider owns or has an interest in, shall also be shown;

(5) A description of all subdivisions involving the land proposed to be subdivided over the past ten years, including the total acreage previously subdivided;

(6) The names of all subdivisions and the names and addresses of owners of record of all parcels adjacent to the land proposed to be subdivided;

(7) The provisions of the zoning regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract;

(8) The approximate location and size of any existing on-site wastewater and water supply, or sewers and water mains, culverts and drains on or adjacent to the property to be subdivided;

(9) Date, approximate north arrow, and approximate scale;

(10) Proposed point of connection with existing water supply, if any;

(11) Proposed point of connection with existing sanitary sewage system, if any;

(12) The proposed lot lines with dimensions and field evidence of boundary lines and corners;

(13) A map of the town showing the general location of the boundaries of the subdivision; and

(14) A copy of the letter to the Selectboard requesting preliminary determination on the town's willingness to accept any streets, utilities or other community facilities, if applicable.

(Code 1990, § 11-53; Ord. No. O-1987-3, § 601, 12-21-1987; Ord. No. O-1999-1, § 404.4, 4-12-1999; Ord. No. O-2009-1, § 404.4, 8-17-2009)

Sec. 22-185. Notification.

The administrative officer shall notify the owners of adjacent properties of the date of the meeting when the development review board will consider the proposed subdivision.

(Ord. No. O-1999-1, § 404.5, 4-12-1999; Ord. No. O-2009-1, § 404.5, 8-17-2009)

Sec. 22-186. Development review board review.

The development review board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions to be incorporated by the applicant in subsequent submissions.

(Code 1990, § 11-52(d); Ord. No. O-1987-3, § 401, 12-21-1987; Ord. No. O-1999-1, § 404.6, 4-12-1999; Ord. No. O-2009-1, § 404.6, 8-17-2009)

Sec. 22-187. Classification.

At the time of review, the development review board will classify the proposed subdivision as either a minor or major subdivision, as defined herein.

(1) If classified as a minor subdivision, the subdivider shall comply with procedures outlined in article III, division 4 of this chapter.

(2) If classified as a major subdivision, the subdivider shall comply with procedures outlined in article III, division 5 of this chapter.

(Code 1990, § 11-52(c); Ord. No. O-1987-3, § 401, 12-21-1987; Ord. No. O-1999-1, § 404.7, 4-12-1999; Ord. No. O-2009-1, § 404.7, 8-17-2009)

Sec. 22-188. Action by development review board.

The development review board shall act to approve, approve with specific recommendations, or disapprove the proposed sketch plan. Approval shall be deemed as authorization to proceed with subsequent steps as outlined in these regulations.

(1) If the development review board approves with specific recommendation, those written recommendations shall be conveyed to the subdivider.

(2) If the development review board disapproves, the reasons for disapproval shall be conveyed, in writing, to the subdivider.

(3) If the development review board approves a minor subdivision with no specific recommendations, if the fast track option set forth in section 22-182 has been selected, and if the subdivider has submitted all materials required under section 22-217, the development review board may proceed with the previously scheduled and warned public hearing and final approval.

(Ord. No. O-1999-1, § 404.8, 4-12-1999; Ord. No. O-2009-1, § 404.8, 8-17-2009)

Secs. 22-189—22-214. Reserved.

DIVISION 4. MINOR SUBDIVISION REVIEW AND APPROVAL

Sec. 22-215. Application.

Within six months after sketch plan approval of a minor subdivision, the subdivider shall submit an application for approval of the minor subdivision plat, using the approved application form available from the administrative officer. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the development review board, and shall include all materials and information specified in section 22-217. Failure to submit this application within six months shall require resubmission of the sketch plan to the development review board.

(Code 1990, § 11-72(a); Ord. No. O-1987-3, § 402.1, 12-21-1987; Ord. No. O-1999-1, § 405.1(A), 4-12-1999; Ord. No. O-2009-1, § 405.1(A), 8-17-2009)

Sec. 22-216. Fee.

All applications for minor subdivision final approval shall be accompanied by a nonrefundable fee, as established by the Selectboard, payable to the town, and stating the specific purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application.

(Code 1990, § 11-72(b); Ord. No. O-1987-3, § 402.1, 12-21-1987; Ord. No. O-1999-1, § 405.1(B), 4-12-1999; Ord. No. O-2009-1, § 405.1(B), 8-17-2009)

Sec. 22-217. Required application materials.

An application for final approval of a minor subdivision shall consist of the completed application form, a plat containing one or more maps or drawings, and all necessary supporting materials, as set forth below in this section.

(1) *Required materials.* The plat shall show all dimensions in feet and decimals of a foot, and be drawn to a scale suitable for review by the development review board. It shall be clearly and

legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two inches outside of the border lines on the left side for the binding and one-inch margin outside the border along the remaining sides. The plat shall include the following information:

a. The name of the proposed subdivision or identifying title;

b. The name of the town in which the subdivision it located;

c. The date;

d. True and magnetic north arrows;

e. The map scale;

f. The name and address of record owner and subdivider;

g. The names and addresses of all adjoining property owners;

h. An actual field survey of the boundary and property lines of the tract being subdivided, giving complete descriptive data by bearings and distances, and prepared by a registered land surveyor;

i. A survey showing the location and dimensions of all proposed lot lines, and the areas of all proposed lots:

1. The corners of the lots shall be marked on the survey by monuments approved by the development review board, to be placed in the field by the subdivider. Such survey shall encompass all other remaining lands and parcels owned by the Subdivider within the proposed subdivision;

2. At the request of the subdivider, the development review board may exempt one parcel from the survey requirements, provided that the parcel exceeds 25 acres. The subdivider shall submit a sketch plan of the total parcel, including the exempted portion. The sketch plan shall meet the requirements of section 22-184;

3. In the event that there is a difference of opinion as to the remaining acreage, and the tax maps indicate that there is less than 25 acres, the tax maps shall be used as a guideline for determining whether or not the remainder must be surveyed. The owner must prove to the satisfaction of the chief assessor that there is more than 25 acres remaining;

j. If appropriate, any proposed on-site septic systems and/or water supply facilities shall be shown, to scale, as to approximate location and size, as well as any replacement areas. A note shall be included on the final plat that any septic system designed for parcels shown shall comply with state and/or local requirements.

(2) *Supporting materials.* In addition to maps and drawings, written supporting materials may be submitted as may be required by the development review board. At a minimum, the following shall be provided:

a. Copies of applications for other state and municipal permits required by the proposed subdivision as set forth in section 22-113, if available. If a curb cut application is not available, the subdivider shall provide, at a minimum, the sight distances and grades associated with all curb cuts and intersections with existing roads.

b. Discussion of how all specific recommendations made by the development review board at sketch plan review have been incorporated into the final design.

c. Written descriptions of arrangements to be made for the ownership and maintenance of any land or facilities to be held in common, and any privately maintained roads, water facilities and sewerage facilities.

(Code 1990, § 11-71(a); Ord. No. O-1987-3, § 602, 12-21-1987; Ord. No. O-1989-3, 4-17-1989; Ord. No. O-1999-1, § 405.2, 4-12-1999; Ord. No. O-2009-1, § 405.2, 8-17-2009)

Sec. 22-218. Number of copies.

Six copies of the minor subdivision plat, all materials specified in section 22-217 (including, but not limited to, the survey), and all supporting materials shall be presented to the administrative officer at least 30 days prior to a scheduled monthly meeting of the development review board. No public hearing shall be scheduled until the administrative officer has received all required materials.

(Code 1990, § 11-73; Ord. No. O-1987-3, §§ 402.2, 402.4, 12-21-1987; Ord. No. O-1999-1, § 405.3, 4-12-1999; Ord. No. O-2009-1, § 405.3, 8-17-2009)

Sec. 22-219. Notification.

The administrative officer shall notify the owners of adjacent properties of the date of the meeting when the development review board will consider the proposed subdivision.

(Ord. No. O-1999-1, § 405.4, 4-12-1999; Ord. No. O-2009-1, § 405.4, 8-17-2009)

Sec. 22-220. Public hearings.

Upon receipt of all required material, the administrative officer will schedule a public hearing at the next regularly scheduled development review board meeting. Should the agenda of the next meeting be full, the administrative officer will place the public hearing on the next available development review board meeting. In no case, however, shall there be more than 60 days between the date of receipt of the application material and the date of the public hearing. The administrative officer will notify the subdivider of the date of the hearing and will publish notice of that hearing as required by state statute, as amended. Current notification requirements include the following:

(1) Said hearing shall be advertised in a newspaper of general circulation within the town at least 15 days prior to the hearing.

(2) Notice of said hearing shall be posted in three or more prominent places at least 15 days prior to the hearing.

(3) In addition, notice of such hearing shall be forwarded to the regional planning board, and to the clerk of an adjacent town in the case of a plat located within 500 feet of a town boundary, at least 15 days prior to the hearing.

(Code 1990, § 11-76; Ord. No. O-1987-3, § 402.6, 12-21-1987; Ord. No. O-1999-1, § 405.5, 4-12-1999; Ord. No. O-2009-1, § 405.5, 8-17-2009)

Sec. 22-221. Attendance at meetings.

The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the development review board to present and discuss the minor subdivision plat. If the subdivider does not attend, the development review board may review it in the subdivider's absence, table it to a date certain, or deny it.

(Code 1990, § 11-75; Ord. No. O-1987-3, § 402.3, 12-21-1987; Ord. No. O-1999-1, § 405.6, 4-12-1999; Ord. No. O-2009-1, § 405.6, 8-17-2009)

Sec. 22-222. Action by development review board.

The development review board shall, within 45 days from the adjournment of the public hearing, approve, modify and approve or disapprove the minor subdivision plat. The development review board shall specify in writing its reason for any such disapproval. In the event that the development review board fails to act on the minor subdivision plat within the 45 days specified above, the plat shall be deemed approved.

(1) Endorsement. Every approved subdivision plat shall carry the following endorsement on the Mylar copy to be filed with the town clerk:

"Approved by the Development Review Board of the Town of Springfield, Vermont, on the _____ day of _____, 20____, subject to all requirements and conditions of said Approval.

Signed this _____ day of _____, 20____, by _____, on behalf of the Springfield Development Review Board."

(2) Before endorsing such plat, the development review board shall require certification that all pins and monuments shown on the plat have been placed on the site.

(Code 1990, §§ 11-27, 11-77; Ord. No. O-1987-3, §§ 402.7, 702, 12-21-1987; Ord. No. O-1999-1, § 405.7, 4-12-1999; Ord. No. O-2009-1, § 405.7, 8-17-2009)

Sec. 22-223. Filing of approved minor subdivision plat.

After final approval by the development review board, the subdivider shall have prepared a final Mylar of the plat which includes any changes required by the development review board, which meets the requirements of 27 V.S.A. ch. 17 (27 V.S.A. § 1401 et seq.), and which meets the requirements of the town clerk's office (see Mylar checklist available from the town clerk or administrative officer). Such final plat shall be endorsed by the development review board chairperson, or designee, and filed in the office of the town clerk. Any subdivision not so filed or recorded within 120 days of the date of approval, or the date on which it is considered approved by reason of the failure of the development review board to act, shall become null and void.

(Code 1990, § 11-78; Ord. No. O-1987-3, § 402.8, 12-21-1987; Ord. No. O-1999-1, § 405.8, 4-12-1999; Ord. No. O-2009-1, § 405.8, 8-17-2009)

Sec. 22-224. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made in any minor subdivision plat after approval has been given by the development review board and endorsed in writing on the plat, unless the

said plat is first resubmitted to the development review board and the development review board approves any modifications. In the event that such minor subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the development review board shall institute proceedings to have the plat stricken from the record of the town clerk.
(Code 1990, § 11-79; Ord. No. O-1987-3, § 402.9, 12-21-1987; Ord. No. O-1999-1, § 405.9, 4-12-1999; Ord. No. O-2009-1, § 405.9, 8-17-2009)

Secs. 22-225—22-241. Reserved.

DIVISION 5. MAJOR SUBDIVISION

Subdivision I. In General

Secs. 22-242—22-260. Reserved.

Subdivision II. Preliminary Approval

Sec. 22-261. Application and fee.

(a) Within six months after sketch plan approval of a major subdivision, the subdivider shall submit an application for preliminary approval of the proposed subdivision, using the approved application form available from the administrative officer. The preliminary plat shall conform to the layout shown on the sketch plan plus any recommendations made by the development review board, and shall include all materials and information specified in section 22-262. Failure to submit this application within six months shall require resubmission of the sketch plan to the development review board.

(b) All applications for preliminary approval of a major subdivision shall be accompanied by a non-refundable fee as established by the Selectboard, payable to the town, and stating the specific purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application and shall be paid in addition to other charges for which the subdivider may be liable under these regulations.
(Code 1990, § 11-113; Ord. No. O-1987-3, § 403.1, 12-21-1987; Ord. No. O-1999-1, § 406.1, 4-12-1999; Ord. No. O-2009-1, § 406.1, 8-17-2009)

Sec. 22-262. Required application materials.

A complete application for preliminary approval of a subdivision shall consist of the completed application form, a preliminary plat containing one or more maps or drawings which may be printed or reproduced on paper, and all necessary supporting materials, as set forth below in this section.

(1) *Required materials.* The preliminary plat shall show all dimensions in feet and decimals of a foot, drawn to a scale suitable for review by the development review board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have

a margin of two inches outside of the border lines on the left side for the binding and one-inch margin outside the border along the remaining sides. The plat shall include or be accompanied by the following information:

a. Proposed subdivision name or identifying title and the name of the town in which it is located.

b. Name and address of the record owner, subdivider and designer of preliminary plat.

c. The names of all subdivisions immediately adjacent and the names and addresses of owners of record of adjacent parcels.

d. Number of acres within the proposed subdivision, location of property lines, and existing easements, buildings, watercourses.

e. Floodplains, slopes over 20 percent, if within the building envelope, and must be depicted on a USGS map, areas of archeological interest, important agricultural soils, and other essential existing physical features (such as water courses, water bodies, historic structures, wetlands, well head protection areas, natural heritage areas and deer wintering habitats), as shown on the current effective maps.

f. The provisions of the zoning regulations applicable to the area to be subdivided, including the name of the district in which the subdivision is located, minimum lot size, minimum frontage, and the location of any zoning district boundaries affecting the lot.

g. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.

h. Location, names and present widths of existing and proposed streets, highways, easements, alleys, parks and other open spaces as well as similar facts regarding adjacent property.

i. The width and location of any streets and other public ways or places shown upon the official map and the comprehensive development plan, if any, within the area to be subdivided, and the width, locations, grades and street profiles of all streets and other public ways proposed by the subdivider.

j. Typical cross-sections of the proposed grading of roadways and of sidewalks.

k. Date, scale, true and magnetic north arrows.

l. An actual field survey of the boundary and property lines of the tract including all lands owned by the subdivider, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor.

m. The survey shall show the location and dimension of all proposed lot lines. The corners of the tract and all lots shall be located on the ground and shall be marked by monuments and markers approved by the development review board. The monuments and markers shall be placed in the field by the subdivider. All monuments and markers shall be shown on the survey.

n. Contour lines at intervals of five feet, based on a field survey or photogrammetric mapping of existing grades and also of proposed finished grades where change of existing

ground elevation will be five feet or more. The development review board may determine that the topography is such that five-foot contours are not necessary, and may accept contours from USGS topographical maps.

o. Connection with the existing water supply or alternative means of providing water supply to the proposed subdivision.

p. Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.

q. If appropriate, any proposed on-site septic systems and/or water supply facilities shall be shown, to scale, as to approximate location and size, as well as any replacement areas. A note shall be included on the final plat that any septic system designed for parcels shown shall comply with state and/or local requirements.

r. Provisions for collecting and discharging storm drainage in the form of a drainage plan approved by the public works director.

s. Preliminary designs of any bridges or culverts which may be required as approved by the appropriate state or local official. A note shall be included on the final plat that any bridge or culverts designed shall comply with state and/or local requirements.

t. The location of temporary markers adequate to enable the development review board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.

u. All parcels of land proposed to be dedicated for public use and the conditions of such dedication.

v. The location of major natural features or site elements to be preserved.

(2) *Supporting materials.* In addition to maps and drawings, written supporting materials shall be submitted as may be required by these regulations and the development review board. At a minimum, the following shall be provided:

a. Copies of applications for other state and municipal permits required by the proposed subdivision.

b. A prospectus describing the management organization for commonly held property or community facilities. If applicable, a demonstration of management of other developments owned or operated by the developer.

c. A traffic impact study and indication of traffic improvements (both on- and off-site) proposed to mitigate anticipated adverse traffic impacts.

d. A discussion of how any significant natural features are to be protected.

e. A written statement from the town police, fire and public works departments indicating approval and/or concerns regarding the proposed subdivision.

(3) *Vicinity map.* The preliminary plat shall be accompanied by a vicinity map or aerial photo at the scale of not over 500 feet to the inch to show the relation of the proposed subdivision to the

adjacent properties and to the general surrounding area. The vicinity map shall show all the area within 1,000 feet of any property line of the proposed subdivision. Within such area, the vicinity map shall show:

a. All existing subdivision and approximate lines of adjacent parcels, together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.

b. Locations, widths and names of existing, filed or proposed streets, easements and utility lines, pertaining to the proposed subdivision and to the adjacent properties as designated in subsection (3)a of this section.

c. The boundaries and designations of zoning districts, school districts and parks or other public spaces.

(Code 1990, §§ 11-111, 11-112; Ord. No. O-1987-3, §§ 603.1, 603.2, 12-21-1987; Ord. No. O-1989-3, 4-17-1989; Ord. No. O-1999-1, § 406.2, 4-12-1999; Ord. No. O-2009-1, § 406.2, 8-17-2009)

Sec. 22-263. Number of copies.

Six copies of the completed application form, the preliminary plat, the vicinity map and all supporting materials, shall be presented to the administrative officer at least 30 days prior to a regular monthly meeting of the development review board.

(Code 1990, § 11-114; Ord. No. O-1987-3, §§ 403.2, 403.5, 12-21-1987; Ord. No. O-1999-1, § 406.3, 4-12-1999)

Sec. 22-264. Notification.

The administrative officer shall notify the owners of properties of the date of the meeting when the development review board will consider the proposed subdivision in accordance with state statute.

(Ord. No. O-1999-1, § 406.4, 4-12-1999; Ord. No. O-2009-1, § 406.4, 8-17-2009)

Sec. 22-265. Scheduling of meetings.

(a) Upon receipt of all required material, the administrative officer will schedule a review of the preliminary plat at the next regularly scheduled development review board meeting. Should the agenda of the next meeting be full, the administrative officer will place the review of the preliminary plat on the next available development review board meeting. In no case, however, shall there be more than 60 days between the date of receipt of the complete application with fee and the date of the scheduled review. The administrative officer will notify the subdivider of the date of the review and will publish notice of that review as required by state statute.

(b) If the town chooses to create a conservation commission in accordance with 24 V.S.A. § 4501, the administrative officer will also notify the conservation commission of the proposed subdivision, and invite the conservation commission to offer comments on the proposed subdivision at the development review board's preliminary subdivision review.

(Ord. No. O-1999-1, § 406.5, 4-12-1999; Ord. No. O-2009-1, § 406.5, 8-17-2009)

Sec. 22-266. Attendance at meetings.

The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the development review board to present and discuss the preliminary plat. If the subdivider does not attend, the development review board may review it in the subdivider's absence, table it to a date certain, or deny it.

(Code 1990, § 11-115; Ord. No. O-1987-3, § 403.3, 12-21-1987; Ord. No. O-1999-1, § 406.6, 4-12-1999; Ord. No. O-2009-1, § 406.6, 8-17-2009)

Sec. 22-267. Review by development review board.

The development review board shall study the practicability of the preliminary plat. Particular attention shall be given to the arrangement, location and width of streets and the location, size and arrangement of lots, the relation of all lots and streets to the topography of the land, water supply, sewage disposal drainage, lot sizes and arrangement, the background history of subdivisions of the land to be subdivided over the previous ten years and future development of adjoining lands as yet not subdivided, and the requirements of the town plan, official map, zoning regulations, and capital improvement program, if such exist.

(Code 1990, §§ 11-116; Ord. No. O-1987-3, § 403.4, 12-21-1987; Ord. No. O-1999-1, § 406.7, 4-12-1999; Ord. No. O-2009-1, § 406.7, 8-17-2009)

Sec. 22-268. Action by development review board.

Within 45 days from the adjournment of the public hearing on an application for preliminary approval, the development review board shall take action to approve, with or without modifications, or disapprove the application and the grounds for any modifications required or the grounds for disapproval shall be stated upon the records of the development review board. Failure of the development review board to act within such 45-day period shall constitute an approval.

(1) When granting preliminary subdivision approval, the development review board shall state the conditions of such approval, if any, with respect to:

   a. The specific changes which will be required in the preliminary plat;

   b. The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the intent of the town plan, these regulations, or the public health, safety, and general welfare;

   c. The amount of improvement and the amount of all surety therefor which it will require as prerequisite to final subdivision approval.

(2) If the development review board approves with specific recommendation, those written recommendations shall be conveyed to the subdivider in accordance with state statute.

(3) If the development review board disapproves, the written reasons for disapproval shall be conveyed to the subdivider in accordance with state statute.

(4) The action of the development review board plus any conditions attached thereto shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the development review board and one forwarded to the Selectboard.

(5) Preliminary subdivision approval shall not constitute approval of the subdivision, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat and shall act as a guide to the preparation of the final subdivision plat.

(Code 1990, § 11-117; Ord. No. O-1987-3, § 403.6, 12-21-1987; Ord. No. O-1999-1, § 406.8, 4-12-1999; Ord. No. O-2009-1, § 406.8, 8-17-2009)

Secs. 22-269—22-299. Reserved.

Subdivision III. Final Approval

Sec. 22-300. Application and fee.

(a) The subdivider shall, within six months after receiving preliminary subdivision approval, file with the development review board an application for final subdivision plat approval using the approved application form available from the administrative officer. The final subdivision plat shall have incorporated all the changes required as conditions of preliminary approval.

(b) If application for final subdivision plat approval is not submitted within six months after the preliminary approval, the development review board may refuse without prejudice to act on the application for final subdivision plat approval and require resubmission for preliminary subdivision approval.

(c) All applications for final subdivision plat approval for major subdivisions shall be accompanied by a non-refundable fee, as set annually by the Selectboard, payable by check to the town, specifying the purpose of the fee. Such fee covers administrative costs incurred in review of the subdivision application and shall be paid in addition to other charges the subdivider may be liable for under these regulations.

(Code 1990, § 11-138; Ord. No. O-1987-3, § 404.1, 12-21-1987; Ord. No. O-1999-1, § 407.1, 4-12-1999; Ord. No. O-2009-1, § 407.1, 8-17-2009)

Sec. 22-301. Required application materials.

The application for final approval of a major subdivision shall consist of the completed application form, a plat containing one or more maps or drawings, and all necessary supporting materials, as set forth below in this section.

(1) *Required materials.* The plat shall show all dimensions in feet and decimals of a foot, and be drawn to a scale suitable for review by the development review board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two inches outside of the border lines on the left side for the binding and one-inch margin outside the border along the remaining sides. The plat shall include the following information:

a. Final information on all items listed under section 22-262, complying with conditions attached to the development review board's preliminary approval.

b. The location of all required improvements and, if applicable, all on-site water supplies, sewage disposal systems, and drainage devices within the subdivision.

c. The location of all monuments and lot corner markers to be placed on the site, shown as illustrated in the legend of the plat.

(2) *Supporting materials.* In addition to maps and drawings, written materials shall also be submitted to the development review board, if applicable.

a. Written offers of conveyance to the town of all open spaces, roads, streets, or commons designated on the plat as to be conveyed to the town, and copies of agreements or other documents showing the manner in which all spaces or other facilities, title to which is reserved by the subdivider, are to be maintained.

b. Written evidence that the Selectboard and the town attorney have approved the legal sufficiency of the documents referenced above.

c. A certificate from the town clerk as to the filing of a performance surety complying with the requirements of the director of the public works, the development review board and the town attorney.

d. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, if any.

e. Written descriptions of arrangements to be made for the ownership and maintenance of any land or facilities to be held in common, and any privately maintained roads, water facilities and sewerage facilities.

(Code 1990, §§ 11-136, 11-137; Ord. No. O-1987-3, §§ 604.1, 604.2, 12-21-1987; Ord. No. O-1999-1, § 407.2, 4-12-1999; Ord. No. O-2009-1, § 407.2, 8-17-2009)

Sec. 22-302. Number of copies.

At least 30 days prior to a scheduled monthly meeting of the development review board, the subdivider shall provide the administrative officer with six copies of the following: the completed application form; the final subdivision plat; all supporting materials; all offers of conveyance, covenants and agreements; and all construction drawings for all site work and improvements required by these regulations.

(Code 1990, § 11-139; Ord. No. O-1987-3, §§ 404.2, 404.3, 12-21-1987; Ord. No. O-1999-1, § 407.3, 4-12-1999; Ord. No. O-2009-1, § 407.3, 8-17-2009)

Sec. 22-303. Notification.

The administrative officer shall notify the owners of properties of the date of the meeting when the development review board will consider the proposed subdivision as required by state statute.

(Ord. No. O-1999-1, § 407.4, 4-12-1999; Ord. No. O-2009-1, § 407.4, 8-17-2009)

Sec. 22-304. Public hearing.

Upon receipt of all required material, the administrative officer will schedule a public hearing at the next regularly scheduled development review board meeting. Should the agenda of the next meeting be full, the administrative officer will place the public hearing on the next available development review board meeting. In no case, however, shall there be more than 60 days between the date of receipt of the

application material and the date of the public hearing. The administrative officer will notify the subdivider of the date of the hearing and will publish notice of that hearing in accordance with state statute, as amended. Current notification requirements include the following:

(1) Said hearing shall be advertised in a newspaper of general circulation within the town at least 15 days before such hearing;

(2) Notice of said hearing shall be posted in one or more prominent places at least 15 days prior to the hearing.

(3) In addition, notice of such hearing shall be forwarded to the regional planning board, and to the clerk of an adjacent town in the case of a plat located within 500 feet of a town boundary, at least 15 days prior to the hearing.

(Code 1990, § 11-140; Ord. No. O-1987-3, § 404.4, 12-21-1987; Ord. No. O-1999-1, § 407.5, 4-12-1999; Ord. No. O-2009-1, § 407.5, 8-17-2009)

Sec. 22-305. Attendance at meetings.

The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the development review board to present and discuss the proposed subdivision. If the subdivider does not attend, the development review board may review it in the subdivider's absence, table it to a date certain, or deny it.

(Ord. No. O-1999-1, § 407.6, 4-12-1999; Ord. No. O-2009-1, § 407.6, 8-17-2009)

Sec. 22-306. Review by development review board.

The development review board shall review the proposed subdivision to ensure that it is in compliance with these regulations and has incorporated all suggestions and conditions set forth by the development review board at previous levels of approval.

(Ord. No. O-1999-1, § 407.7, 4-12-1999; Ord. No. O-2009-1, § 407.7, 8-17-2009)

Sec. 22-307. Action by development review board.

(a) The development review board shall, within 45 days from the adjournment of the public hearing, act to approve, modify and approve or disapprove the subdivision. However, if approved, the final subdivision plat shall not be endorsed by the development review board chairperson, or designee, for recording until the subdivider has complied with the provisions of section 22-395 relating to "guarantee of required improvements." In the event that the development review board fails to act on the proposed subdivision within 45 days specified above, the plat shall be deemed approved.

(b) If the subdivider does not comply with the provisions of section 22-395 within 45 days, the development review board may disapprove the application for final subdivision plat approval and require resubdivision for preliminary subdivision approval.

(Code 1990, § 11-141; Ord. No. O-1987-3, § 404.5, 12-21-1987; Ord. No. O-1999-1, § 407.8, 4-12-1999; Ord. No. O-2009-1, § 407.8, 8-17-2009)

Sec. 22-308. Endorsement.

(a) Every approved subdivision plat shall carry the following endorsement on the Mylar copy to be filed with the town clerk:

"Approved by the Development Review Board of the Town of Springfield, Vermont, on the _____ day of _____, 20____, subject to all requirements and conditions of said Approval.

Signed this _____ day of _____, 20____, by _____, on behalf of the Springfield Development Review Board."

(b) Before endorsing such plat, the development review board shall require certification that all pins and monuments shown on the plat have been placed on the site.
(Code 1990, § 11-27; Ord. No. O-1987-3, § 702, 12-21-1987; Ord. No. O-1999-1, § 407.8(A), (B), 4-12-1999; Ord. No. O-2009-1, § 407.8(A), (B), 8-17-2009)

Secs. 22-309—22-334. Reserved.

Subdivision IV. Filing of Approved Major Subdivision Plat

Sec. 22-335. Final approval; endorsement by development review board; filing.

After final approval by the development review board, completion of the requirements of subdivision III of this division and section 22-395 and notation to that effect upon the final subdivision plat, the subdivision shall be deemed to have final approval. The subdivider shall have prepared a final plat which incorporates all changes required by the development review board and which meets the requirements of 27, V.S.A., ch. 17 (27 V.S.A. § 1401 et seq.). Such final plat shall be endorsed by the development review board chairperson and filed in the office of the town clerk. Any subdivision not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reason of the failure of the development review board to act shall become null and void, unless the particular circumstances of said applicant warrant the development review board to grant an extension which shall not exceed two additional periods of 90 days.
(Code 1990, § 11-142; Ord. No. O-1987-3, § 406.1, 12-21-1987; Ord. No. O-1999-1, § 407.9(A), 4-12-1999; Ord. No. O-2009-1, § 407.9(A), 8-17-2009)

Sec. 22-336. Phasing.

(a) At the time the development review board grants final approval to a major subdivision, it may permit the plat to be divided into two or more phases, subject to any conditions the development review board deems necessary to ensure the orderly development of the plat. The applicant may, with development review board approval, file a plat corresponding to one or more phases, provided that any plat so filed corresponds to no less than ten percent of the total approved subdivision. In these circumstances, plat approval on the remaining sections of the plat shall remain in effect for three years or a period of time mutually agreed to by the Selectboard, the development review board and the subdivider. The development review board may require, however, that plats for subsequent phases may not be filed until work on previously filed phases is substantially complete.

(b) If at any time field changes to the approved subdivision which modify the location and configuration of roads or the configuration or lots, the subdivider shall submit the revised plat to the development review board for approval as an amended subdivision in accordance with article III, division 6 of this chapter.

(c) If the project is subject to phasing under this section, and if field changes in any phase modify the location and configuration of roads or the configuration of lots, no subsequent phase may be started until the development review board has approved a revised plat as an amended subdivision in accordance with article III, division 6 of this chapter.
(Code 1990, § 11-143; Ord. No. O-1987-3, § 406.2, 12-21-1987; Ord. No. O-1999-1, § 407.9(B)—(D), 4-12-1999; Ord. No. O-2009-1, § 407.9(B)—(D), 8-17-2009)

Sec. 22-337. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made in any major subdivision plat after approval has been given by the development review board and endorsed in writing on the plat, unless said plat is first resubmitted to the development review board as an amended subdivision in accordance with article III, division 6 of this chapter, and the development review board approves any modifications. In the event that a subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the development review board shall institute proceedings to have the plat stricken from the records of the town clerk.
(Code 1990, § 11-144; Ord. No. O-1987-3, § 406.3, 12-21-1987; Ord. No. O-1999-1, § 407.10, 4-12-1999; Ord. No. O-2009-1, § 407.10, 8-17-2009)

Secs. 22-338—22-362. Reserved.

DIVISION 6. AMENDED SUBDIVISIONS

Sec. 22-363. Revision after final approval.

Any subdivision which is revised after final approval by the development review board must be resubmitted to the development review board for approval as an amended subdivision.
(Ord. No. O-1999-1, § 408(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 408, 8-17-2009)

Sec. 22-364. Application.

An application for approval as an amended subdivision shall include a copy of the original approved plat, a copy of the revised subdivision, a written description of the revisions, and a written justification for the revisions.
(Ord. No. O-1999-1, § 408.1, 4-12-1999; Ord. No. O-2009-1, § 408.1, 8-17-2009)

Sec. 22-365. Notification of adjacent landowners.

The administrative officer shall notify the owners of all adjacent properties of the date of the meeting when the development review board will consider the amended subdivision in accordance with state statute.
(Ord. No. O-1999-1, § 408.2, 4-12-1999; Ord. No. O-2009-1, § 408.2, 8-17-2009)

Sec. 22-366. Development review board review.

The development review board shall consider an amended subdivision at a meeting duly noticed for that purpose. At the meeting, the subdivider shall describe the revisions and the justification for them. If the development review board approves the amended subdivision, the subdivider shall proceed to file the approved plat in accordance with section 22-223 or article III, division 5, subdivision IV of this chapter. If the development review board determines that the revisions change the entire concept of the subdivision, it may decide to review the amended subdivision under the provisions of article III, division 4 of this chapter (minor subdivision review and approval) or article III, division 5, subdivision III of this chapter (major subdivision—final approval), and schedule the necessary public hearing.
(Ord. No. O-1999-1, § 408.3, 4-12-1999; Ord. No. O-2009-1, § 408.3, 8-17-2009)

Sec. 22-367. Development review board action.

The development review board may act to approve or deny the amended subdivision.

(1) If the development review board approves the amended subdivision, notice of such approval shall be conveyed to the subdivider in accordance with state statute, and the subdivider shall proceed to file the approved subdivision in accordance with the provisions of these regulations. (Reference section 22-223 and article III, division 5, subdivision IV of this chapter.)

(2) If the development review board denies the amended subdivision, the reasons for the denial, in writing, shall be conveyed to the subdivider within 15 days of the date the denial decision was made.

(3) The development review board may require the subdivider to comply with the provisions of section 22-395 relating to "surety of required improvements" for those elements affected by the amendments of the subdivision. Failure to comply with this provision may require the development review board to disapprove the amended subdivision.

(Ord. No. O-1999-1, § 408.4, 4-12-1999; Ord. No. O-2009-1, § 408.4, 8-17-2009)

Secs. 22-368—22-392. Reserved.

ARTICLE IV. DEVELOPMENT REQUIREMENTS AND STANDARDS

DIVISION 1. GENERALLY

Sec. 22-393. Consistent with town plan and specific requirements.

All subdivisions shall be consistent with the provisions of the town plan. In addition, the following specific requirements shall apply.
(Ord. No. O-1999-1, § 501(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 501, 8-17-2009)

Sec. 22-394. List of required improvements.

The following improvements are required for all major subdivisions unless waived by the development review board. Those marked with an asterisk (*) are required for minor subdivisions unless waived by the development review board.

(1) Lot markers (monuments and pins)*;

(2) Streets*;

(3) Sidewalks*;

(4) Street signs;

(5) Street lighting*;

(6) Water mains;

(7) Sanitary sewers;

(8) Stormwater management and erosion control plan;

(9) Fire hydrants/fire ponds with dry-hydrants;

(10) And other capital improvements as required by the development review board*.

(Code 1990, § 11-161; Ord. No. O-1987-3, § 405.1, 12-21-1987; Ord. No. O-1999-1, § 501.1, 4-12-1999; Ord. No. O-2009-1, § 501.1, 8-17-2009)

Sec. 22-395. Guarantee of required improvements.

Before the final subdivision plat is endorsed, the subdivider may be required to file with the town clerk, in an amount set by the director of public works and approved by the development review board, and in a form approved by the town attorney, a performance surety, irrevocable letter of credit, or certified check to cover the full cost of the required improvements. A period of one year shall be set forth in the surety, within which time required municipal improvements must be completed. However, the development review board may, at its discretion, extend this period up to a total of three additional years, and, with agreement of the subdivider, may add three additional years, for a total term of six years.

(Code 1990, § 11-162; Ord. No. O-1987-3, § 405.2, 12-21-1987; Ord. No. O-1999-1, § 501.2, 4-12-1999; Ord. No. O-2009-1, § 501.2, 8-17-2009)

Sec. 22-396. Consulting engineering and legal service.

Consulting engineering and legal services may be contracted for by the town in fulfillment of sections 22-398 and 22-655. Such services shall be paid for by the subdivider.

(Code 1990, § 11-163; Ord. No. O-1987-3, § 405.3, 12-21-1987; Ord. No. O-1999-1, § 501.3, 4-12-1999; Ord. No. O-2009-1, § 501.3, 8-17-2009)

Sec. 22-397. Modification of design of improvements.

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the director of public works that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the director of public works may

authorize modifications, provided that these modifications are within the spirit and intent of the development review board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the development review board. The director of public works shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the development review board at their next regular meeting. The subdivider shall make such changes on the plat filed with the town clerk as are necessary to record approved modifications. Failure of the subdivider to comply with this provision will cause the development review board to take action to void the subdivision. The subdivider will be required (in this event) to submit an application for an amended subdivision.
(Code 1990, § 11-164; Ord. No. O-1987-3, § 405.4, 12-21-1987; Ord. No. O-1999-1, § 501.4, 4-12-1999; Ord. No. O-2009-1, § 501.4, 8-17-2009)

Sec. 22-398. Inspection of improvements.

At least five days prior to commencing construction of required improvements, the subdivider shall pay to the town clerk an inspection fee equal to three percent of the cost of the proposed improvements, or the actual cost of inspection as estimated by the director of public works, whichever is less, payable by check to the town, stating the purpose of the fee; and shall notify the town manager in writing of the time when the subdivider proposed to commence construction of such improvements so that the town manager can cause inspection to be made to ensure that all town specifications and requirements shall be met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the development review board.
(Code 1990, § 11-165; Ord. No. O-1987-3, § 405.5, 12-21-1987; Ord. No. O-1999-1, § 501.5, 4-12-1999; Ord. No. O-2009-1, § 501.5, 8-17-2009)

Sec. 22-399. Proper installation of improvements.

If the director of public works finds, upon inspection of the improvements completed within the term of the performance surety, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, or if the subdivider fails to complete the required improvements within the term of the performance surety, the director of public works shall report to the Selectboard and development review board. The Selectboard shall then notify the subdivider and, if necessary, the surety holder, and take all necessary steps to preserve the town's rights under the surety. No plat shall be approved by the development review board as long as the subdivider is in default on a previously approved plat.
(Code 1990, § 11-166; Ord. No. O-1987-3, § 405.6, 12-21-1987; Ord. No. O-1999-1, § 501.6, 4-12-1999; Ord. No. O-2009-1, § 501.6, 8-17-2009)

Sec. 22-400. Agreement with Selectboard.

As noted in section 22-115(b), when a proposed subdivision will have an extraordinary impact on the provision of town services, the subdivider is required to negotiate an agreement for sharing those costs with the Selectboard. A copy of this agreement shall be filed with the development review board before any work on the development may commence.
(Ord. No. O-1999-1, § 501.7, 4-12-1999; Ord. No. O-2009-1, § 501.7, 8-17-2009)

Sec. 22-401. Maintenance of improvements and maintenance sureties.

The applicant shall be required to provide for maintenance of all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Selectboard. The applicant shall also be required to file a maintenance surety, certified check or irrevocable letter of credit with the Selectboard prior to acceptance of the improvements and release of the performance surety, in an amount equal to 15 percent of the construction cost of the required improvements, and in a form satisfactory to the Selectboard and town attorney, in order to ensure the satisfactory condition and operation of the required improvements for a period of two years after the date of their acceptance by the town.
(Code 1990, § 11-167; Ord. No. O-1987-3, § 405.7, 12-21-1987; Ord. No. O-1999-1, § 501.8, 4-12-1999; Ord. No. O-2009-1, § 501.8, 8-17-2009)

Sec. 22-402. Completion of improvements before structures may be occupied.

No structure in the proposed subdivision may be occupied until all improvements that serve that structure have been installed, are operating and have been approved in writing by the director of public works.
(Ord. No. O-1999-1, § 501.9, 4-12-1999; Ord. No. O-2009-1, § 501.9, 8-17-2009)

Secs. 22-403—22-432. Reserved.

DIVISION 2. CONSTRUCTION STANDARDS

Sec. 22-433. Subdivider to bear costs of required improvements per construction standards.

All required improvements, whether to be publicly or privately owned, shall be completely constructed and costs borne by the subdivider or other parties benefited by them in accordance with the town construction standards, as adopted by the Selectboard.
(Code 1990, § 11-186; Ord. No. O-1987-3, § 501, 12-21-1987; Ord. No. O-1999-1, § 502(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 502, 8-17-2009)

Secs. 22-434—22-460. Reserved.

DIVISION 3. ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS

Sec. 22-461. Applicability of road standards.

These standards apply to all proposed development roads serving four or more lots. In addition, these standards may be applied to private roads serving three or fewer lots when the development review board determines such standards are necessary to provide suitable access to or to accommodate anticipated future subdivision.
(Ord. No. O-2009-1, § 503.1, 8-17-2009)

Sec. 22-462. Acceptance of private roads.

Acceptance of private roads by the town is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance. In the event the Selectboard agrees to accept a road associated with an approved subdivision, the terms of acceptance, including road construction standards, inspection, and maintenance, shall be prescribed in an agreement approved by the Selectboard. Such agreement may be included as a condition of subdivision approval, and such approval may specify the timing of development on subdivided lots to ensure coordination with the terms of the agreement between the Selectboard and subdivider.
(Ord. No. O-2009-1, § 503.2, 8-17-2009)

Sec. 22-463. Road design.

All roads serving proposed subdivisions shall be designed in accordance with applicable municipal road policies and ordinances adopted and administered by the Selectboard, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as most recently amended. Minimum design standards include the following:

(1) All roads shall meet the standards set forth in chapter 30, article 4, general regulations.

(2) Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the town plan.

(3) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for on-street parking, emergency vehicle access, snow removal, collector and arterial roads), or to safely accommodate shared use by bicycles.

(4) Permanent dead-end roads shall be discouraged unless deemed necessary by the development review board due to physical site limitations or safety considerations. No dead-end road shall be permitted without a suitable turn around at its terminus. "T" or "L" configurations suitable to topography are required; no cul-de-sac is allowed.

(5) All development roads must meet the Class III standard as identified in the town construction standards.

(6) Roads construction shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road construction shall meet the policies and standards found in the town construction standards.

(7) Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including, but not limited to, the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.

(8) The placement of structures or materials within the road right-of-way, including mail boxes, signs or landscaping, shall be subject to the standards set forth in these regulations, the town zoning regulations, and municipal policies and ordinances regarding road and highway maintenance and town construction standards. No such structure or materials shall be placed in a manner which impairs visibility (site distance) from any road or driveway intersection.

(Ord. No. O-2009-1, § 503.3, 8-17-2009)

Sec. 22-464. Road construction standards.

Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the state agency of transportation's standard A-76 specifications, and the town construction standards.

(1) *Intersections.* A new or relocated road, and any driveway, shall be located so that they meet the standards and specifications found in road construction standards.

(2) *Drainage and stormwater.* A stormwater drainage system shall be provided which is designed to control and accommodate stormwater collected on all proposed roads, driveways, and/or parking areas in accordance with article IV, division 5 of this chapter and the town construction standards. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, as most recently amended.

(3) *Coordination with adjoining properties.* The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the development review board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(4) *Access management.* To manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

a. All road access shall be subject to the approval of the state agency of transportation in the case of state highways and the Selectboard in the case of town roads, private roads and driveways outside of the right-of-way. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

b. To promote shared driveways and/or internal development roads providing access to multiple lots, subdivisions shall comply with the provisions of the town zoning regulations.

c. If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the development review board determines that topographic or traffic safety conditions make such an access unpractical.

d. Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided.

(Ord. No. O-2009-1, § 503.4, 8-17-2009)

Sec. 22-465. Traffic and road capacity.

Traffic generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The development review board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

(1) Where an existing access road is inadequate or unsafe, the development review board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards.

(2) In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan indicates that such improvements may be required in the future, the subdivider may be required to reserve a right-of-way for such improvements.

(3) In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards.

(4) Where a subdivision requires expenditures by the town to improve existing roads to conform to these standards, the development review board may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured. The subdivider may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.

(5) Conformance to the frontage requirement found in section 30-646 shall be required for all public and private roads.

(6) Entry onto Class I and II highways:

a. No subdivision shall be permitted more than one entry point onto a Class I or II highway. Therefore, access to lots in subdivisions along such routes shall be from service roads parallel or tangent to the highway rather than directly from the highway itself. This may require construction of a road to Town standards that might not be required if the subdivision were located on a Class III road.

b. The applicant shall demonstrate that any new or existing intersection will function at a level of service (LOS) at or better than level "C" (as defined in the Highway Capacity Manual published by the Transportation Research Board) as a result of the proposed subdivision, and that this LOS will be maintained for no less than three years unless impacted by other new developments.

(Ord. No. O-2009-1, § 503.5, 8-17-2009)

Sec. 22-466. Road names and signs.

Roads shall be named in accordance with town road naming policies, as approved by the Selectboard, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. All street signs and posts shall be provided and installed by the Subdivider in accordance with the town construction standards. If street signs are not installed by the subdivider, they may be installed by the town and the costs shall be paid by the subdivider.
(Code 1990, §§ 11-209, 11-211; Ord. No. O-1987-3, §§ 502.4, 505, 12-21-1987; Ord. No. O-1999-1, §§ 503.6, 503.8, 4-12-1999; Ord. No. O-2009-1, § 503.6, 8-17-2009)

Sec. 22-467. Driveways.

Driveways serving three or fewer lots shall meet the standards set forth in the town zoning regulations as well as those set forth in the town construction standards. In addition, driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of fragile features and natural and cultural resources.
(Ord. No. O-2009-1, § 503.7, 8-17-2009)

Sec. 22-468. Modification of road standards.

In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, not created by the applicant, the development review board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road:

(1) Is accessible by emergency response vehicles;

(2) Does not pose any threat to the safety of motorists or pedestrians;

(3) Will not result in unreasonable maintenance requirements for landowners; and

(4) Is designed in a manner that is consistent with other applicable standards of these regulations.
(Ord. No. O-2009-1, § 503.8, 8-17-2009)

Sec. 22-469. Parking and transit stops.

For major subdivisions located on existing or proposed public transit routes or sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design.
(Ord. No. O-2009-1, § 503.9, 8-17-2009)

Sec. 22-470. Pedestrian access.

The development review board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities.

(1) The development review board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.

(2) Unless specifically waived by the development review board, sidewalks may be required along internal streets of all major subdivisions. Sidewalks shall also be required to connect such major subdivisions to existing sidewalks on adjoining properties.

(Ord. No. O-2009-1, § 503.10, 8-17-2009)

Sec. 22-471. Legal requirements.

(a) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of way is intended to be accepted by the town. In the event that the right-of-way is not intended for acceptance by the town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

(b) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately constructed and maintained either by the subdivider, a homeowners' association or through other legal mechanisms. Such documentation shall be in a form approved by the development review board and filed in the town land records.

(Ord. No. O-2009-1, § 503.11, 8-17-2009)

Sec. 22-472. Class IV access road.

(a) In no case shall any development be permitted which is accessible only by intersection with a Class IV town highway. However, the applicant may petition the Selectboard to upgrade the highway, if the public good and necessity requires, to a Class III town highway, but in so doing, the applicant shall bear the costs of upgrading that road. If access to a Class IV road is approved, that portion of the Class IV road that is intersected will remain a public access.

(b) The development review board shall require that Class IV roads accessing a proposed subdivision be improved to the appropriate construction standards provided in these regulations if such access would otherwise be inadequate. The development review board shall not approve the subdivision until the subdivider and the Selectboard agree on whether the town should share the cost of the necessary improvement required. Lots shall not be sold until the road upgrade is completed or a performance surety to cover the upgrade is posted with the town.

(Code 1990, § 11-208; Ord. No. O-1987-3, § 502.3, 12-21-1987; Ord. No. O-1999-1, § 503.5, 4-12-1999; Ord. No. O-2009-1, § 503.12, 8-17-2009)

Sec. 22-473. Street lighting.

Streetlights shall be provided and installed by the subdivider according to town construction standards. All streetlights must comply with standards found in the zoning bylaws. If street lighting is not installed by the subdivider, they may be installed by the town and the costs shall be paid by the subdivider.

(1) Streetlight fixtures shall be of a cut-off design as specified by the Illuminating Engineering Society of North America (IESNA). No more than ten percent of peak intensity shall radiate above 80 degrees from the vertical, and no more than 2.5 percent shall radiate above 90 degrees from the vertical.

(2) Streetlight fixtures shall be mounted no more than 30 feet above grade unless a higher mounting height is specifically approved by the development review board.

(3) Streetlights shall use metal halide or mercury vapor lamps unless alternatives are specifically approved by the development review board.

(Code 1990, § 11-236; Ord. No. O-1987-3, § 504, 12-21-1987; Ord. No. O-1999-1, § 503.7, 4-12-1999; Ord. No. O-2009-1, § 503.13, 8-17-2009)

Sec. 22-474. Curbs and sidewalks.

Curbs and sidewalks may be required where deemed necessary by the development review board, and shall be designed and built to meet the town construction standards.

(Code 1990, § 11-212; Ord. No. O-1987-3, § 502.5, 12-21-1987; Ord. No. O-1999-1, § 503.9, 4-12-1999; Ord. No. O-2009-1, § 503.14, 8-17-2009)

Secs. 22-475—22-501. Reserved.

DIVISION 4. UTILITY STANDARDS

Sec. 22-502. Connections not to overtax or jeopardize facilities.

No connection will be allowed to any municipal facility which would place an undue burden on the town infrastructure. A project may be denied or phased if the development review board considers too large to be supported by existing infrastructure. The construction of infrastructure shall conform to the town construction standards ordinance.

(Code 1990, § 11-231; Ord. No. O-1987-3, § 503, 12-21-1987; Ord. No. O-1999-1, § 504(intro. ¶), 4-12-1999; Ord. No. O-2009-1, § 504, 8-17-2009)

Sec. 22-503. Water supply.

In any subdivision having an off-lot water supply, the applicant must provide documentation that the town public works director has determined that the requirements of this section will be met.

(1) The existing public water system shall be extended or a community system shall be built so as to provide the necessary quantity of water of acceptable quality and at acceptable pressure for fire protection.

(2) If the subdivision is within one-half mile of the public water system, the development review board may require connection to the public system by the subdivider. In the event of connection to the public water system, the following shall apply:

a. The subdivider may be required to pay to the town a sum of money which will not exceed the cost to the town of developing additional water supplies necessary to service the proposed subdivision.

b. The subdivider may be required by the development review board to provide or have installed at the subdivider's expense larger transmission lines and storage and pumping

facilities outside the subdivision if the supply and pressure to the proposed subdivision would otherwise be inadequate, or if, as a result of the subdivision pressure to existing users, would become inadequate.

c. The system installed by the subdivider shall include the installation of fire hydrants in accordance with the town's construction standards.

(Code 1990, § 11-232; Ord. No. O-1987-3, § 503.1, 12-21-1987; Ord. No. O-1999-1, § 504.1, 4-12-1999; Ord. No. O-2009-1, § 504.1, 8-17-2009)

Sec. 22-504. Wastewater collection and disposal.

The subdivider shall make adequate provisions for wastewater collection and disposal, and must provide documentation that the town public works director has determined that the requirements of this section will be met.

(1) The subdivider shall be required to connect to the public sewer system or provide an adequate community sewer system in any subdivision where off-lot sewerage is proposed.

(2) If the subdivision is within one-half mile of the public sewer system, the development review board may require connection to the public system by the subdivider.

a. The subdivider shall be required to provide such pumping and other facilities as may be necessary to connect to the public system in an efficient and effective manner.

b. The subdivider may also be required to pay to the town a sum of money in lieu of construction of an addition to the municipal plant capacity sufficient to treat the effluent from the proposed subdivision.

c. The subdivider may be required by the development review board to provide or to have installed at the subdivider's expense larger sewer lines, pumping and other facilities outside the subdivision if the sewer service to the proposed subdivision would otherwise be inadequate, or if, as a result of the subdivision, service to existing users would become inadequate.

d. The new system and all connections to the public system shall be constructed in accordance with the town construction standards.

(3) A private on-site sewerage treatment facility shall meet all requirements of the state and municipal regulations.

(Code 1990, § 11-233; Ord. No. O-1987-3, § 503.2, 12-21-1987; Ord. No. O-1999-1, § 504.2, 4-12-1999; Ord. No. O-2009-1, § 504.2, 8-17-2009)

Sec. 22-505. Improvements and provisions for future infrastructure expansion.

In conformance with the town plan or as may otherwise be determined by the town, the subdivider may be required to install storm drainage, water supply or sewage disposal facilities of a size adequate to accommodate anticipated needs of future developments.

(1) The town may require the subdivider to provide easements, in combination with anticipated street connections or at other necessary locations, to allow future extension of facilities to adjacent undeveloped properties.

(2) The town may reimburse the subdivider for the difference in cost between the facilities actually needed for the proposed subdivision and the cost of facilities necessary to provide for future development.

(3) When further development occurs, the town may charge the appropriate portion of the additional cost to that subsequent subdivider.

(Ord. No. O-1999-1, § 504.3, 4-12-1999; Ord. No. O-2009-1, § 504.3, 8-17-2009)

Sec. 22-506. Power and communications lines.

The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common easements shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems shall be built underground unless this requirement is specifically waived by the development review board due to extreme technological difficulties. See the requirements set forth in the town construction standards which are incorporated here.

(Code 1990, § 11-234; Ord. No. O-1987-3, § 503.3, 12-21-1987; Ord. No. O-1999-1, § 504.4, 4-12-1999; Ord. No. O-2009-1, § 504.4, 8-17-2009)

Sec. 22-507. Fire protection.

The development review board may, after consultation with the town fire chief, require the subdivider to provide fire protection facilities. This decision will be based on the facts and circumstances at the time the application is made. The subdivider shall provide a letter from the town fire chief or designee regarding the ability of the town to provide adequate fire protection service to the proposed subdivision.

(Code 1990, § 11-235; Ord. No. O-1987-3, § 503.4, 12-21-1987; Ord. No. O-1999-1, § 504.5, 4-12-1999; Ord. No. O-2009-1, § 504.5, 8-17-2009)

Secs. 22-508—22-538. Reserved.

DIVISION 5. DRAINAGE

Sec. 22-539. Drainage structure to accommodate potential development upstream.

Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The development review board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development upstream. The subdivider shall provide such information as the development review board deems necessary for the determination of the adequacy of the facilities.

(Code 1990, § 11-252; Ord. No. O-1987-3, § 506.2, 12-21-1987; Ord. No. O-1999-1, § 505.2, 4-12-1999; Ord. No. O-2009-1, § 505.2, 8-17-2009)

Sec. 22-540. Responsibility for drainage downstream.

The subdivider shall provide all calculations for the drainage system, including upstream potential discharge, downstream capacity, on-site flows, and requirements for on-site facilities, based on a 50-year storm. The quantity or quality of run-off leaving the proposed subdivision shall not have an adverse impact on downstream properties or on new or existing drainage facilities.

(1) Sedimentation basins, or other means of treatment, shall be provided to ensure that storm run-off does not carry sedimentation onto downstream properties.

(2) If the proposed subdivision will increase the volume and/or rate of run-off, retention basins may be required to ensure that downstream drainage ways are not overloaded.

(3) As an alternative to subsection (2) of this section, the development review board may require the subdivider to upgrade downstream drainage facilities to accommodate anticipated flows. In such case, the development review board shall not approve the subdivision until the subdivider and the Selectboard agree on whether the town should share the cost of the necessary improvements.

(Code 1990, § 11-253; Ord. No. O-1987-3, § 506.3, 12-21-1987; Ord. No. O-1999-1, § 505.3, 4-12-1999; Ord. No. O-2009-1, § 505.2, 8-17-2009)

Sec. 22-541. Preservation of natural drainage.

In design of the drainage system, natural waterways shall be utilized to the full extent feasible. Whenever possible, natural drainage courses should be extended under a road and not diverted to roadside drainage ditches.

(Code 1990, § 11-254; Ord. No. O-1987-3, § 506.4, 12-21-1987; Ord. No. O-1999-1, § 505.4, 4-12-1999; Ord. No. O-2009-1, § 505.3, 8-17-2009)

Sec. 22-542. Stormwater management and erosion control.

(a) Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface run-off and prevent sedimentation and water pollution on-site and downstream from the proposed subdivision.

(b) The applicant shall demonstrate that the subdivision has been designed and phased to control stormwater and erosion control both during and after construction. Projects that disturb one or more acres of land may need either a stormwater or a general construction permit. The applicant is required to have a determination made prior to any construction and it will be a condition for final plat approval. Smaller areas of disturbance shall provide plans and information sufficient to demonstrate they have included adequate provisions for the control of run-off and erosion, before, during and after construction, by following the requirements in section 2 of the "Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control," dated August 2006, and as subsequently revised.

(c) Areas impacted during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service, and other appropriate regulatory bodies. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the development review board. The development

review board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.
(Ord. No. O-2009-1, § 505.4, 8-17-2009)

Secs. 22-543—22-562. Reserved.

DIVISION 6. LOTS

Sec. 22-563. Lot and yard requirements.

Minimum lot and yard requirements shall be those set forth in chapter 30, and shall be appropriate for the proposed development.
(Code 1990, § 11-188; Ord. No. O-1987-3, § 507, 12-21-1987; Ord. No. O-1999-1, § 506.1, 4-12-1999; Ord. No. O-2009-1, § 506.1, 8-17-2009)

Sec. 22-564. Lot size.

Lots shall be of sufficient size to provide an adequate building site and suitable areas for sewage disposal and water supply, as needed.
(Code 1990, § 11-188; Ord. No. O-1987-3, § 507, 12-21-1987; Ord. No. O-1999-1, § 506.2, 4-12-1999; Ord. No. O-2009-1, § 506.2, 8-17-2009)

Sec. 22-565. Frontage.

All lots shall meet the frontage requirement as set forth in the town zoning bylaws.
(Code 1990, § 11-188; Ord. No. O-1987-3, § 507, 12-21-1987; Ord. No. O-1999-1, § 506.3, 4-12-1999; Ord. No. O-2009-1, § 506.3, 8-17-2009)

Sec. 22-566. Planned unit development.

Where difficult topography or the possibility of savings on the cost of providing streets and utilities make it desirable, the development review board will encourage the subdivider to design the subdivision in accordance with chapter 30, article VIII.
(Code 1990, § 11-188; Ord. No. O-1987-3, § 507, 12-21-1987; Ord. No. O-1999-1, § 506.5, 4-12-1999; Ord. No. O-2009-1, § 506.4, 8-17-2009)

Secs. 22-567—22-597. Reserved.

DIVISION 7. MONUMENTS AND MARKERS

Sec. 22-598. Placement.

Monuments and markers shall be placed on the subdivision as described below. Their location, size and type shall be shown on the final subdivision plat.

(1) *Monuments.* Permanent monuments constructed of concrete or stone at least four by four inches on the top and at least 36 inches long shall be set at a minimum of two points along the subdivision's perimeter, and at all street right-of-way intersections.

(2) *Markers.* Iron pins or equivalent markers shall be placed at all lot corners and all points of curvature and tangency along street rights-of-way.

(Code 1990, § 11-189; Ord. No. O-1987-3, § 508, 12-21-1987; Ord. No. O-1999-1, § 507, 4-12-1999; Ord. No. O-2009-1, § 507, 8-17-2009)

Secs. 22-599—22-629. Reserved.

DIVISION 8. SITE PRESERVATION

Sec. 22-630. Existing features.

Existing features on the site which are identified in the town plan and associated resource maps, such as surface waters, historic sites and structures, archeological resources, wetlands, wellhead protection areas, natural heritage areas, deer wintering areas and other similar irreplaceable assets, shall be identified and protected to the extent practicable, through harmonious design. Subdivisions shall be designed to fit the topography and to respect and complement other important features.

(Code 1990, § 11-266; Ord. No. O-1987-3, § 511.1, 12-21-1987; Ord. No. O-1999-1, § 508.1, 4-12-1999; Ord. No. O-2009-1, § 508.1, 8-17-2009)

Sec. 22-631. Natural cover.

Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water run-off, and conserve the natural cover and soil.

(Code 1990, § 11-267; Ord. No. O-1987-3, § 511.2, 12-21-1987; Ord. No. O-1999-1, § 508.2, 4-12-1999; Ord. No. O-2009-1, § 508.2, 8-17-2009)

Sec. 22-632. Excavation and grading.

All excavation and filling required for construction of the subdivision shall be in accordance with standards set forth in the town construction standards, and shall be governed by the preceding policies of this division.

(Code 1990, § 11-269; Ord. No. O-1987-3, § 511.4, 12-21-1987; Ord. No. O-1999-1, § 508.3, 4-12-1999; Ord. No. O-2009-1, § 508.3, 8-17-2009)

Sec. 22-633. Soil survey.

When a development is proposed which, because of its size or location, requires detailed soils analysis and/or erosion and sediment control, the development review board shall require the subdivider to obtain this analysis from the soil conservation service or other qualified soils scientist. The results of investigation by the soils scientist will be provided by the subdivider to the development review board along with the other submission requirements of this regulation.

(Code 1990, § 11-270; Ord. No. O-1987-3, § 511.4, 12-21-1987; Ord. No. O-1999-1, § 508.4, 4-12-1999; Ord. No. O-2009-1, § 508.4, 8-17-2009)

Secs. 22-634—22-654. Reserved.

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Sec. 22-655. Land and facilities held in common ownership.

When a development involves condominiums or other types of common ownership of facilities, open spaces, or other commonly held property, a management organization which will operate and maintain these facilities shall be required by the development review board. A prospectus shall be submitted by the subdivider describing this organization, its financing, charter, bylaws and membership. The prospectus shall be reviewed and approved by the town attorney. The cost of legal consultation incurred by the town in review of these agreements will be assumed by the subdivider.
(Code 1990, § 11-4(a); Ord. No. O-1987-3, § 512.2, 12-21-1987; Ord. No. O-1999-1, § 509.1, 4-12-1999; Ord. No. O-2009-1, § 509.1, 8-17-2009)

Sec. 22-656. Additional restrictions.

The owner of the subdivision may place restrictions on the subdivision greater than those required by these regulations, the zoning bylaws and other state or local regulations. Such restrictions shall be attached to the plan and shall also, when applicable, be placed as covenants in the deeds of dedication to the town.
(Code 1990, § 11-4(b); Ord. No. O-1987-3, § 512.2, 12-21-1987; Ord. No. O-1999-1, § 509.2, 4-12-1999; Ord. No. O-2009-1, § 509.2, 8-17-2009)

Chapter 23

RESERVED

Chapter 24

TRAFFIC AND VEHICLES*

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ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized emergency vehicle means vehicles of the fire department, police vehicles, ambulances and emergency vehicles of municipal departments or public service corporations as are designed or authorized by the chief of police, public and private ambulances, and a vehicle to which a permit has been issued pursuant to 23 V.S.A. § 1252(a)(1) or (2).

Bicycle means and includes any vehicle consisting of an arrangement or combination of two wheels with one following the other, supported by a frame and propelled by muscular power by the feet acting upon pedals.

Commercial vehicle means every vehicle designed, maintained, or used primarily for the transportation of property.

Controlled-access highway means every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk means:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

State law reference—Similar provisions, 23 V.S.A. § 4(7).

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver means every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Intersection means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate

intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motor vehicle means all vehicles propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, snowmobiles, or tracked vehicles or electric personal assistive mobility devices.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Official time standard means eastern standard time or daylight-saving time as may be in current use in the town.

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Parked means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian means any person on foot.

Police officer means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad means a carrier of persons or property upon cars operated upon stationary rails.

Railroad train means a steam engine, electric or other motor with or without cars coupled thereto operated upon rails.

Right-of-way means the privilege of the immediate use of the roadway.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Stop means complete cessation of movement.

Stop, stopping, or *standing* means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through highway means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop or yield before entering or crossing the same and when stop or yield signs are erected as provided in this chapter.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

Traffic-control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division means the traffic division of the police department of the town or, in the event a traffic division is not established, then the term "traffic division" shall be deemed to refer to the police department.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
(Code 1990, § 12-1; Ord. No. O-1976-3, § 13-101, 11-18-1976; Ord. No. O-1983-3, § I, 6-20-1983)

Sec. 24-2. Authority to enforce chapter.

(a) It shall be the duty of the officers of the police department to enforce all street traffic laws of the town and all of the state vehicle laws applicable to street traffic in the town.

(b) Officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department when at the scene of a fire may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(d) It shall be the duty of the chief of police to enforce the provisions of this chapter.
(Code 1990, § 12-2; Ord. No. O-1976-3, § 13-102, 11-18-1976)

State law references—Authority of enforcement officers, 23 V.S.A. § 1013; firefighter's authority, 20 V.S.A. § 2673(c).

Sec. 24-3. Obedience to police and fire department officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
(Code 1990, § 12-3; Ord. No. O-1976-3, § 13-104, 11-18-1976)

Sec. 24-4. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding any animals upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle except those provisions of this chapter which by their very nature can have no application.
(Code 1990, § 12-4; Ord. No. O-1976-3, § 13-105, 11-18-1976)

State law reference—Similar provisions, 23 V.S.A. § 1014.

Sec. 24-5. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.
(Code 1990, § 12-5; Ord. No. O-1976-3, § 13-106, 11-18-1976)

Sec. 24-6. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state, county or town and it shall be unlawful for any driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute.
(Code 1990, § 12-6; Ord. No. O-1976-3, § 13-107, 11-18-1976)

Sec. 24-7. Authority to install traffic-control devices.

The chief of police shall place and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances of the town to make effective the provisions of such ordinances and may place and maintain or remove such additional traffic-control devices as may be deemed necessary to regulate traffic under the traffic ordinances of the town or under state law or to guide or warn traffic.
(Code 1990, § 12-7; Ord. No. O-1976-3, § 13-111, 11-18-1976)

Sec. 24-8. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.
(Code 1990, § 12-8; Ord. No. O-1976-3, § 13-114, 11-18-1976)

Sec. 24-9. Designation of crosswalks, safety zones and traffic lanes; violation thereof.

(a) The chief of police is hereby authorized and directed subject to review by the Selectboard to:

(1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in the chief's opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary;

(2) Establish safety zones of such kind and character and at such places as the chief may deem necessary for the protection of pedestrians;

(3) Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(b) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.
(Code 1990, § 12-9; Ord. No. O-1976-3, § 13-120, 11-18-1976)

Sec. 24-10. Authority to place turning markers and obedience to markers.

(a) The chief of police is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.
(Code 1990, § 12-10; Ord. No. O-1976-3, § 13-123, 11-18-1976)

Sec. 24-11. Authority to place restricted turn signs and obedience to signs.

(a) The chief of police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections.

(b) The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. The designation of such restricted turning areas are described and listed in Schedule V, which is maintained on file in the office of the town clerk and is available for inspection during normal business hours. Additions, changes or deletions may be made by the chief of police from time to time and, when proper signs are posted, shall have the full force and effect as if set forth in this chapter.
(Code 1990, § 12-11; Ord. No. O-1976-3, § 13-124, 11-18-1976)

Sec. 24-12. Limitations on turn around U-turns.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction within the town in the square, in the Williams Park area, or at the intersection of Routes 10, 11, and 106.
(Code 1990, § 12-12; Ord. No. O-1976-3, § 13-126, 11-18-1976)

Sec. 24-13. Authority to place one-way street and alley signs; obedience to signs.

Whenever any ordinance of the town designates any one-way street or alley, the chief of police shall place and maintain signs giving notice. No such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. When proper signs are posted, all traffic and travel except pedestrians shall pass on the streets in the directions indicated and not otherwise. The list of one-way streets is on file in the town clerk's office.
(Code 1990, § 12-13; Ord. No. O-1976-3, § 13-128, 11-18-1976)

Sec. 24-14. Authority to restrict direction of movement on streets during certain periods; obedience to signs.

(a) The chief of police is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.
(Code 1990, § 12-14; Ord. No. O-1976-3, § 13-130, 11-18-1976)

Sec. 24-15. Authority to erect stop or yield signs; designation and obedience to signs.

(a) Whenever any ordinance of the town designates and describes a through street, it shall be the duty of the chief of police to place and maintain a stop or yield sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance of the town unless traffic at any such intersection is controlled at all times by traffic-control signals. At the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop or yield signs shall be erected at the approaches of either of the streets as may be determined by the chief of police upon the basis of a traffic study.

(b) The chief of police is hereby authorized to determine and designate intersections where any particular hazards exist upon other than through streets and to determine whether vehicles shall stop or yield at one or more entrances to any such intersection and shall erect a stop or yield sign at every such place required.

(c) When proper signs are posted, drivers of vehicles shall stop or yield at every intersection before entering any of the streets or parts of streets indicated in Schedules III and IV, which are maintained on file in the office of the town clerk and available for inspection during business hours. Additions, changes or deletions may be made by the chief of police from time to time in Schedules III and IV and, when proper signs are posted, such regulations shall have the same force and effect as if set forth in this chapter.
(Code 1990, § 12-15; Ord. No. O-1976-3, §§ 13-131—13-133, 11-18-1976)

Secs. 24-16—24-33. Reserved.

ARTICLE II. OPERATION OF VEHICLES*

Sec. 24-34. Maximum speed limit.

It shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of 25 miles per hour on any street or road in the town unless otherwise posted. The designation of such otherwise posted areas are listed in Schedule I, which is maintained on file in the office of the town clerk and is available for inspection during normal business hours. Additions, changes or deletions may be made by the chief of police from time to time and, when proper signs are posted, shall have the full force and effect as if set forth in this chapter.
(Code 1990, § 12-31; Ord. No. O-1976-3, § 13-121, 11-18-1976)

State law references—State speed limits, 23 V.S.A. § 1003; local speed limits, 23 V.S.A. § 1007.

Sec. 24-35. Roads closed to traffic and do not enter areas.

(a) *Road closed.* A person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that such highway is closed to public travel except by the written permission of the Selectboard or town manager.

(b) *Do not enter areas.* No person shall drive a vehicle into the following areas:

(1) The driveway situated on the easterly side of the Park Street School premises off the southerly side of Park Street near the Marsh Property from Park Street;

(2) The driveway leading from the southerly side of the Park Street School off the southerly side of Park Street and extending about the westerly end of the Park Street School building to Park Street;

(3) At the northerly end of the junction of Route 106 and Main Street in North Springfield, only traffic headed in a southerly direction from Route 106 onto Main Street in North Springfield are allowed;

(4) From the intersection of Craigue Hill and Holt Street up to the intersection of Bailey Street and Holt Street in a westerly direction.

(Code 1990, § 12-32(b), (c); Ord. No. O-1976-3, § 13-129(b), (c), 11-18-1976)

Sec. 24-36. Stop where traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle said driver is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.
(Code 1990, § 12-33; Ord. No. O-1976-3, § 13-136, 11-18-1976)

***State law reference—**Operation of vehicles, 23 V.S.A. § 1001 et seq.

Sec. 24-37. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.
(Code 1990, § 12-34; Ord. No. O-1976-3, § 13-139, 11-18-1976)

Sec. 24-38. Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
(Code 1990, § 12-35; Ord. No. O-1976-3, § 13-140, 11-18-1976)

State law reference—Driving in a caravan or motorcade, other than funeral procession, 23 V.S.A. § 1039(c).

Sec. 24-39. Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the chief of police.
(Code 1990, § 12-36; Ord. No. O-1976-3, § 13-141, 11-18-1976)

Sec. 24-40. When permits required for parades or other processions.

No funeral, procession or parade containing 200 or more persons or 50 or more vehicles, excepting the Armed Forces of the United States, the military forces of the state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Selectboard and such other regulations as are set forth herein which may apply.
(Code 1990, § 12-37; Ord. No. O-1976-3, § 13-142, 11-18-1976)

Sec. 24-41. Boarding or alighting from vehicles in motion.

No person shall board or alight from any vehicle while such vehicle is in motion.
(Code 1990, § 12-38; Ord. No. O-1976-3, § 13-148, 11-18-1976)

Sec. 24-42. Unlawful riding; nonpassenger vehicles.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.
(Code 1990, § 12-39; Ord. No. O-1976-3, § 13-149, 11-18-1976)

Sec. 24-43. Unnecessary noise.

No owner or driver of a motor vehicle shall operate it or permit it to be operated in such manner as to cause unnecessary or unreasonable noise. The term "operate," as used in this section, shall include any act taken or attempt made concerning such vehicle, whether it be in motion or at rest.
(Code 1990, § 12-41; Ord. No. O-1976-3, § 13-151, 11-18-1976)

Sec. 24-44. Obedience of pedestrians to railroad signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.
(Code 1990, § 12-42; Ord. No. O-1976-3, § 13-158, 11-18-1976)

Sec. 24-45. Restrictions on trucks.

(a) No person shall stop, park or halt a motor truck upon Main Street between 11:30 a.m. to 1:00 p.m. for the purpose of loading or unloading the same or for the purpose of making delivery of goods from the truck or receiving goods into the truck.

(b) A person shall not operate a truck on Wall Street from the Summer Street entrance to Reed Street intersection.
(Code 1990, § 12-43; Ord. No. O-1976-3, § 13-152, 11-18-1976)

Secs. 24-46—24-65. Reserved.

ARTICLE III. STOPPING, STANDING, PARKING

DIVISION 1. GENERALLY

Secs. 24-66—24-88. Reserved.

DIVISION 2. PARKING REGULATIONS

Sec. 24-89. Registration plate displayed constitutes a prima facie presumption.

In any prosecution for the violation of these parking regulations or any amendment thereto, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where such violation occurred.
(Code 1990, § 12-76; Ord. No. O-1976-3, §§ 13-216, 13-227, 11-18-1976)

Sec. 24-90. Fine.

Unless another penalty is expressly provided by state statute or action of the Selectboard, every person convicted of a violation of any provision of this division shall be punished by a fine of not more than $50.00 or by imprisonment for not more than 30 days.
(Code 1990, § 12-77; Ord. No. O-1976-3, § 13-229, 11-18-1976)

Sec. 24-91. Authority to impound vehicles; obligation to notify.

(a) Subject to subsection (c) of this section, any law enforcement officer is authorized to:

(1) Cause the removal of a vehicle stopped, parked, or standing contrary to 23 V.S.A. § 1101, or require the driver or other person in charge to move the vehicle to a safe position off the main-traveled part of the highway;

(2) Cause the removal of an unattended vehicle or cargo that is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) Cause the removal of any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

a. The officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner;

b. The person in charge of the vehicle is unable to provide for its removal; or

c. The person in charge of the vehicle has been arrested under circumstances that require said person's immediate removal from control of the vehicle.

(b) In the case of a crash involving a serious bodily injury or fatality, clearance of the crash scene may be delayed until the crash investigation is completed.

(c) A towing operator shall undertake removal of a vehicle or cargo under this section only if summoned to the scene by the vehicle owner or vehicle operator, or an enforcement officer, and is authorized to perform the removal as follows:

(1) The owner or operator of the vehicle or cargo being removed shall summon to the scene the towing operator of the owner's or operator's choice in consultation with the enforcement officer and designate the location to where the vehicle or cargo is to be removed.

(2) The provisions of subsection (c)(1) of this section shall not apply when the owner or operator is incapacitated or otherwise unable to summon a towing operator, does not make a timely choice of a towing operator, or defers to the enforcement officer's selection of the towing operator.

(3) The authority provided to the owner or operator under subsection (c)(1) of this section may be superseded by the enforcement officer if the towing operator of choice cannot respond to the scene in a timely fashion and the vehicle or cargo is a hazard, impedes the flow of traffic, or may not legally remain in its location in the opinion of the enforcement officer.

(d) (1) Except as provided in subsection (d)(2) of this section, the vehicle owner and the motor carrier, if any, shall be responsible to the law enforcement agency or towing operator for reasonable costs incurred solely in the removal and subsequent disposition of the vehicle or cargo under this section.

(2) When applicable, the provisions of 10 V.S.A. § 6615 (liability for release of hazardous materials) shall apply in lieu of subsection (d)(1) of this section.

(e) Except for intentionally inflicted damage or gross negligence, an enforcement officer or a person acting at the direction of an enforcement officer who removes from a highway a motor vehicle or cargo that is obstructing traffic or maintenance activities or creating a hazard to traffic shall not be liable for damage to the vehicle or cargo incurred during the removal.

(f) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information that might aid the department in ascertaining the ownership of the vehicle and forward the information to the department. A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under 23 V.S.A. § 2151 et seq.

(g) (1) Except as otherwise provided in subdivision (g)(2) of this section, the operator of a vehicle involved in a crash who is required by law to stop the vehicle, or who elects to stop the vehicle, at the crash scene shall move and stop the vehicle at the nearest location where the vehicle will not impede traffic or jeopardize the safety of a person.

(2) The duty to move a vehicle under subsection (g)(1) of this section shall not apply when:

a. The crash involved the death of or apparent injury to any person;

b. The vehicle to be moved was transporting hazardous material;

c. The vehicle cannot be operated under its own power without further damage to the vehicle or the highway; or

d. The movement cannot be made without endangering other highway users.

(3) An operator required to move a vehicle under this subsection (g) who fails to do so shall not be ticketed, assessed a civil penalty, or have points assessed against said operator's driving record.

(Code 1990, § 12-78; Ord. No. O-1976-3, § 13-228, 11-18-1976)

State law reference—Similar provisions, 23 V.S.A. § 1102.

Sec. 24-92. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this chapter.

(Code 1990, § 12-79; Ord. No. O-1976-3, § 13-201, 11-18-1976)

State law reference—Similar provisions, 23 V.S.A. § 1105.

Sec. 24-93. Signs or markings indicating angle parking.

(a) The chief of police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(Code 1990, § 12-80; Ord. No. O-1976-3, § 13-202, 11-18-1976)

Sec. 24-94. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked by the chief of police for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
(Code 1990, § 12-81; Ord. No. O-1976-3, § 13-203, 11-18-1976)

Sec. 24-95. Permit for loading or unloading at an angle.

(a) The Selectboard may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.
(Code 1990, § 12-82; Ord. No. O-1976-3, § 13-204, 11-18-1976)

Sec. 24-96. Stopping, standing or parking prohibited in certain areas; no signs required.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within six feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 12 feet of a crosswalk at an intersection, except as otherwise designated by markings;

(7) Within 20 feet upon the approach of any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within 20 feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise indicated by signs or markings;

(9) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under said person's control into any such prohibited area or away from a curb such distance as is unlawful.
(Code 1990, § 12-83; Ord. No. O-1976-3, § 13-205, 11-18-1976)

State law reference—Similar provisions, 23 V.S.A. § 1104.

Sec. 24-97. Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
(Code 1990, § 12-84; Ord. No. O-1976-3, § 13-206, 11-18-1976)

State law reference—Similar provisions, 23 V.S.A. § 1101(b).

Sec. 24-98. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
(Code 1990, § 12-85; Ord. No. O-1976-3, § 13-207, 11-18-1976)

Sec. 24-99. All-night parking prohibited.

(a) No person owning, operating or controlling a motor vehicle shall park or cause to be parked a motor vehicle on any street or highway within the town from 1:00 a.m. to 7:00 a.m. from November 1 through April 15, inclusive, except all motor vehicles owned, operated or controlled by persons attending the critically ill on emergency calls and motor vehicles of persons attending church services.

(b) Motor vehicles so parked or standing on the streets or highways may be removed or caused to be removed from the street or highway by a police officer or a member of the department of public works to a place of storage and the person owning or controlling the motor vehicle shall be liable for all costs of removal and storage under this section.

(c) Persons owning or controlling the motor vehicle shall be liable for an additional charge of $2.00 per hour for each hour the motor vehicle is in storage from 10:00 a.m. of the day the motor vehicle is stored or the normal storage rate charged by a public garage or automobile service station if the vehicle is stored at such a facility, whichever is less.

(d) Police officers and members of the department of public works shall be exempt from damages incurred to motor vehicles removed under this section and those persons other than police officers and members of the department of public works shall be insured and are deemed to be self-insured for liability for any damages incurred to motor vehicles which they remove under this section.
(Code 1990, § 12-86; Ord. No. O-1976-3, § 13-208, 11-18-1976)

Sec. 24-100. Parking for certain purposes prohibited.

No person shall park a vehicle upon any public roadway for the principal purpose of:

(1) Displaying such vehicle for sale; or

(2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
(Code 1990, § 12-87; Ord. No. O-1976-3, § 13-209, 11-18-1976)

Sec. 24-101. Parking adjacent to schools.

(a) The chief of police is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in the chief's opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.
(Code 1990, § 12-88; Ord. No. O-1976-3, § 13-210, 11-18-1976)

Sec. 24-102. Parking prohibited on narrow streets.

(a) The chief of police is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.
(Code 1990, § 12-89; Ord. No. O-1976-3, § 13-211, 11-18-1976)

Sec. 24-103. Standing or parking on one-way streets.

The chief of police is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.
(Code 1990, § 12-90; Ord. No. O-1976-3, § 13-212, 11-18-1976)

Sec. 24-104. Standing or parking on one-way roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The chief of police is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.
(Code 1990, § 12-91; Ord. No. O-1976-3, § 13-213, 11-18-1976)

Sec. 24-105. No stopping, standing or parking near hazardous or congested places.

(a) The chief of police is hereby authorized to determine and designate by proper signs, places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.
(Code 1990, § 12-92; Ord. No. O-1976-3, § 13-214, 11-18-1976)

Sec. 24-106. Duty to move standing vehicle when directed by officer.

No person shall leave any vehicle standing in any public highway or common to the danger or inconvenience of any person after being directed to remove it by a police officer.
(Code 1990, § 12-93; Ord. No. O-1976-3, § 13-215, 11-18-1976)

Sec. 24-107. Chief of police to designate curb loading zones.

The chief of police is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.
(Code 1990, § 12-94; Ord. No. O-1976-3, § 13-217, 11-18-1976)

Sec. 24-108. Standing in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed three minutes.
(Code 1990, § 12-95; Ord. No. O-1976-3, § 13-218, 11-18-1976)

Sec. 24-109. Handicapped parking.

No person shall stop, stand or park a vehicle in an area marked as a handicapped unloading zone for any purpose or period of time other than the expeditious loading or unloading of such handicapped persons in any area marked as a handicapped unloading zone, and then only for a period of time not to exceed ten minutes.
(Code 1990, § 12-96; Ord. No. O-1979-4, 7-2-1979)

Sec. 24-110. Standing in freight curb loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
(Code 1990, § 12-97; Ord. No. O-1976-3, § 13-219, 11-18-1976)

Sec. 24-111. Selectboard to designate public carrier stops and stands.

The Selectboard shall establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as shall be determined to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.
(Code 1990, § 12-98; Ord. No. O-1976-3, § 13-220, 11-18-1976)

Sec. 24-112. Stopping, standing, and parking of busses and taxicabs regulated.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of the other vehicular traffic.

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.
(Code 1990, § 12-99; Ord. No. O-1976-3, § 13-221, 11-18-1976)

Sec. 24-113. Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop has been officially designated and appropriately signed. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.
(Code 1990, § 12-100; Ord. No. O-1976-3, § 13-222, 11-18-1976)

Sec. 24-114. Application.

The provisions of this section through section 24-117 prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
(Code 1990, § 12-101; Ord. No. O-1976-3, § 13-223, 11-18-1976)

Sec. 24-115. Regulations not exclusive.

The provisions of section 24-114, this section, and sections 24-116 and 24-117 imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.
(Code 1990, § 12-102; Ord. No. O-1976-3, § 13-224, 11-18-1976)

Sec. 24-116. Restricted parking on certain streets.

When proper signs are posted, no person shall park a vehicle in the manner prohibited and described upon any of the streets listed in Schedule VI, as maintained on file in the office of the town clerk and available for inspection during business hours. Additions, changes or deletions may be made by the chief of police from time to time in Schedule VI and, when proper signs are posted, shall have the same force and effect as if set forth herein.
(Code 1990, § 12-103; Ord. No. O-1976-3, § 13-225, 11-18-1976)

Sec. 24-117. Parking signs required.

Whenever by this chapter or any other ordinance of the town any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the chief of police to erect appropriate signs giving notice thereof and no such regulations shall be effective unless the signs are erected and in place at the time of any alleged offense. Such signs shall be erected at intervals of not more than 300 feet and at least one in each block. The provisions of this section shall not apply to section 24-99.
(Code 1990, § 12-104; Ord. No. O-1976-3, § 13-226, 11-18-1976)

Secs. 24-118—24-147. Reserved.

DIVISION 3. MUNICIPAL RENTAL PARKING AREAS

Sec. 24-148. 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:

Day means a calendar day.

Direction means the manner in which a vehicle should lawfully be facing, as in compass direction.

Holiday means an officially designated town workforce holiday.

Immobilization means the attachment of an apparatus or piece of equipment to a parked vehicle so as to render it immobile for purposes of enforcement of this division.

Impoundment means the removal by towing of a vehicle and the holding of that vehicle for purposes of enforcement of this division.

Off-street parking means a parking area not directly adjacent to a roadway.

On-street parking means a parking area, either parallel or diagonal, immediately adjacent to the traveled portion of the highway/road.

Overtime means parking in a space for a term exceeding that designated herein.

Owner means the person to whom a motor vehicle is registered.

Parking area/lot means an area consisting of more than one parking space.

Parking enforcement officer means any individual in the employ of the town charged with the enforcement of this division.

Parking space means an area capable of accommodating one motor vehicle, and designated by the Selectboard as provided in this division, where a vehicle may be parked and allowed to remain for a period of time designated in this division.

Permittee means a person entering into a permit/lease agreement for use of a parking space.

Public parking space means a parking space freely accessible to the public to park for a period designated in this division.

Rental parking space means a parking space reserved by a permit/lease agreement for the use of one individual for any motor vehicle which shall display a proper permit.

Term means the period of time for which parking is allowed in a space as herein designated and as calculated by the parking enforcement officer.

Time of day/time shall be the time as interpreted by a police officer or parking enforcement officer.
(Code 1990, § 12-121; Ord. No. O-1980-3, § 301, 11-3-1980; Ord. No. O-1989-1, § 301, 5-15-1989)

Sec. 24-149. Designation of and amendment of parking areas.

(a) The Selectboard shall establish the areas, terms and restrictions for all parking on public property in the town.

(b) The Selectboard may, by formal resolution and for just cause, amend or alter those elements of this division dealing with limits and restrictions on parking, fees for rental, fines and penalties, but cannot restore meters without voter approval.
(Code 1990, § 12-122; Ord. No. O-1980-3, §§ 302.1, 302.2, 11-3-1980; Ord. No. O-1989-1, §§ 302.1, 302.2, 5-15-1989)

Sec. 24-150. Marking of parking spaces.

It shall be the responsibility of the chief of police, in cooperation with other town departments, to ensure that all public and rental parking spaces/areas herein designated are properly lined, marked, identified and, where applicable, signed in such a manner as to make it reasonably convenient for the public to realize the restrictions on parking.
(Code 1990, § 12-123; Ord. No. O-1980-3, § 302.3, 11-3-1980; Ord. No. O-1989-1, § 302.3, 5-15-1989)

Sec. 24-151. Limits and restrictions on parking.

(a) Schedule VI, regulations on restricted parking areas, is on file in the town clerk's office and shall be a part of this division indicating prohibitions and restrictions on parking. A map illustrating these restrictions shall be kept on file at the police station for public reference.

(b) Schedule VII, regulations articulating conditions, terms and locations of all public and rental parking, shall become a part of this division and is on file in the town clerk's office. A map illustrating these regulations shall be kept on file at the police station for public reference.
(Code 1990, § 12-124; Ord. No. O-1980-3, §§ 303.1, 303.2, 11-3-1980; Ord. No. O-1989-1, §§ 303.1, 303.2, 5-15-1989)

Sec. 24-152. Improper parking.

No person shall park a vehicle in any type of parking space in such a manner as to interfere with the free and convenient use of other adjacent spaces or to interfere with pedestrian or vehicular traffic in the area or otherwise create an unsafe or inconvenient situation.
(Code 1990, § 12-125; Ord. No. O-1980-3, § 303.3, 11-3-1980; Ord. No. O-1989-1, § 303.3, 5-15-1989)

Sec. 24-153. Time of day, holidays, weekends.

Limits to the terms of parking on all public spaces noted in Schedule VII, which is on file in the town clerk's office, shall apply only between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday; and they shall not apply on weekends or holidays. Limits to the terms and conditions for rental parking, as well as limits to parking as noted in Schedule VI, shall apply at all times.
(Code 1990, § 12-126; Ord. No. O-1980-3, § 303.4, 11-3-1980)

Sec. 24-154. Enforcement by parking enforcement officer.

It shall be the duty of the parking enforcement officer to ensure compliance with this division. In the absence of the parking enforcement officer, any member of the police department may enforce this division.
(Code 1990, § 12-127; Ord. No. O-1980-3, § 303.5, 11-3-1980; Ord. No. O-1989-1, § 303.5, 5-15-1989)

Sec. 24-155. Fees and procedures for payment for rental spaces.

(a) Rental of a parking space shall be a permit/lease agreement between the town and the permittee on forms prescribed by the town. Rental shall be for six months with a monthly fee which is on file in the town clerk's office.

(b) Payment shall be made monthly within the week directly preceding the first of the month at the town hall with the renewal responsibility exclusively that of the permittee. A permittee whose payment is not current as of the first of the month shall no longer be considered a permittee and the space will be made available for rental to another person.

(c) Upon payment of the fee, a permit will be issued in a form prescribed by the chief of police. All conditions on this form shall be adhered to by the permittee. The permit shall be displayed in a manner as prescribed by the chief of police. If the permit is lost or stolen, then the permittee shall pay a fee which is on file in the town clerk's office to secure a replacement permit. The permit is not transferable to any other vehicle except a vehicle duly registered to the permittee and is so noted on the permit application.

(d) Upon acceptance of the permit, an owner assumes all civil liability for whatever transpires on the space with regard to theft or vandalism on vehicles therein parked.

(e) The town shall be responsible for snow removal on rental spaces within the time limits or priorities set by the town.

(f) No vehicle shall occupy a rental space that does not possess all four tires properly affixed. All rental spaces shall be kept in an orderly manner, free from trash and automotive parts.

(g) The permittee shall affix the number assigned to the rental space in a manner and form as prescribed by the chief of police.
(Code 1990, § 12-128; Ord. No. O-1980-3, § 304.1, 11-3-1980; Ord. No. O-1989-1, § 303.6, 5-15-1989)

Sec. 24-156. Fines, penalties, procedures in the event of violation.

(a) Violations of any kind related to this division shall be ascribed to the owner of a vehicle unless the vehicle is a stolen vehicle.

(b) Any owner violating the limits of this division with respect to regulated parking shall be subject to the amounts of fines and penalties as set by the Selectboard and on file in the town clerk's office.

(c) For enforcement action requiring special attention of any kind, an administrative charge which is on file in the town clerk's office, in addition to the fine, shall be rendered.

(d) Any and all costs of prosecution for scofflaws shall be borne by the violator/owner.
(Code 1990, § 12-129; Ord. No. O-1980-3, § 304.2, 11-3-1980; Ord. No. O-1989-1, § 304.2, 5-15-1989)

Sec. 24-157. Immobilization and impoundment for repeat violators.

(a) Owners determined to be repeat violators shall be identified by the chief of police and warned by certified mail, return receipt requested, or by any police officer that subsequent violation of this division may result in immobilization or impoundment of their vehicle.

(b) Upon order of the chief of police, the motor vehicle of a repeat violator may be immobilized or impounded after due notice cited above has been rendered.

(c) Impounded or immobilized vehicles may be recovered only after the owner has rendered to the town all due fines and towing fees, plus any administrative fees pursuant to section 24-156(b).
(Code 1990, § 12-130; Ord. No. O-1980-3, § 304.3, 11-3-1980; Ord. No. O-1989-1, § 304.3, 5-15-1989)

Sec. 24-158. Towing.

(a) The parking enforcement officer shall have the power to order any vehicle towed away which is improperly parked pursuant to section 24-157.

(b) At the request of the permittee, the parking enforcement officer may order a vehicle towed if it is parked in a rental space without authorization of the permittee.

(c) The owner of a towed vehicle shall be responsible for all towing costs pursuant to state statute and shall pay all fines and fees before recovery of the vehicle is allowed.
(Code 1990, § 12-131; Ord. No. O-1980-3, § 304.4, 11-3-1980; Ord. No. O-1989-1, § 304.4, 5-15-1989)

Sec. 24-159. Interference with enforcement of division.

It is a violation of this division for any owner to deliberately interfere with any of the enforcement personnel, systems, signs or to lie or falsify a permit. All violations pursuant to this section shall be subject to a fine of $50.00.
(Code 1990, § 12-132; Ord. No. O-1980-3, §§ 305.1, 305.2, 11-3-1980; Ord. No. O-1989-1, §§ 305.1, 305.2, 5-15-1989)

Sec. 24-160. Parking and traffic system utility fund.

All fines, fees, penalties and other receipts collected by the town shall be credited to an independent parking and traffic system utility fund to be applied for such uses necessary to support parking functions and other functions allowed by statute.
(Code 1990, § 12-133; Ord. No. O-1980-3, § 308.1, 11-3-1980)

Secs. 24-161—24-188. Reserved.

ARTICLE IV. BICYCLES

DIVISION 1. GENERALLY

Sec. 24-189. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Operator includes any person who is in physical control of a bicycle.

Owner includes any person holding legal title to a bicycle, or having exclusive right to the use or control thereof.
(Code 1990, § 12-156; Ord. No. O-1983-3, § I, 6-20-1983)
State law reference—Definitions, 23 V.S.A. § 4.

Sec. 24-190. Applicability of article.

(a) The parent of any child or the guardian of any ward may not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(b) This article applies whenever a bicycle is operated upon any highway subject to those exceptions stated herein.

(c) Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of motor vehicles, except as to those provisions which by their very nature can have no application.
(Code 1990, § 12-157; Ord. No. O-1983-3, § XI, 6-20-1983)

Sec. 24-191. Equipment.

(a) Before issuance of a registration and license plate, the police department or its duly authorized agent shall inspect each bicycle and shall require:

(1) It to be in proper mechanical condition;

(2) It to be equipped with adequate brakes;

(3) If a bicycle is to be ridden after dark, it to be equipped with a rear reflecting device, which shall be visible at least 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle;

(4) If the bicycle is to be ridden after dark, it to have a headlight on the front which emits a white light visible from a distance of at least 500 feet to the front.

(b) No person shall equip a bicycle with a siren or any device simulating a siren or whistle of an authorized emergency vehicle, nor shall anyone operate a bicycle so equipped.
(Code 1990, § 12-158; Ord. No. O-1983-3, § XV, 6-20-1983)

State law reference—Similar provisions, 23 V.S.A. § 1141.

Sec. 24-192. Penalties.

Any person convicted of a violation of any provision of this article, or who operates a bicycle in violation of any other town ordinance or state law, shall be subject to penalty as follows:

(1) Upon a first conviction for a violation, a fine not to exceed $25.00.

(2) Upon a second conviction for a violation, a fine of not less than $25.00 for each subsequent conviction thereof.

(Code 1990, § 12-159; Ord. No. O-1983-3, § XVIII, 6-20-1983)

Secs. 24-193—24-222. Reserved.

DIVISION 2. LICENSE AND REGISTRATION

Sec. 24-223. Registration required.

It shall be unlawful for any person living in the town to operate or cause to be operated any bicycle upon any of the streets or highways of the town unless the same has been duly registered as provided in this division.
(Code 1990, § 12-176; Ord. No. O-1983-3, § II, 6-20-1983)

Sec. 24-224. Registration term.

The police department or its authorized agent upon receipt of a written application is authorized and directed to issue a bicycle registration which shall be effective from the date issued and through the 30th

day of the next succeeding month of April. Such registration while in effect shall permit the operation of the registered bicycle upon any highway or street of the town except the sidewalks by any person lawfully in possession of the bicycle.
(Code 1990, § 12-177; Ord. No. O-1983-3, § III, 6-20-1983)

Sec. 24-225. Application for registration.

All applications for registration of bicycles shall be on forms prescribed by the chief of police. There shall appear in the application a suitable description of such bicycle for identification purposes. Such application shall indicate the year of issue, the number assigned to the bicycle, which number shall correspond to the license plate of the bicycle, the name and address of the owner or the registrant and any other pertinent information prescribed by the chief of police. In the event the owner of the bicycle is a person under the age of 18 years, the bicycle shall be registered in the name of that owner, but the parent, guardian or householder with whom such minor may be living shall be responsible for the registration and for the mechanical condition of the bicycle registered in the name of such minor.
(Code 1990, § 12-178; Ord. No. O-1983-3, § IV, 6-20-1983)

Sec. 24-226. License plates or stickers.

The town shall provide, each year, appropriate license plates or stickers for the purpose of registration of bicycles in the town under section 24-224. Such license plates or stickers shall indicate the year of expiration and have numbers stamped thereon in numerical order, together with suitable markings showing their issuance by the town, and shall be suitable for the attachment to the frame of bicycles. The license plate or sticker shall correspond to the registration application as cited in section 24-225. Each bicycle shall at all times carry on its frame the license plate or sticker issued to it.
(Code 1990, § 12-179; Ord. No. O-1983-3, § V, 6-20-1983)

Sec. 24-227. Required records of registration.

The chief of police shall keep a record of each registration, by whom made and the number assigned.
(Code 1990, § 12-180; Ord. No. O-1983-3, § VI, 6-20-1983)

Sec. 24-228. Registration fee.

The annual registration fee for the registration of each bicycle required shall cover the costs of any materials, forms, applications, etc., and may be set annually by the Selectboard with recommendation by the chief of police and is on file in the town clerk's office. The fee shall accompany the application for registration.
(Code 1990, § 12-181; Ord. No. O-1983-3, § VII, 6-20-1983)

Sec. 24-229. Sale and transfer.

Any sale or transfer shall automatically cancel the license and registration. It shall thereupon become the duty of the transferee to register such bicycle within 15 days thereafter. Reregistration shall be accomplished in the same manner and for the same fee as for an original registration.
(Code 1990, § 12-182; Ord. No. O-1983-3, § VIII, 6-20-1983)

Sec. 24-230. Disposition of fees.

All monies expended for the purchasing of registration, application blanks, and license plates or stickers or other forms shall be paid out of the general fund of the town and registration fees collected under the provisions herein shall be paid into the general fund of the town.
(Code 1990, § 12-183; Ord. No. O-1983-3, § IX, 6-20-1983)

Sec. 24-231. Prohibited acts.

No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed. No person shall remove, destroy or alter any license plate, sticker or registration card during the time such is operative and valid. Nothing herein shall prohibit the police department from affixing identifying numbers to any bicycle frame which is not otherwise properly identified.
(Code 1990, § 12-184; Ord. No. O-1983-3, § X, 6-20-1983)

Secs. 24-232—24-255. Reserved.

DIVISION 3. OPERATION

Sec. 24-256. Traffic laws apply to bicycle riders.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state declaring rules of the road applicable to vehicles or by the traffic ordinances of the town applicable to the driver of a vehicle, except as to special regulations in this division and except as to those provisions of laws and ordinances which by their nature can have no application.
(Code 1990, § 12-201; Ord. No. O-1976-3, § 13-162, 11-18-1976)
State law reference—Similar provisions, 23 V.S.A. § 1136(c).

Sec. 24-257. Obedience to traffic-control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, sirens and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no persons operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.
(Code 1990, § 12-202; Ord. No. O-1976-3, § 13-163, 11-18-1976)

Sec. 24-258. Riding on bicycles.

No person operating a bicycle may ride other than upon or astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(Code 1990, § 12-203; Ord. No. O-1976-3, § 13-164, 11-18-1976; Ord. No. O-1983-3, § XII, 6-20-1983)
State law reference—Similar provisions, 23 V.S.A. § 1137.

Sec. 24-259. Clinging to motor vehicles.

No person may attach himself or herself or any bicycle upon which he or she is riding to any motor vehicle.
(Code 1990, § 12-204; Ord. No. O-1983-3, § XIII, 6-20-1983)
State law reference—Similar provisions, 23 V.S.A. § 1138.

Sec. 24-260. Riding on highways and bicycle paths.

(a) A person operating a bicycle upon a highway shall ride as near to the right side of the highway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Any person riding a bicycle upon a highway may not ride more than two abreast except on paths or parts of highways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a highway, the bicycle operator may use only such path and may not use the highway.
(Code 1990, § 12-205; Ord. No. O-1983-3, § XIV, 6-20-1983)
State law reference—Similar provisions, 23 V.S.A. § 1139.

Sec. 24-261. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.
(Code 1990, § 12-206; Ord. No. O-1976-3, § 13-169, 11-18-1976)
State law reference—Similar provision, 23 V.S.A. § 1140.

Sec. 24-262. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
(Code 1990, § 12-207; Ord. No. O-1976-3, § 13-166, 11-18-1976)

Sec. 24-263. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley or driveway or building shall, upon approaching a sidewalk or the sidewalk area, extending across an alleyway yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
(Code 1990, § 12-208; Ord. No. O-1976-3, § 13-167, 11-18-1976)

Sec. 24-264. Restricted area.

A person shall not ride a bicycle on the sidewalk in the Main Street area from the intersection of Elm Hill and Valley Street to the area south of the intersection of Mineral, South and Clinton Streets known as Williams Park.
(Code 1990, § 12-209; Ord. No. O-1983-3, § XVI, 6-20-1983)

Sec. 24-265. Riding allowed.

Any child up to the age of ten years may ride a bicycle on the sidewalks in the town except in the area restricted in section 24-264. The operator of a bicycle shall at all times yield to pedestrians. It shall be the responsibility of parents to so inform their child of this.
(Code 1990, § 12-210; Ord. No. O-1983-3, § XVII, 6-20-1983)

Sec. 24-266. Warning device required.

A person shall not ride a bicycle on the public highway unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.
(Code 1990, § 12-211; Ord. No. O-1976-3, § 13-172, 11-18-1976)

State law reference—Required equipment on bicycles, 23 V.S.A. § 1141.

Chapter 25

RESERVED

Chapter 26

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ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Customer means any person, firm, corporation, government, or governmental division who has applied for and is granted service or who is responsible for the service.

Main means a water pipe, owned, operated and maintained by a utility which is used for the purpose of transmission or distribution of water but is not a water service pipe.

Service pipe means the pipe running from the main to the premises of the customer.

Utility means to the town public works department.
(Code 1990, § 13-1; Ord. No. O-1976-2, § 17-202, 11-29-1976)

Sec. 26-2. Application deemed a contract.

The rules and regulations made by the town water and sewer utility will, upon application for or acceptance of service, constitute a contract between the customer and the utility and the customer will be considered to express consent to be bound thereby, and to take water only for purposes stated in the application and at the established rates.
(Code 1990, § 13-2; Ord. No. O-1976-2, § 17-201, 11-29-1976)

Secs. 26-3—26-22. Reserved.

ARTICLE II. WATER SYSTEM*

Sec. 26-23. Applications for water service.

Applications for service are to be made at the office of the utility on forms which will be provided by the utility. Such application shall be made by the owner of the premises. The types of service contracts are:

(1) *Standard service contract.* A contract for service between the utility and customer when the service meets the conditions of section 26-36.

(2) *Limited service contract.* A contract between the utility and the customer for service when the location of the service falls in a pressure zone of below 20 p.s.i.

(Code 1990, § 13-26; Ord. No. O-1976-2, § 17-203, 11-29-1976)

***State law reference—**Water works, 24 V.S.A. § 3301 et seq.

Sec. 26-24. Availability of service.

The acceptance of an application will be contingent upon the existence of a water main in the public way or in a private way or other property upon which the property to be served abuts, provided that at all times there is adequate pressure to provide the additional service.
(Code 1990, § 13-27; Ord. No. O-1976-2, § 17-204, 11-29-1976)

Sec. 26-25. Service connection.

All water service connections shall be installed by the utility or under its supervision and in accordance with its specifications. Such connections will be installed at the expense of the customer in accordance with a schedule of charges on file at the offices of the utility and the town clerk.
(Code 1990, § 13-28; Ord. No. O-1976-2, § 17-205(A), 11-29-1976)

Sec. 26-26. Ownership and maintenance of service pipe.

(a) All new service pipes including the shutoff within the limits of the highway or right-of-way shall be installed, owned and maintained by the utility. From the limits of the highway or right-of-way to the building, the service pipe shall be installed, owned and maintained by the customer. For all existing services the liability of the utility shall end at the curbstop regardless of location.

(b) A service pipe requested and installed for future use shall be financed in full by the customer until utilized, at which time the customer will be refunded the original cost of that portion normally financed by the utility.

(c) When it becomes necessary to thaw a frozen service pipe, and it cannot be determined where it was frozen and the utility at the customer's request undertakes to thaw the service pipe, one-half of the cost shall be paid by the customer.
(Code 1990, § 13-29; Ord. No. O-1976-2, § 17-205(B), 11-29-1976)

Sec. 26-27. Interior valving.

Every service must be provided with an operable valve on each side of the water meter installation. Such valves shall be protected from freezing. Cost of these valves shall be borne by the customer.
(Code 1990, § 13-30; Ord. No. O-1976-2, § 17-205(C), 11-29-1976)

Sec. 26-28. Meters.

Ownership of all water meters registering measurements of all water upon which charges are based shall be vested in the utility.

(1) *General.* All water sold by the utility shall be on the basis of meter measurements or as otherwise provided for in its rate schedules as adopted by resolution of the Selectboard and on file in the town clerk's office and the utility may install meters whenever deemed expedient. The customer may receive water through a meter upon written application to the utility. The size of the meter will be determined by the utility. Premises once served at meter rates will not be restored to a flat rate.

(2) *Meter setting.* All meters shall be set as nearly as possible at the building and the customer shall provide and maintain a clean, dry, warm and accessible place therefor. The owner is responsible for installing the appropriate fixtures to allow for the meter to be set in a horizontal position. Such fixtures will be provided by the utility at no cost to the owner. The cost of the meter shall be borne by the utility.

(3) *Meter location.* Every meter location shall be provided by the owner of the premises wherein located with protection against all injury, including heat and freezing. In the case of a damaged meter, the utility shall immediately ascertain the cause and extent of such injury, and shall forthwith assess against the account of the owner a charge for the amount necessary to return such meter to first class condition.

(4) *Meter accuracy.* In any case where the accuracy of registration of any meter is challenged by any customer, the meter shall be tested only if the customer shall sign an agreement to pay for the work of removing, testing and replacing such meter. If tests show that such meter is accurate within three percent for such meter, the customer shall be held liable for the cost of such removal and test. If the meter tests above the limits specified, the utility shall assume all costs of such removal and test and shall adjust the billing in question in an equitable manner.

(5) *Disconnection.* No person, except utility personnel, shall disconnect any meter or place, replace, move, remove or disturb any meter in any manner whatsoever. This article applies only to the meter itself and not to any connecting fixtures or pipes. This article shall not be construed to render the utility liable for any portion of any service.

(Code 1990, § 13-31; Ord. No. O-1976-2, § 17-205, 11-29-1976)

Sec. 26-29. Deposits.

When deemed necessary, the utility may require a deposit to guarantee payment of current water bills. Such deposit shall not exceed the estimated amount of two billing periods, nor shall it be used as payment in full or in part of a delinquent bill while the customer still requires service in the same location for which said deposit was paid. No deposit shall be refunded until the customer has established suitable credit.
(Code 1990, § 13-32; Ord. No. O-1976-2, § 17-207, 11-29-1976)

Sec. 26-30. Discontinuance of service.

(a) Bills for water service are due and payable when issued, and shall be considered delinquent when unpaid after 30 days. Service may be discontinued for delinquency in payment of water bills or for violation of any rule or regulation contained herein.

(b) Before service is discontinued for delinquency, the utility will follow a reasonable procedure to effect payment, including, but not limited to, the issuance of a shutoff notice mailed at least five days in advance of the shutoff date.

(c) Service discontinuance, for a violation of these regulations including nonpayment of water and/or sewer bills, shall not be made without 14 days written notice except for emergencies. Service once discontinued may not be restored until the cause of discontinuance of service has been removed and until payments in arrears and penalty charges, if any, have been paid or satisfactory arrangements have been made for the resumption of service.

(d) If the utility dispatches an employee to effect a shutoff occasioned by delinquency and upon arrival at the place of service arrangements are made with the business office for payment of charges due, service may be continued, but continuance of service will be subject to a charge indicated in the schedule of rates on file at the offices of the utility and town clerk. The town manager shall prepare and maintain an administrative directive providing procedural guidelines pursuant to the disconnection of municipal water and sewer service.
(Code 1990, § 13-33; Ord. No. O-1976-2, § 17-208, 11-29-1976)

Sec. 26-31. Notice of service to turn on and off.

When turning water on or off is requested by the customer, 24 hours' notice shall be required and such service shall take place only during the regular business hours of the utility. The charge for this service will be as established by resolution of the Selectboard which is on file in the town clerk's office.
(Code 1990, § 13-34; Ord. No. O-1976-2, § 17-217, 11-29-1976)

Sec. 26-32. Emergency.

Water may be turned on or off to any service at any time when, in the opinion of the utility, a condition of emergency of great need exists. Such turning on or off shall not operate to excuse or forgive any charges or other liability assessed against the property so served.
(Code 1990, § 13-35; Ord. No. O-1976-2, § 17-218, 11-29-1976)

Sec. 26-33. Estimated bills.

When the meter reader on the normal meter reading date cannot gain access to the premises, an invoice will be rendered based on estimated water use.
(Code 1990, § 13-36; Ord. No. O-1976-2, § 17-209, 11-29-1976)

Sec. 26-34. Cross connections.

No cross connection between the public water supply system and any other supply will be allowed unless properly protected in accordance with the policy of the state department of health and no new cross connection may be installed without the approval of the state department of health and the utility. In addition, no connection capable of causing backflow into the public water supply system through a plumbing fixture, appliance, or waste outlet having direct connection to waste drains will be permitted. If the owner of such a connection does not remedy it within a time limit specified by the utility, service shall be discontinued.
(Code 1990, § 13-37; Ord. No. O-1976-2, § 17-211, 11-29-1976)

Sec. 26-35. General service conditions.

(a) No customer shall obtain water from any hydrant or other fixture of the utility without the previous consent of the utility. All customers shall maintain, at their own expense, the plumbing and fixtures within their own premises in good repair and protect them from freezing.

(b) All customers having direct pressure water devices, including, but not limited to, hot water tanks or secondary systems supplied by automatic feed valves, should have installed and maintained in operating condition appropriate vacuum, temperature and pressure relief valves or cutouts in the water system and secondary system to prevent damage to the water device or secondary system or their appurtenances should it become necessary to shut off the water main or service or should a pressure failure occur for any other reason. Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer. The utility will not be held liable for damage resulting from the lack of, or failure of, such protective devices.

(c) No customer shall utilize any service pipe or interior plumbing as the building electrical ground, unless such grounding is in accordance with the National Electrical Code.
(Code 1990, § 13-38; Ord. No. O-1976-2, § 17-212, 11-29-1976)

Sec. 26-36. No liability for interrupted or unsatisfactory service.

(a) If, by reason of temporary shortage of supply or for the purpose of making repairs, extensions, connections or placing or replacing the meter or for any reason beyond the control of the utility, it becomes necessary to shut-off water in a main or service, the utility will not be responsible for any damages occasioned by such shutoff and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period in excess of ten days, in which case a proportional adjustment of rates will be made. Notice of shutoff will be given when practicable, but nothing in this rule shall be construed as requiring the giving of such notice.

(b) The utility will not be responsible for damage caused by discolored water or unsatisfactory water service which may be occasioned by cleaning of pipes, reservoirs or standpipes or the opening or closing of any valves or hydrants or any abnormal condition, unless caused by the lack of reasonable care on the part of the utility. The utility will not be responsible for meeting unusually high water quality standards for specialized or industrial customers.

(c) The utility will attempt to maintain standard system pressures not exceeding 175 pounds p.s.i. and will not be required to render service where normal system pressures may be expected to fall below 35 pounds p.s.i. In the event that a prospective customer desires service with the full understanding that normal system pressures may fall below that limit, service will be rendered only upon completion of a limited service contract. Where a customer feels that the system pressures within the above range are higher than said customer's plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure reducing device.
(Code 1990, § 13-39; Ord. No. O-1976-2, § 17-213, 11-29-1976)

Sec. 26-37. Fluctuation of pressures by customer's apparatus.

No customer shall install or use a water consumption apparatus which will affect the utility's pressure or operating conditions so as to interfere with the service of another customer. Where a customer has or proposes to install an apparatus which requires water in sudden and material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the utility reserves the right to require such customer to install devices or an apparatus which will confine such fluctuation of demand

and pressure within reasonable limits determined by the utility. If the customer after receiving written notice from the utility fails to present an acceptable remedial plan within a time limit set by the utility, service will be discontinued.
(Code 1990, § 13-40; Ord. No. O-1976-2, § 17-215, 11-29-1976)

Sec. 26-38. Private fire protection.

(a) The utility may render a special service to private property for private fire protection purposes. Applications may be made by the owner of the property or the owner's authorized agent and will be subject to all the provisions contained herein. Connection change for such service shall be as determined by resolution of the Selectboard.

(b) The applicant must furnish a complete and correct drawing or set of drawings showing the location of the premises to be supplied together with location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises at time of making application. The plans will remain the property of the utility. The applicant also agrees to furnish the utility with drawings showing revisions to piping or appurtenances whenever the same are made.

(c) The annual charge for private fire protection service shall be made in accordance with the schedule of rates on file at the office of the utility. The utility expressly reserves the right to determine the necessity for and the advisability of granting any application for this special service, and the right to determine the size of the service pipe which will be granted depending upon the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building.
(Code 1990, § 13-41; Ord. No. O-1976-2, § 17-216, 11-29-1976)

Sec. 26-39. Water main extensions.

(a) Requests for street main extensions must be made in writing to the office of the utility. When such a request is received, the utility will survey the area to be serviced and estimate the cost of such extensions. All street main extensions will be made by the utility or under its supervision and in accordance with its specifications.

(b) When the application is concerned with a subdivision approved by the planning commission, the developer must deposit with the utility an amount equal to the estimated cost of water main construction before the construction will be authorized. Upon the completion of the work, the cost shall be determined. If the deposit is in excess of the cost, such excess shall be refunded to the applicant. If the cost exceeds the deposit, then, before any water may be made available, the applicant shall pay the difference.

(c) When the application is concerned with installation in a public or private way not within a subdivision and the utility shall deem it necessary or advisable to lay or extend any water mains, the utility shall, before laying or extending any water main, report to the Selectboard the proposed location, extent and size of pipe to be used and the estimated cost. No water main shall be laid or extended except upon order of the Selectboard. Payment for the laying or extension of any water mains may be by special assessment. The Selectboard may levy special assessments under Charter, art. four, § VIII to meet the costs incurred by laying water pipes in public and private ways. The whole cost of laying each such pipe shall be assessed upon the several parcels of land abutting the way in which it is laid.

(d) If the order for assessment is upon land not built upon, the Selectboard shall extend the time of payment of the assessment and interest at the annual rate of 12 percent until it is built upon up to a ten-year period. The assessment and interest shall be paid within three months after such land is built upon or at the expiration of such fixed period.
(Code 1990, § 13-42; Ord. No. O-1976-2, § 17-206, 11-29-1976)

Sec. 26-40. Water conservation.

When necessary to conserve the water supply, the utility may restrict the use of water by its customers.
(Code 1990, § 13-43; Ord. No. O-1976-2, § 17-214, 11-29-1976)

Sec. 26-41. Right of entry.

Employees of the utility having proper identification shall have free access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these rules and regulations.
(Code 1990, § 13-44; Ord. No. O-1976-2, § 17-215, 11-29-1976)

Sec. 26-42. Tampering prohibited.

(a) There shall be no tampering with utility property. No valve, shutoff, hydrant or standpipe which is the property of the utility will be opened or closed or otherwise operated by other than persons authorized by the utility.

(b) Fire hydrants may not be used for any purpose other than the extinguishment of fires or for such other purposes as may be agreed to by the utility and the town or owner of a private hydrant. In no case shall fire hydrants be opened by any person other than an agent of the utility or a duly authorized representative of the town or owner.
(Code 1990, § 13-45; Ord. No. O-1976-2, § 17-215, 11-29-1976)

Secs. 26-43—26-72. Reserved.

ARTICLE III. SANITARY SEWER SYSTEM*

DIVISION 1. GENERALLY

Sec. 26-73. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD, denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

***State law reference**—Sewage disposal system, 24 V.S.A. § 3601 et seq.

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 to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

COD, denoting chemical oxygen demand, means the quantity of oxygen utilized in the chemical oxidation of organic matter with a strong chemical oxidant under standard laboratory procedure and expressed in milligrams per liter.

Combined sewer means a sewer receiving both surface runoff and sewage.

Department means the public works department.

Domestic sewer means a sewer which carries domestic sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Excessive means amounts or concentrations of a constituent of a waste which in the judgment of the board will cause damage to any town facility which will be harmful to the sewage treatment process, which cannot be removed in the sewage treatment plant to the degree required to meet the limiting stream classification standards of the state, which can otherwise endanger life, limb or public property, and/or which can constitute a nuisance.

Facilities includes structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

Garbage means the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its moisture content.

Hearing board means that board appointed according to the provision of section 26-74(d).

Industrial wastes means the liquid wastes from industrial manufacturing processes, laboratory, trade or business as distinct from sanitary sewage.

Industry means an establishment with facilities for mechanical, testing, trade or manufacturing purposes.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Parcel means an area of land as marked on the assessment drawings or subdivision plats on file in the offices of the town clerk and/or assessor.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter.

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 the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Public sanitary sewer system means the public system of sanitary and combined sewers installed or owned by the town.

Public sewer means any portion of the town sanitary sewer system in which all owners of abutting properties have equal rights and which is controlled by the town authority.

Receiving waters means any watercourse, river, pond, ditch, lake, aquifer or other body of surface water or groundwater receiving discharge of sewage.

Sanitary sewage means a combination of the water-carried domestic wastes from residences, business buildings, institutions and industrial establishments.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such groundwater, surface water and stormwater as may be present.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Slop sink means a janitor-type sink.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

Storm drain, sometimes termed *storm sewer*, means a pipe or conduit which carries stormwater, surface water and drainage, but sewage and industrial wastes other than unpolluted cooling water are intended to be excluded.

Supervisor means a person duly appointed by the town manager.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering and are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

Toilet means each individual toilet bowl.

Wastes means substances in liquid, solid or gaseous form that can be carried in water.

Water pollution control plant or *sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

Watercourse means a channel in which a flow of water occurs either continuously or intermittently. (Code 1990, § 13-66; Ord. No. O-1976-2, § 17-303, 11-29-1976)

Sec. 26-74. Purpose.

(a) The Selectboard ordains the following regulations relative to the construction, extension, maintenance, use and operation of the public sanitary sewerage system in the town including any subsequent alterations and extensions and relative to the control of connections to the public sanitary sewerage system.

(b) The construction, extension, maintenance and operation of the public sanitary sewerage system and connections therewith up to the point where the sewer pipe enters any building shall be under the control of and subject to the regulations of the Selectboard under the provisions in this article and any other applicable statutes, regulations or ordinances.

(c) Pursuant to the authority as found in 24 V.S.A. chs. 95, 97 and 101 (24 V.S.A. §§ 3401 et seq., 3501 et seq., 3601 et seq.) and the Charter and appropriate federal regulations, the Selectboard has established this article covering the discharge of wastewater, drainage, substances or wastes into any sewer under its control.

(d) The Selectboard shall be the town's authorized agent in the matter of all sewer installations and shall exercise the power conferred through its authorized representatives in the name and subject to the approval and ratification of the Selectboard.
(Code 1990, § 13-67; Ord. No. O-1976-2, § 17-302, 11-29-1976)

Sec. 26-75. Waiver.

The Selectboard may waive any of the requirements of this article whenever they determine that strict compliance therewith is not required in the public interest.
(Code 1990, § 13-68; Ord. No. O-1976-2, § 17-316(C), 11-29-1976)

Sec. 26-76. Powers and authority of inspectors.

(a) The director of public works and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Selectboard or its 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.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the duly authorized employee of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 26-188.

(c) The Selectboard 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Code 1990, § 13-69; Ord. No. O-1976-2, § 17-313, 11-29-1976)

Sec. 26-77. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as may be provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town or an extension thereof, is hereby required at said owner's expense to install suitable toilet facilities therein. Such person shall connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice if the public sewer is within 100 feet of the property line unless prevented by topographical or other reasons or unless on application of the owner the board of health of the town shall find that the nonconnection of such building with the common sewer does not in reasonable likelihood endanger the public health. After the owner has connected with the sewer said owner shall thereupon discontinue the use of any cesspool, privy vault, septic tank or other private sewerage systems.

(e) The owner of any new building shall not permit such waste matters as are permissible in the public sanitary sewerage system to drain into a new or existing private sewerage disposal system when such building is erected upon premises in the town abutting a public street, highway, public ground or private way in which such a public sanitary sewer is laid.
(Code 1990, § 13-70; Ord. No. O-1976-2, § 17-304, 11-29-1976)

Sec. 26-78. Construction of sewers by private developers.

(a) The developer of subdivisions approved by the Selectboard after November 29, 1976, within 500 feet of an existing sewer must connect into the existing sewer. The cost of the sewer connection to the existing sewer will be borne by the developer. In addition, the developer will be required to pay the cost of any engineering inspection and record drawings required by the town.

(b) When a developer installs sewers in proposed streets or rights-of-way in anticipation of the extension of an existing sewer, the cost of building connections shall be borne by the developer.

(c) The design of any proposed sewer construction must be submitted to the Selectboard for approval prior to issuance of a permit for construction. All sewers constructed by developers must be separate sanitary sewers. Upon the completion of the sewer and its acceptance by the Selectboard, the sewer shall become incorporated in the public sanitary sewer system. Such construction of public facilities may be required in accordance with the provisions of the town subdivision regulations and zoning regulations.
(Code 1990, § 13-71; Ord. No. O-1976-2, § 17-305, 11-29-1976)

Sec. 26-79. Connection to system.

(a) No building shall be connected to the public sanitary sewer system unless the building has a soil line extended to a point above the roof properly vented.

(b) The director of public works or duly authorized agent shall be notified at least 24 hours prior to the beginning of any work on sewer or house connections.

(c) When it is necessary to close off a street or any part thereof, the fire department and police department shall be notified by the contractor. A street opening permit must be obtained from the public works department and a performance bond must be posted with the department of public works at least 24 hours before opening the street. On state highways an additional permit shall be secured from the state department of public works before any work can be started.

(d) All persons are required to give a full written report to the utility within 24 hours in the event that prohibited substances are found in a sewer or house drain during the course of the work. Failure to so report shall be punishable by a penalty of a fine of not more than $20.00 for each failure to report. Finding substances prohibited by these regulations in the sewer connection of any building shall be prima facie evidence of violation of these regulations by both the owner and occupant of the premises or either of them.

(e) It is the responsibility of the licensed drain layer to properly remove sludge and fill with clean bank-run gravel or dirt all septic tanks and cesspools at the time of connection to the sewer system.

(f) Notification of the completion of the work with certification that all conditions of the sewer regulations have been complied with shall be filed in writing with the director of public works within 24 hours after the completion of the work covered in each permit. This notification shall include a sketch of the work done. The sketch will show sufficient measurements to locate all components of the work installed.

(g) If any person shall violate any of the provisions of these regulations and shall have refused or neglected to make good to the satisfaction of the town any defective or imperfect work resulting from such violation or to pay any fees, fines or penalties on account thereof or otherwise imposed under the provisions of these regulations, no permit from the Selectboard under any of the provisions of these regulations for any work to be done by any such person shall be issued, nor shall a license or a renewal of a license as a drain layer under section 14-52 et seq., be issued to any such person until such default shall have been fully remedied and satisfied.
(Code 1990, § 13-72; Ord. No. O-1976-2, § 17-310(B)—(H), 11-29-1976)

Sec. 26-80. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Code 1990, § 13-73; Ord. No. O-1976-2, § 17-314, 11-29-1976)

Sec. 26-81. Violations, penalties.

(a) Any person found to be violating any provisions of this article, except section 26-76, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) In addition to any other penalty provided in section 1-13, any person violating any of the provisions of this article shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.
(Code 1990, § 13-74; Ord. No. O-1976-2, § 17-315, 11-29-1976)

Secs. 26-82—26-105. Reserved.

DIVISION 2. PRIVATE DISPOSAL SYSTEMS

Sec. 26-106. Authorized.

Where a public sanitary or combined sewer is not available under the provisions of 26-77(d), the building sewer may be required to be connected to a private sewage disposal system complying with the provisions of this division.
(Code 1990, § 13-86; Ord. No. O-1976-2, § 17-306(A), 11-29-1976)

Sec. 26-107. Permit required; application; fee.

(a) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Selectboard. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Selectboard. A permit and inspection fee of $10.00 shall be paid to the town at the time the application is filed.

(b) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Selectboard. The Selectboard or its authorized representative shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the Selectboard when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Selectboard.
(Code 1990, § 13-87; Ord. No. O-1976-2, § 17-306(B), (C), 11-29-1976)

Sec. 26-108. Specifications.

(a) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the town.
(Code 1990, § 13-88; Ord. No. O-1976-2, § 17-306(D), (E), 11-29-1976)

Sec. 26-109. Connection to sewer system.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 26-77(d), a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.
(Code 1990, § 13-89; Ord. No. O-1976-2, § 17-306(F), 11-29-1976)

Sec. 26-110. Requirements of other provisions.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the board of health, septic installation ordinance, subdivision regulations or zoning regulations.
(Code 1990, § 13-90; Ord. No. O-1976-2, § 17-306, 11-29-1976)

Sec. 26-111. Permit for dumping of cesspool or septic tank system pumpings required; fee.

(a) Application for a permit to use the disposal station at the water pollution control plant for the dumping of cesspool or septic tank system pumpings may be obtained at the office of the department of public works.

(b) The contractor, upon the granting of the permit, agrees to pay the town annually in advance the fee determined by the Selectboard and comply with the regulations in section 26-112.
(Code 1990, § 13-91; Ord. No. O-1976-2, § 17-307(A), (B), 11-29-1976)

Sec. 26-112. Regulations for depositing septic tank pumpings.

(a) Only pumpings collected within the town shall be disposed of at the disposal station. This restriction may be amended after completion of secondary treatment facilities at the Clinton Street Plant.

(b) No grease, oil, gasoline, explosive fluids, acid, garbage, material detrimental to the treatment plant process or material causing effluent exceeding the maximum allowable concentration of a material to the receiving water shall be dumped into the disposal station.

(c) Discharge into the disposal station shall be controlled by a valve and approved tank outlet connection. Any drippings shall be cleaned up and washed away as required to maintain a sanitary condition.

(d) Failure to observe these regulations will result in revocation of the permit.
(Code 1990, § 13-92; Ord. No. O-1976-2, § 17-307, 11-29-1976)

Secs. 26-113—26-137. Reserved.

DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Sec. 26-138. Permit required.

(a) Before any sewerage work is commenced in the town when the same is to be connected with the public sanitary sewer system and before any opening is made in any public street, highway, public ground or private way and before any addition, alteration, maintenance or repair work is made to any connecting line or connections with the public sanitary sewer system, a permit for such work shall first be obtained from the Selectboard or its authorized agent. Application for such permit shall be on a form approved by the Selectboard. One copy of the permit shall be available for inspection at all times at the site of the work.

(b) No unauthorized person shall open any highway or public ground for the purpose of making any sewer connection or make or cause to be made any connections except by permit of the public works department.

(c) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the Selectboard. All the work related to the installation of building sewers and the connection to the public sewers shall be performed by persons licensed by the town.

(d) Nothing in this article shall be interpreted to prevent an owner from doing any necessary excavating on said owner's own property without a license.
(Code 1990, § 13-106; Ord. No. O-1976-2, § 17-308(B), (C), (E), (V), 11-29-1976)

Sec. 26-139. Classes of permit.

There shall be a class of building sewer permit for residential and commercial service; and a class for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Selectboard.
(Code 1990, § 13-107; Ord. No. O-1976-2, § 17-308(F), 11-29-1976)

Sec. 26-140. Restrictions on permit.

(a) The construction, extension, maintenance and operation of the public sanitary sewer system and connections up to the point where the sewer pipe leaves the right-of-way or up to the point of connection of the private sewer service line shall be under the control of and subject to the regulations of the Selectboard under the provisions hereof and any other applicable statutes, regulations or ordinances. The construction, maintenance and use of private systems for sewerage disposal in the town whether now

existing or hereafter proposed shall be subject to regulation by the Selectboard under the provisions hereof or any applicable statutes, regulations or ordinances and shall also be subject to any existing requirements imposed by statutes, regulations or ordinances.

(b) No person shall break, cut or remove any pipe of the public sanitary sewer or make or cause to be made any connection to the sewer except through the connection branches provided for that purpose, except as provided in this article.
(Code 1990, § 13-108; Ord. No. O-1976-2, § 17-308(A), (D), 11-29-1976)

Sec. 26-141. Plans and specifications.

(a) The utility may require a plan of proposed work with complete explanation thereof that shall be filed in triplicate before any installations are begun. The plan shall be signed by a duly licensed master drain layer, journeyman drain layer or an engineer registered in the state accompanied by an application for approval and issuance of a permit. The application shall be signed by the property owner or the owner's agent.

(b) If required, all plans will show location of gas and water lines and all buildings to be sewered. Any changes to the plan as submitted and approved by the Selectboard must be submitted in writing and approved by the Selectboard or its representative.
(Code 1990, § 13-109; Ord. No. O-1976-2, § 17-308(D), 11-29-1976)

Sec. 26-142. Permit and inspection fees.

A permit and inspection fee of $100.00 shall be paid for taps which are not installed by the utility or under its supervision. The permit and inspection fee for taps made under the direction of the utility will be included in the tap fee. The schedule of fees shall be filed in the town clerk's office and in the office of the utility.
(Code 1990, § 13-110; Ord. No. O-1976-2, § 17-308(D), 11-29-1976)

Sec. 26-143. Approval and inspection by department of all work.

(a) All work carried on or required under the provisions of these regulations shall be subject to the department of public works. No sewer connection branch shall be opened, no pipe laid, and no joints made except under the supervision of an agent of the Selectboard. The department of public works shall be notified at least 24 hours before the beginning of any work upon house sewers or connections.

(b) No trench shall be back-filled or any part of pipe or fittings covered until 24-hour notice has been given to the department of public works or its authorized agent, that the work is ready for inspection, and such inspection has been made by the department of public works, or its authorized agent. Every such inspection shall be made as soon as practicable after the receipt of such notice and the inspector shall have the power to apply any proper tests to the pipe or fittings. The owner or contractor doing the work shall furnish all necessary tools and labor for such test and shall remove any defective materials or repair any work improperly done as the inspector shall direct.
(Code 1990, § 13-111; Ord. No. O-1976-2, § 17-308(T), 11-29-1976)

Sec. 26-144. Costs of installation.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Code 1990, § 13-112; Ord. No. O-1976-2, § 17-308(G), 11-29-1976)

Sec. 26-145. Safety precautions required.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town at the contractor's expense. Temporary bridges shall be installed over trenches when deemed necessary in the judgment of the director of public works to provide convenient public travel.
(Code 1990, § 13-113; Ord. No. O-1976-2, § 17-308(U), 11-29-1976)

Sec. 26-146. Certain connections prohibited.

No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Code 1990, § 13-114; Ord. No. O-1976-2, § 17-308(H), 11-29-1976)

Sec. 26-147. Existing systems to be cleaned properly.

When an existing cesspool or septic tank ceases to be used, it shall be cleaned of sludge and filled with clean bankrun gravel or dirt.
(Code 1990, § 13-115; Ord. No. O-1976-2, § 17-308(S), 11-29-1976)

Sec. 26-148. Regulations for installation.

(a) A separate and independent building sewer shall be provided for every building. If 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, court, yard or driveway, the building sewer from the front building may be extended to the rear building if approved by the Selectboard and considered as one building sewer.

(b) Old building sewers or portions thereof may be used in connection with new buildings only when they are found from examination and test by the Selectboard to meet all requirements of this article.

(c) No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(d) The building sewer shall be SDR 35 or its equivalent.

(e) The size and slope of the building sewer shall be subject to the approval of the Selectboard, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-quarter inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or properly curved pipe and fittings as approved by the Selectboard. A cleanout shall be located a minimum of four inches above the basement floor. The depth shall be sufficient to afford protection from frost.

(f) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Selectboard. Pipe laying and backfill shall be performed in accordance with ASTM Specifications, except that no backfill shall be placed until the work has been inspected. All excavation for house connections will start at the sewer. When water is present in a trench, a sump of crushed stone will be constructed and water will be pumped at all times. The trench will be kept dry at all times during construction. At all times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs or by other approved means.

(g) No blocks or stones will be used to support the pipe. All sewer pipe will be laid on a bed of crushed stone at least four inches in depth. Stone will be installed before the pipe is laid in the trench and the pipe will then be covered with at least four inches of crushed stone. All pipes shall be covered by the use of hand tools to a depth of at least one foot. Excavation and backfill shall be done in accordance with plans and specifications approved by the Selectboard.

(h) All "O" rings and seats will be wiped clean and an ample amount of lubricant applied to the inside of the bell, the "O" ring and the molded end of the barrel before making up the pipe. All materials will be of first class quality. No rejects or second class pipe will be permitted.

(i) The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch or tee is available at a suitable location. If no branch or tee is available, a connection may be made by tapping the existing sewer by an approved method, then inserting a vitrified clay "Y" or "T" saddle all encased in concrete.
(Code 1990, § 13-116; Ord. No. O-1976-2, § 17-308(D)—(Q), 11-29-1976)

Secs. 26-149—26-179. Reserved.

DIVISION 4. SEWER USE REGULATIONS

Sec. 26-180. Stormwater, groundwater, etc., restricted.

(a) No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Selectboard. Industrial cooling water or unpolluted process waters may be discharged on approval of the Selectboard to a storm sewer, combined sewer or natural outlet.
(Code 1990, § 13-131; Ord. No. O-1976-2, § 17-311(A), (B), 11-29-1976)

Sec. 26-181. Prohibited discharges.

The following described waters or wastes shall not be discharged or caused to be discharged into any public sewers:

(1) Gasoline, benzene, naphtha, fuel oil, or other flammable, or explosive liquid, solid or gas;

(2) 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 sewage treatment process, constitute a hazard to animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

(3) Waters or wastes having a pH lower than 5.5 or higher than 9.4 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, brewery mash, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders or any other substance detrimental to or deemed by the Selectboard detrimental to the sewers or to the operation of the sewerage system.

(Code 1990, § 13-132; Ord. No. O-1976-2, § 17-311(C), 11-29-1976)

Sec. 26-182. Restricted discharges.

No person shall discharge, or cause or allow to be discharged, into any sewer the following described substances, materials, waters or wastes in excessive amounts or concentrations if it appears likely in the opinion of the Selectboard that such substances, materials, waters or wastes can harm either the sewers, sewage treatment process or equipment or have an adverse effect on the receiving waters or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Selectboard shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage 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:

(1) Liquids or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);

(2) Waters or wastes containing fats, wax, grease or oils whether emulsified or not in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius);

(3) Garbage that has not been properly shredded, and the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Selectboard;

(4) Waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;

(5) Waters or wastes containing iron, chromium, copper, mercury, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Selectboard for such materials;

(6) Waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Selectboard as necessary after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(8) Wastes containing caustic alkalinity calculated as $CaCO_3$ (calcium carbonate), in excess of 75 parts per million by weight or in volumes which may be determined by the Selectboard to be excessive;

(9) Radioactive wastes or isotopes in excessive amounts or of such half-life or concentrations as may exceed limits established by the Selectboard in compliance with applicable state or federal regulations;

(10) Waters or wastes having a pH in excess of 9.5;

(11) Materials which exert or cause:

a. 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;

b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions;

c. Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

d. Unusual volume of flow or concentration of wastes constituting slugs as defined in section 26-1;

(12) Overflow draining from septic tanks, cesspools or other receptacles storing organic wastes;

(13) Wastes which contain night soil solids that are not diluted sufficiently to ensure that all particles will be carried freely under all flow conditions in town facilities;

(14) Steam exhausts, boiler blowoffs, sediment traps or pipes carrying hot circulating water;

(15) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(16) Wastes leaving a five-day BOD greater than 300 parts per million by weight unless approved by the Selectboard;

(17) Wastes containing more than 350 parts per million by weight of suspended solids unless approved by the Selectboard;

(18) Wastes of an average daily flow greater than two percent of the average daily sewage flow of the town unless approved by the Selectboard.

(Code 1990, § 13-133; Ord. No. O-1976-2, § 17-311(D), 11-29-1976)

Sec. 26-183. Industrial and commercial waste.

The discharge of industrial or commercial process waste to either waterways of the state or to the town waste collection system shall conform to the state department of water resources' regulations as well as Public Law 92-500 and other federal regulations which may be promulgated from time to time. This does not restrict the town from establishing varying criteria within the state's limitations for specific waste.

(Code 1990, § 13-134; Ord. No. O-1976-2, § 17-311(E), 11-29-1976)

Sec. 26-184. Violation of restrictions.

(a) Any industry or person discharging wastewater directly or indirectly into town facilities that do not comply with these rules and regulations may be subject to direct action by the Selectboard when in the opinion of the Selectboard time is of the essence and may include the withdrawal of permission to discharge wastewaters into town facilities or into facilities appurtenant thereto.

(b) Cost for unauthorized additional treatment in or for repairing damages to town facilities resulting from violations of the town rules and regulations is to be reimbursed to the town by the person or place from which the wastewaters originated that cause the adverse effect. The amount to be reimbursed the town by that person shall include not only the aforementioned costs, but also the costs of ascertaining responsibilities. The town may ask the person for reimbursement of such costs if the responsible person can be determined.

(Code 1990, § 13-135; Ord. No. O-1976-2, § 17-311, 11-29-1976)

Sec. 26-185. Pretreatment measures and requirements.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 26-180 through this section, and which in the judgment of the Selectboard may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Selectboard may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (d) of this section.

(b) If the Selectboard permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Selectboard, and subject to the requirements of all applicable codes, ordinances and laws.

(c) Persons or industries who desire to discharge industrial waters into the town facilities shall make their requests to the Selectboard. In forming its opinion as to the limitations on the acceptability of any wastes, the Selectboard will give consideration to factors such as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Furnishing required analyses, flow data, etc., shall be the responsibility of the industry where the wastes originate. The Selectboard shall stipulate the minimum analyses and other data that shall be obtained and shall conduct such waste sampling and measuring programs as are required. Expenses thus incurred by the town shall be reimbursed by the requesting industry.

(d) No statement contained in this article 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 therefor by the industrial concern.
(Code 1990, § 13-136; Ord. No. O-1976-2, § 17-312(A), (B), (K), 11-29-1976)

Sec. 26-186. Preliminary treatment facilities maintenance.

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 expense.
(Code 1990, § 13-137; Ord. No. O-1976-2, § 17-312(J), 11-29-1976)

Sec. 26-187. Application to discharge; required agreement, etc.

All applications to discharge any sewage, drainage, substances or wastes directly into any sewer under the control of the town or tributary thereto shall be accompanied by an agreement signed jointly by the applicant contributing such sewage, drainage, substances, or wastes, stating that the applicant in question agrees to abide by all rules and regulations of the town, that the applicant will provide such works for the preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the Selectboard and that the applicant will permit duly authorized representatives of the Selectboard to enter the premises of the industry to sample and measure wastewaters as needed to check characteristics of the wastewaters. Copies of all such applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing wastewater and statements as to existing and expected average and maximum wastewater flows.
(Code 1990, § 13-138; Ord. No. O-1976-2, § 17-312(C), 11-29-1976)

Sec. 26-188. Control manholes.

When required by the Selectboard, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Selectboard. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by him or her so as to be safe and accessible at all times.
(Code 1990, § 13-139; Ord. No. O-1976-2, § 17-312(D), 11-29-1976)

Sec. 26-189. Interceptors.

(a) Grease, oil, and sand interceptors shall be provided when in the opinion of the Selectboard they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Selectboard and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) 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, watertight and equipped with easily removable covers which, when in place, shall be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner at the owner's expense in continuously efficient operation at all times.
(Code 1990, § 13-140; Ord. No. O-1976-2, § 17-312(G)—(I), 11-29-1976)

Sec. 26-190. Measurements, tests, etc.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the 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 effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(b) In the event that no special manhole has been required by the Selectboard, samples may be taken at suitable locations within the establishment from which the wastes are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur.
(Code 1990, § 13-141; Ord. No. O-1976-2, § 17-312(E), (F), 11-29-1976)

Sec. 26-191. Surcharges.

(a) Any discharge from an establishment or business, hereafter referred to as the source, which exceeds the limits established in section 26-182(16) and (17) for BOD_5, 300 parts per million by weight, or suspended solids, 350 parts per million by weight, for any monthly average will cause the establishment or business to pay a surcharge for the treatment of the excess waste calculated by the following formula:

$$C_{IS} = [(B_I - 300)\ B_C + (S_I - 350)\ S_C] \times 8.34 \times V_I \times D$$

Where:

C_{IS} is the surcharge for the source above their normal usage charge.

B_I is the average concentration of BOD_5 in parts per million (milligrams per liter) for the source's discharge in any month. If B_I is less than 300, the term $(B_I - 300)\ B_C$ shall be left out of the equation above.

B_C is the cost to the town, as set by the town, to treat one pound of BOD_5 based on the yearly budget of the town's sewerage treatment plant assigned to BOD_5 treatment and the average yearly pounds of BOD_5 treated at the town plant.

S_I is the average concentration of suspended solids in parts per million (milligrams per liter) for the source's discharge in any month. If S_I is less than 350, the term $(S_I - 350)\ S_C$ shall be left out of the equation above.

S_C is the cost to the town, as set by the town, to treat one pound of suspended solids based on the yearly budget of the town's sewerage treatment plant assigned to suspended solids treatment and the average yearly pounds of suspended solids treated at the plant.

V_I is the average daily flow in million gallons per day from the source for the month in question.

D is the number of days in the month in question.

8.34 is a conversion factor from concentration and flow to pounds of pollutant.

(b) The source shall furnish or bear the additional costs for special equipment for the removal of undesirable waste from the town plant, and be responsible for the additional costs of disposing of it at an approved site.

(c) The source shall pay the costs of any damage to equipment of the town and additional manpower costs incurred by the town resulting from any upset caused by the source.

(d) Determinations regarding the appropriate nature of surcharges in relation to costs shall be made by the state commissioner of water resources, agency of environmental conservation or designee.
(Code 1990, § 13-142; Ord. No. O-1981-4, § L-4, 1-4-1982)

Sec. 26-192. Funding rehabilitation and expansion.

(a) *Town policy.* It is the policy of the town to plan for the future financing of major rehabilitation, maintenance and upgrade costs of the water and sewer system. For purposes of funding these future expenditures, the Selectboard may establish access fees to be charged to new construction, renovation and any addition to or change in use of residential and commercial units and may also establish an annual set aside of such funds to be collected, held and disbursed as authorized herein.

(b) *Fund established.* A fund is hereby authorized to be established to receive all access fees and amounts set aside annually as authorized under this section, subject to the following conditions:

(1) Such fund shall be known as the water and sewer rehabilitation and upgrade fund.

(2) The fund shall not exceed the estimated future major rehabilitation, major main.

(3) The fund shall be insured at least to the level provided by FDIC.

(4) Withdrawals shall be made from the fund only for the purposes for which the fund is established.

(5) If the fund balance exceeds the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system, then, commencing with the next annual budget, the annual set aside shall be reduced to zero percent and access fees will continue. If, after three years of a zero percent set aside, such fund balance remains in excess of the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system, then one-half of such excess shall be applied to the annual operating budget for the fourth year with any remaining excess fund balance being applied to the subsequent year's annual operating budget.

(6) The Selectboard shall annually, at the time of the adoption of the water and sewer budget, review the fund balance along with the amounts needed for the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system.

(c) *Access fees.* Access fees shall be charged to new construction, renovation and any addition to or change in use of residential and commercial units. Such access fees shall be pursuant to rate schedules adopted by resolution of the Selectboard and maintained at the office of the town clerk and utility.

(1) *Water access fee calculation.*

a. Residential access fees shall be based upon the square footage of living space, new construction or addition.

b. Commercial access fees shall be based upon the estimated per gallon daily usage.

c. Renovation and addition access fees shall be based upon the estimated increase in daily usage per gallon.

(2) *Sewer access fee calculation.*

a. Residential access fees shall be based upon the square footage of living space.

b. Commercial access fees. Construction shall be based upon the estimated per gallon daily usage.

c. Renovation and addition access fees shall be based upon the estimated increase in daily usage per gallon. If done in conjunction with water or currently serviced by municipal water, the sewer access fee is reduced to one-half of the normal fee, based on one day's increased use of the sewer.

d. Change of use access fees shall be based upon the new one day's use, less average of last two years' daily use, but not less than zero.

(3) *High strength waste access fee calculation.* An access fee in addition to the fees established above shall be charged to establishments or businesses, hereafter referred to as the source, which have discharges which exceed 300 parts per million for BODs (high strength waste). The fee shall be based on the source's permitted pounds per day of BODs, as indicated in the source's wastewater discharge permit and agreed to by the town.

(d) *Annual budget.* The annual budget for the water and sewer department may include an allocation for an annual set aside of up to 15 percent of the normal costs for operations, maintenance and bond payments, except with respect to sub-surface leach field systems, the annual set aside may go up to 100 percent of these costs. Such annual set aside shall be administered as follows:

(1) Any surplus in the water and sewer budget at year-end shall, up to the amount of such annual set aside, be contributed to the fund established hereunder for purposes of financing major rehabilitation, major maintenance and upgrade costs for the water and sewer system.

(2) Any surplus in excess of the annual set aside shall be treated as a budget surplus and be applied to the subsequent years' annual water and sewer budget.

(Ord. No. O-1998-1(01), 2-2-1998)

Secs. 26-193—26-222. Reserved.

ARTICLE IV. SPECIAL ASSESSMENT FOR IMPROVEMENTS OR SERVICE*

Sec. 26-223. Intent.

(a) As the town grows, demands to develop areas outside the reaches of the existing water and sewer system emerge. Due to the nature of these developments in terms of topography or geology, costs of providing utility service to them are very high. Even more important, the special equipment needed to serve them requires a higher profile of operating and maintenance costs than areas in the regular service zone. To defray these costs and avoid the unfair result of having general users absorb the high costs of these services provided to but a few users, it is proposed that a special assessment system be set up and employed when the prospect of a high cost of service zone is being considered.

(b) The concept of special assessments is explained quite succinctly by the comprehensive book on municipal finance administration issued by the International City Managers Association:

> "The special assessment has been defined as a 'compulsory charge on selected property for a particular improvement or service which presumably benefits the owners of the selected property and is also undertaken in the interests of the public.' Another observer has stated the definition of special assessments in slightly different terms as 'compulsory levies imposed upon owners of property for the purpose of defraying the cost of specific public improvements likely to enhance the value of assessed property.' In any event, special assessments furnish a means of raising funds in a limited geographical area or sufficiently close by to bring in economic benefits to property in the area."

***Charter reference—**Special assessments, art. four, VIII, F.
State law reference—Special assessments, 24 V.S.A. § 3251 et seq.

(c) This explanation goes on at great length debating the pros and cons of special assessments, the end result of which concludes that this revenue device should be used sparingly with extreme caution.

"It can be seen that special assessments have many characteristics which render them suspect. The procedure is a costly way to make improvements, and it involves a considerable amount of administrative red tape. The accounting system required for special assessments is rather complicated, and some of the essential elements of record keeping and accounting are frequently overlooked by municipal officials. The methods used to apportion costs among benefited property owners are unscientific at best, and seldom do they take into account all of the factors involved in measuring the degree of economic enhancement accruing to benefited properties as a result of local improvements. The installment method of paying special assessments is cumbersome and requires a great deal of diligence and follow-up on the part of city officials.

"On the other hand, cities are frequently urged by their citizens to install improvements which are too costly to be made a part of the general budget. And where such improvements are local in nature, so that only a relatively few properties will be benefited, the special assessment often offers the most practical solution."

(Code 1990, § 13-161; Ord. No. O-1980-5, 11-3-1980)

Sec. 26-224. System established.

It is with the caveat in section 26-223 in mind that the administration proposes the following system to deal with high cost of service zones:

(1) *Minimum specifications.*

a. If upon initial contact with the town it is evident that a service zone cannot be served by conventional means, the contractor shall be provided with the minimum specifications which are on file in the office of the utility and noted as:

1. Section 1.0 Pipe and filling.
2. Section 2.0 Booster pumps (in line service).
3. Section 3.0 Pump stations.
4. Section 4.0 Storage.

b. These specifications shall be used as a determinant as to the nature of the system required by the town before consideration shall be given to the eventual acceptance of the utilities.

(2) *Provision of estimated construction costs by contractor.* Upon the determination of the total number of lots (units) in the subdivision (project), the contractor shall submit an estimate of the costs to install the system to the water and sewer department detailed on a form prescribed by the town and with supporting documentation sufficient to satisfy the town that costs are reasonable and minimum specifications have been met.

(3) *Determination of special assessment calculations by the town.*

a. Within 30 days of the receipt of estimates from the contractor, the town shall provide a determination of the special assessment to be levied.

b. The formula for the calculation of the special assessment shall be the total of two elements:

1. Depreciation as set up by the town on:

(i) Equipment (ten years);

(ii) Mains (67 years);

(iii) Hydrants (40 years);

(iv) Pumping stations (40 years);

(v) New capacity if required:

A. Water (indefinite);

B. Treatment plant (40 years).

2. Operation and maintenance as estimated by the town to include, but not be limited to:

(i) Utility costs for pumps, heat, lights and operation of utility and controls.

(ii) Increased man hours and vehicle costs needed to service, maintain and operate facility.

(4) *Procedures for levy of charges.*

a. Charges shall be levied against each lot, with the number of lots to be certified by the planning commission.

b. Actual costs per lot shall be determined as follows:

$$\frac{\text{Special Assessment - Depreciation \& O\&M}}{\text{Total Number of Lots}} = \text{Charges per Lot}$$

c. Charges shall be levied upon the owner of the lot immediately upon first day of actual service hookup and are subject to all procedures applicable to conventional billing except that any special assessment shall be done in a total separate from conventional charges.

(5) *Conventional charges.* Conventional charges based on volume shall be levied along with the special assessment to defray costs of the system needed to carry service to the limit of the high service zone.

(6) *New capacity, water and sewer.* Should a subdivision or project exceed existing capacities and require the construction of new capacity tailor made to meet the needs of the project, special negotiations will be arranged to deal with the capacity issue independent of other high cost of service zone elements.

(7) *Total charges per lot.* Total charges per lot shall consist of at least two, if not three, elements:

a. Special assessment - depreciation and O&M;

b. Conventional charges by volume;

c. New capacity charges if necessary.

(8) *Contractors bond.* Contractors shall be required to post a bond equal to an amount determined by the Selectboard as security for payment until the subdivision is complete.

(Code 1990, § 13-162; Ord. No. O-1980-5, §§ I—VIII, 11-3-1980)

Sec. 26-225. Impact fees.

(a) In lieu of a special assessment established under sections 26-223 and 26-224, the town may charge the beneficiaries of new development to pay their proportionate share of the cost of municipal and school capital projects which benefit them and to pay for or mitigate the negative effects of construction.

(b) For purposes of this section, the term "capital projects" means:

(1) Any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement;

(2) Any preliminary studies and surveys relating to any physical betterment or improvement;

(3) Land or rights in land;

(4) Any combination of these.

(c) An impact fee authorized hereunder is a fee levied as a condition of issuance of a zoning or subdivision permit which will be used to cover any portion of the costs of an existing or planned capital project that will benefit or is attributable to the users of the development or to compensate the town for any expenses it incurs as a result of construction. The fee authorized hereunder may be levied for recoupment of costs or previously expended capital outlay for a capital project that will benefit the users of the development.

(d) The impact fee calculated for any new development shall be based upon negotiations between the developer and the Selectboard. Such fee shall be equal to or less than the portion of the capital costs of the capital project which will benefit or is attributable to the development and shall not include costs attributable to the operation, administration or maintenance of a capital project. The town may require a fee for the entire cost of the capital project that will initially be used only by the beneficiaries of the development so assessed. Under such circumstances, any beneficiaries of future development shall be required to pay the impact fee to the owners of the development on which the impact fee has already been levied.

(e) Such impact fee may be determined by including the following costs:

(1) The cost of the existing or proposed facility;

(2) The means, including state or federal grants and fees paid by other developers, by which the facility has been or will be financed;

(3) The extent, if any, to which impact fee should be offset to account for other taxes or fees paid by the developer that will cover the costs of the capital project;

(4) Extraordinary costs incurred by the town in serving the new development;

(5) The time-price differential inherent in fair comparisons of amounts paid at different times.

(f) An accounting shall be provided to the developer annually concerning the impact fee paid by the developer showing the source of such impact fee, the amount of the fee collected and the project that was funded with the fee. If a collected impact fee is not spent on the capital project for which it was intended within six years of when the fee was paid, then the unspent portion shall be refunded to the owners of the property paying the impact fee in accordance with the owners' proportionate share after such owners submit an application for such refund. Any such application shall be delivered to the town clerk with copies to each owner of a property benefiting from such capital project.

(g) If actual expenses incurred as a result of construction are less than the estimated amount of expenses expected to be incurred, the unexpended portion shall be refunded within one year or termination of construction of the project, provided an application made for such refund and copies of such application are delivered to the town clerk and to all beneficiaries of said construction project.

(h) The impact fee established hereunder shall be calculated and determined by the water and sewer superintendent.

(Ord. No. O-1998-1(01), 2-2-1998)

Chapter 27

RESERVED

Chapter 28

VEHICLES FOR HIRE

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ARTICLE I. IN GENERAL

Secs. 28-1—28-18. Reserved.

ARTICLE II. TAXICABS*

DIVISION 1. GENERALLY

Sec. 28-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Taxicab includes any motor vehicle, not designated for the carrying of merchandise or freight, advertised or regularly used for carrying passengers for hire, but not operating over a fixed route, including motor vehicles operated for hire in connection with a livery business, but shall not include any such vehicle which the owner thereof uses in an emergency for such purpose, and does not include a vehicle:

(1) An employer uses to transport employees to and from their work;

(2) Which is used solely in the transportation of school children or under authority granted to a school board under 16 V.S.A. § 563 to transport other than school children;

(3) Which is used in the transfer of United States mail on a star route;

(4) Which is used to transport elderly and handicapped persons for whom special transportation programs are designed and funded by state and federal authority through public and private, nonprofit social service agencies;

(5) Used for cooperative transportation.

Taxi driver means the operator of a taxicab.
(Code 1990, § 14-26; Ord. No. O-1983-2, art. I, § C, 6-20-1983)

Sec. 28-20. Purpose.

It is hereby declared that the business of operating motor vehicles for the carriage of passengers for hire along public highways of the town is of public interest and that the regulation of such traffic is necessary in the interest of the safety and convenience of the public.
(Code 1990, § 14-27; Ord. No. O-1983-2, art. I, § B, 6-20-1983)

***State law reference**—Jitneys and taxis, 24 V.S.A. § 2031 et seq.

Sec. 28-21. Notice of and possession of article.

All taxicab owners and drivers shall be given a copy of this article when a license is issued. It shall be the responsibility of each party to be familiar with its provisions and to have a copy in the taxicab, available for inspection by patrons.
(Code 1990, § 14-28; Ord. No. O-1983-2, art. IV, § A(1), 6-20-1983)

Sec. 28-22. Observance of state and local laws.

Every taxicab owner and operator shall observe all applicable state laws and town ordinances, particularly the town traffic and parking regulations. Conviction of any violation of a state law or town ordinance relating to jitneys, motor vehicles or the operation thereof shall require the suspension or revocation of the license of the taxicab or taxicab driver, or both. If a license is suspended, it shall be for such time as may be considered equitable by the Selectboard under the circumstances of the case.
(Code 1990, § 14-29; Ord. No. O-1983-2, art. IV, § I, 6-20-1983)

Sec. 28-23. Refusal of passengers.

No taxicab driver shall neglect or refuse the application of a person for carriage in the taxi when the same is not entirely occupied and the fare when demand is tendered, provided such person is not intoxicated and conducts himself or herself in an orderly manner.
(Code 1990, § 14-30; Ord. No. O-1983-2, art. IV, § D(1), 6-20-1983)

Sec. 28-24. Recordkeeping.

A log must be kept by the dispatcher of a taxicab showing dates of picking up of fares and dropping off of fares. This must be kept for review by the chief of police for a period of not less than 90 days.
(Code 1990, § 14-31; Ord. No. O-1983-2, art. IV, § E(1), 6-20-1983)

Sec. 28-25. Taxicab fares.

(a) It shall be unlawful for a taxi driver to transport, or for a taxicab license holder to normally permit the transportation of, passengers or baggage at a rate of fare other than that on file with the Selectboard.

(b) Upon approval and upon granting of the taxicab license, the rates of fare shall be set forth on a plate or placard, approved by the chief of police, and shall be prominently displayed in each licensed taxicab.

(c) If at any time during the year, the owner of a taxicab feels it necessary to increase the rates of fare, he or she must file in writing such amendment to the rates of fare with the Selectboard.
(Code 1990, § 14-32; Ord. No. O-1983-2, art. II, § H(1), (3), (4), 6-20-1983)

Sec. 28-26. Regular inspection.

On a quarterly basis, commencing three months from the date of the issuance of a license, departing from the expiration date of all licenses, taxicab owners shall be required to bring all licensed taxicabs in for a local inspection identical to the pre-application inspection in section 28-51(3).
(Code 1990, § 14-33; Ord. No. O-1983-2, art. IV, § F(1), 6-20-1983)

Sec. 28-27. Taxicab and taxicab driver license term.

Taxicab and taxicab driver's licenses granted under this article shall expire on May 31 of each year.
(Code 1990, § 14-34; Ord. No. O-1983-2, art. IV, § G(1), 6-20-1983)

Sec. 28-28. License form.

All taxicab and taxicab driver's licenses issued pursuant to this article shall be numbered in order as granted and shall be signed by the town clerk and the Selectboard. Taxicab and taxicab drivers shall set forth the name, residence address and place of business of the licensee.
(Code 1990, § 14-35; Ord. No. O-1983-2, art. IV, § B, 6-20-1983)

Sec. 28-29. Return of dated licenses, invalid licenses.

Each taxicab driver's or taxicab license issued pursuant to this article shall be returned to the chief of police upon the expiration, suspension or revocation of the taxicab driver's or taxicab license as required by this article.
(Code 1990, § 14-36; Ord. No. O-1983-2, art. IV, § C, 6-20-1983)

Sec. 28-30. Suspension or revocation of licenses.

(a) Any license issued pursuant to this article may be revoked at any time for cause. A license shall be forfeited for any violation of this article or any condition of such license. A license may be suspended for a term as determined by the Selectboard.

(b) Whenever the chief of police shall be informed or have reason to believe that any taxicab driver is guilty of a violation of any provision of the license or any provision of this article, the chief of police may promptly suspend such taxicab driver's license until the next regular meeting of the Selectboard. Notice to appear before the board at that meeting shall be given to the taxi driver. The chief of police shall present to the Selectboard reasons for such suspension and the Selectboard shall give such taxicab driver a hearing. The hearing may be continued from time to time until final action is taken. If the Selectboard finds the charges sustained, such license shall be revoked. If the charges are not sustained, such license shall be reinstated.

(c) The chief of police may suspend any taxicab license, subject to the hearing and decision procedure in subsection (b) of this section, whenever the chief is informed and has reason to believe that the motor vehicle licensed is not in safe and proper condition to be operated or does not comply with the equipment requirements of the state statutes.
(Code 1990, § 14-37; Ord. No. O-1983-2, art. IV, § H, 6-20-1983)

Secs. 28-31—28-48. Reserved.

DIVISION 2. TAXICAB LICENSE

Sec. 28-49. Required.

No person shall advertise for use as a taxicab or use or operate or cause the same to be operated as a taxicab, upon any public highway within the town, any motor vehicle unless such motor vehicle is licensed for such use as provided by this article.
(Code 1990, § 14-51; Ord. No. O-1983-2, art. II, § A, 6-20-1983)

Sec. 28-50. Application.

Each applicant for a taxicab license shall apply annually for a license on an application blank to be prepared and furnished by the town clerk at the expense of the town. The applicant shall answer all questions therein and file the application with the town clerk.
(Code 1990, § 14-52; Ord. No. O-1983-2, art. II, § B, 6-20-1983)

Sec. 28-51. Application requirement.

Along with the application form, the following shall be required for taxicab license consideration:

(1) *State jitney license.* A taxicab license application required by this article may be reviewed only after the owner has furnished the town clerk with satisfactory evidence that they hold a valid jitney license issued by the state department of motor vehicles.

(2) *State inspection.* Each applicant for an annual taxicab license shall have such taxicab inspected by an official inspector or inspection station as required by the state motor vehicle department inspection laws presently in effect in 23 V.S.A. § 1 et seq.

(3) *Local inspection.* It shall be the duty of each owner or operator of each taxicab engaged and used in transportation of persons for hire within the town to submit such taxicab to the chief of police or designated agent prior to the consideration of the application for the purpose of having the correctness of the state safety inspection sticker verified and the interior of the vehicle checked for cleanliness, lack of excessive wear to seats and other interior accouterments; and check of the obvious safety defects and conditions, which, in the chief's opinion, would probably endanger the safety, health or dignity of occupants. The inspection shall verify that licenses and notification as to ownership are prominently displayed. The foregoing shall not be construed to effect the liability of the owner and operator of the taxicab towards passengers or the general public.

(4) *Certificate of insurance and notice of cancellation.* A taxicab license required by this article may be granted only after the owner has furnished the town clerk satisfactory evidence that the vehicle has been insured against public liability with limits of at least $50,000.00 for injury to one person and $100,000.00 for injuries resulting from one accident and against property damage with a limit of at least $25,000.00. Every such insurance policy shall contain a provision whereby every company executing the policy shall obligate itself to notify the town clerk, in writing, at least 30 days before any alteration, modification or cancellation of such policy is to become effective. The failure of the owner or operator of such taxicab to procure and keep on file with the town clerk at all times such evidence of purchase for the license year of a liability insurance

policy in the sums aforesaid shall be grounds for the revocation or suspension of the operator's permit for such taxicab. State law requires compulsory liability insurance on vehicles for hire in 23 V.S.A. § 841.

(5) *Bond.* Prior to the consideration and/or issuance of any annual taxicab license required by this article, the owner or operator shall post a bond in the amount of $1,000.00 with the town clerk. The bond shall be executed by the owner or operator of the taxicab to be licensed and by a surety licensed to do business in the state, by two freeholders of the town approved by the town clerk or by the deposit with the town treasurer of an amount in cash sufficient to cover the amount of the bond. The bond shall be conditional upon the full compliance by the licensee with all of the duties, terms and responsibilities provided for in this article and full compliance with all of the motor vehicle laws, jitney laws and other regulations relating to the operation of taxicabs. Failure to meet the conditions of the bond shall result in a forfeiture and a suspension or revocation of the license consistent with the provisions of section 28-30(b).

(6) *Record search and recommendation by chief of police.* A recommendation shall be filed with the Selectboard along with the application from the chief of police summarizing a full criminal and motor vehicle history search of the applicant.

(Code 1990, § 14-53; Ord. No. O-1983-2, art. II, § C, 6-20-1983)

Sec. 28-52. Conditions disqualifying application.

A taxicab license application shall not be considered if applied for by:

(1) A person who has been convicted of a felony against property within two years of the date of the taxicab license application;

(2) A person who has been convicted of a felony against a person; or

(3) A person who does not hold a valid state operator's license.

(Code 1990, § 14-54; Ord. No. O-1983-2, art. II, § I, 6-20-1983)

Sec. 28-53. Grounds for denial of a license.

The Selectboard may deny a taxicab license application if the report by the chief of police indicates a pattern of criminal record or driving record which the Selectboard judges as an indicator that granting the license would be improper under their regulatory authority and expose them to liability as a regulatory authority.

(Code 1990, § 14-55; Ord. No. O-1983-2, art. II, § J, 6-20-1983)

Sec. 28-54. Form; content; display.

(a) Taxicab licenses shall be fixed to a location in the vehicle visible from the passenger's rear seat.

(b) Licenses shall contain information as follows:

(1) A description of the motor vehicle to be operated thereunder, including the make, type, current registration and vehicle identification number, owner's name, address and telephone number; and

(2) Information upon the face that it is issued subject to all provisions of laws and ordinances of the town.

(Code 1990, § 14-56; Ord. No. O-1983-2, art. II, § D, 6-20-1983)

Sec. 28-55. Fees.

No license required by this article shall be issued until a fee of $10.00 per vehicle has been paid for each annual taxicab license to the town.

(Code 1990, § 14-57; Ord. No. O-1983-2, art. II, § E, 6-20-1983)

Sec. 28-56. Marking of vehicles.

Each and every taxicab to be operated within the town shall be clearly marked as such on the exterior of the vehicle.

(Code 1990, § 14-58; Ord. No. O-1983-2, art. II, § F, 6-20-1983)

Sec. 28-57. Owner's responsibility to use licensed drivers.

No owner or person having the care or management of a taxicab shall employ or permit any person to operate the vehicle as a taxicab, other than a person licensed as a taxicab driver as required in section 28-90.

(Code 1990, § 14-59; Ord. No. O-1983-2, art. II, § G, 6-20-1983)

Sec. 28-58. Filing of rates prior to licensing and renewal.

Rates of fares to be charged for the conveyance of passengers shall be filed with the Selectboard for each taxicab owner prior to the granting of a taxicab license.

(Code 1990, § 14-60; Ord. No. O-1983-2, art. II, § H(2), 6-20-1983)

Secs. 28-59—28-89. Reserved.

DIVISION 3. TAXICAB DRIVER'S LICENSE

Sec. 28-90. Required.

No person shall operate or act as the operator or driver of any taxicab upon any public highway within the town unless licensed as provided by this division.

(Code 1990, § 14-76; Ord. No. O-1983-2, art. III, § A, 6-20-1983)

Sec. 28-91. Application.

Each applicant for a taxicab driver's license shall apply for it on an application form to be prepared and furnished by the town clerk at the expense of the town and shall answer in said taxicab driver's own hand all questions therein asked and file it with the town clerk.

(Code 1990, § 14-77; Ord. No. O-1983-2, art. III, § B, 6-20-1983)

Sec. 28-92. Pre-application requirements.

(a) *Vermont operator's license/physician's certificate.* An annual taxicab driver's license required by this division may be granted only after the applicant has provided for review to the town clerk said applicant's valid state operator's license and a physician's certificate that the applicant is in good health and that said applicant's eyesight, with or without glasses, and hearing are normal.

(b) *Passport photo.* A current passport photo must be submitted with the application.

(c) *Record search and recommendation by the chief of police.* A recommendation from the chief of police shall be filed with the Selectboard along with the application summarizing a full criminal and motor vehicle history search.

(d) *Fees.* A taxicab driver's license required by this division shall not be issued until a fee of $10.00 for each annual taxicab driver's license has been paid to the town.
(Code 1990, § 14-78; Ord. No. O-1983-2, art. III, § C, 6-20-1983)

Sec. 28-93. Conditions disqualifying a taxicab driver application.

A taxicab driver's license application shall not be considered if applied for by:

(1) A person who has been convicted of a felony against property within two years of the date of the taxicab driver's license application;

(2) A person who has been convicted of a felony against a person; or

(3) A person who does not hold a valid state operator's license.
(Code 1990, § 14-79; Ord. No. O-1983-2, art. III, § F, 6-20-1983)

Sec. 28-94. Grounds for license denial.

The Selectboard may deny a taxicab driver's license application if the report by the chief of police indicates a pattern of criminal record or driving record which the Selectboard judges as an indicator that granting the license would be improper under their regulatory authority and expose them to liability as a regulatory authority.
(Code 1990, § 14-80; Ord. No. O-1983-2, art. III, § G, 6-20-1983)

Sec. 28-95. Form; content; display.

Taxicab drivers' licenses shall be in a form prescribed by the Selectboard and shall include the photograph provided in the application. The license shall indicate that it is issued subject to all provisions of laws and ordinances of the town. The license shall be on display on the visor above the driver at all times in a manner visible from the rear seat.
(Code 1990, § 14-81; Ord. No. O-1983-2, art. III, § D, 6-20-1983)

Sec. 28-96. Transfer.

Transfer of a taxicab driver's license to another driver or use of a license by another driver shall not be permitted under any circumstances.
(Code 1990, § 14-82; Ord. No. O-1983-2, art. III, § E, 6-20-1983)

Secs. 28-97—28-120. Reserved.

DIVISION 4. ENFORCEMENT

Sec. 28-121. Penalty; violations brought before judicial bureau.

(a) A civil penalty of not more than $100.00 may be imposed for violation of a civil ordinance under this article.

(b) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to 4 V.S.A. § 1 et seq., and 24 V.S.A. § 1971 et seq. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under 24 V.S.A. § 4301 et seq., in which instance the action shall be brought in the environmental division of the superior court.

(c) The judicial bureau, on application of the town, may order that a civil ordinance violation cease.

(d) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of 24 V.S.A. § 4301 et seq.
(Ord. No. O-2013-2, 9-9-2013)

Chapter 29

RESERVED

Chapter 30

ZONING*

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***Charter references—**Planning commission, art. two, IV, C, 1; zoning board of adjustment, art. two, IV, C, 2.

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Sec. 30-1093. Meeting and hearing requirements.
Sec. 30-1094. Decisions.
Sec. 30-1095. Recording requirements.
Sec. 30-1096. Availability and distribution of documents.
Sec. 30-1097. Termination of permit.
Sec. 30-1098. Notification.

ARTICLE I. IN GENERAL

Sec. 30-1. Enactment.

The Selectboard of the town, in accordance with the Vermont Planning and Development Act (24 V.S.A. § 4401), hereby adopts these zoning bylaws for the town. These regulations shall be known and cited as the "Town of Springfield Zoning bylaws."
(Ord. No. O-2019-2, § 1.0, 9-23-2019)

Sec. 30-2. Purpose.

(a) The purpose of these bylaws is to promote the orderly growth of the town, while enhancing its natural, agricultural, historical, economic and social attributes. These bylaws are also intended to further purposes established in 24 V.S.A. § 4302.

(b) The specific purpose of these regulations is to implement the Springfield Town Plan. These regulations seek to guide the development of the town for the protection of community health, safety, welfare, and quality of life.
(Ord. No. O-2019-2, § 1.1, 9-23-2019)

State law reference—Purpose and goals of the planning and development act, 24 V.S.A. § 4302.

Sec. 30-3. Application of bylaws.

A zoning permit issued by the administrative officer shall be required for any land development as defined in 24 V.S.A. § 4303 except for development which is specifically exempted from these regulations under article X, division 2 of this chapter. A certificate of occupancy (article X, division 3 of this chapter) issued by the administrative officer is required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued. All development or land use shall be in compliance with these bylaws.
(Ord. No. O-2019-2, § 1.2, 9-23-2019)

Sec. 30-4. Adoption and amendments; effective date.

In accordance with 24 V.S.A. §§ 4411 and 4412, these regulations shall take effect 21 days after adoption and may be amended according to the requirements and procedures established in 24 V.S.A. § 4301 et seq. The zoning regulations heretofore in effect ("Town of Springfield Zoning Bylaws, November 2014") shall be deemed repealed upon the effective date of these regulations. Any mandatory changes enacted by the state shall automatically become part of these regulations.
(Ord. No. O-2019-2, § 1.3, 9-23-2019)

State law references—Zoning bylaws, 24 V.S.A. § 4411; provisions required and effects prohibited, 24 V.S.A. § 4412.

Sec. 30-5. Interpretation.

The adoption of these regulations shall not repeal any permit previously issued. Where these regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these regulations shall govern.
(Ord. No. O-2019-2, § 1.4, 9-23-2019)

Sec. 30-6. Definitions.

(a) Except where specifically noted herein, all words used shall carry their customary meaning.

(b) Doubt as to the precise meaning of any word used in these bylaws shall be clarified by the development review board.

(c) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building/structure means a building or structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. In the SFHA, a small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

(1) The structure must only be used for parking or storage;

(2) The structure must have required openings to allow floodwaters in and out;

(3) The structure must be constructed using flood-resistant materials below the base flood elevation;

(4) The structure must be adequately anchored to resist flotation, collapse, and lateral movement; and

(5) All building utility equipment, including electrical and heating, must be elevated or floodproofed.

Accessory dwelling means a unit that is located within or appurtenant to a single-family dwelling. An accessory dwelling unit is an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Accessory use means a use customarily incidental and subordinate to the principal use and located on the same lot as the principal use. When applied to agriculture, this shall be deemed to include the sale of products raised on the property. A home occupation shall be considered an accessory use. A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations. A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.

Accessory use on-farm business means an accessory business as a supplement to a working farm, including educational and agritourism events that feature agricultural practices and/or qualifying products such as farm to table events, weddings, wine tastings, etc.

Act means the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. ch. 117 (24 V.S.A. § 4301 et seq.), as it may be amended from time to time.

Administrative officer means the individual nominated by the planning commission for a three-year term, and appointed by the legislative body in accordance with 24 V.S.A. § 4448. The administrative officer shall administer the bylaws literally, and shall not have the power to permit any land development which is not in conformance with such bylaws.

Adult day care means a facility which provides supervised activities, meals and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.

Agricultural and forest product processing means the processing and packaging or bottling of agricultural or forestry products, for sale to or consumption by others.

Agriculture means the production of food and goods through farming.

Alteration means structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment in the usual course of maintenance.

Antenna means any facility, including towers and dish antennae, designed and erected for the purpose of transmitting or receiving any type of radio, television, telephone or other airborne communication signals.

Bank means establishments, including credit unions, offering demand deposit services and other financial services, operating under charter from the state or federal government.

Bar means an establishment, open to the public, where alcoholic beverages are sold, served and consumed.

Barn used for storage means a barn originally constructed to house agricultural equipment or activities, converted for use as cold storage of goods on a commercial basis.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the flood insurance study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation (below ground level) on all sides.

Bed and breakfast means a place of lodging that provides overnight accommodations and which may serve only breakfast to lodging patrons.

Broadcast facilities means a tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Broadcast facilities, also known as wireless communication facilities, include wireless telecommunication facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease it to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

Building includes the term "structure."

Building and excavating yard means yards for the storage and maintenance of equipment used for building and/or excavation activities (not to include extraction of earth or mineral resources on the site).

Building area means the total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building height means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and the average height between eaves and ridge for other types of roofs.

Building materials supply means a facility for the sale of building materials on a retail basis, and including the storage of materials for sale. Building materials include lumber and other building products, hardware, plumbing and electrical materials, paints and related products, and similar materials generally used for construction.

Business incubator, business and professional service, means a facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities. Primary occupants typically include business and professional services utilizing traditional and new technology office machines and computers.

Business incubator, manufacturing and distribution, means a facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities, including warehousing, shipping and receiving. Primary occupants typically include product manufacturers, industrial processes, warehousing, product distribution or similar businesses.

Campground means an area designed to accommodate people with camping vehicles and/or tents for overnight accommodation on a seasonal basis.

Car wash means a commercial facility designed for the purpose of washing automobiles and trucks, either by automated or manual equipment.

Cemetery means a tract of land for burial of the dead, including pet cemeteries.

Church means a building whose primary purpose is that of a house of worship in which those belonging to the organization profess the same religious creed and constitute a nonprofit congregation.

Club house, private, means a building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Commercial concert venue, music, means a building or area used for the establishment of live stage and music presentations.

Commercial parking lot/garage means a lot/structure used for the temporary storage of motor vehicles, for a payment, in association with uses or activities located on the same or other lots.

Communications/transmission facilities means any facility (structure or other, excluding antennae) used for the purpose of transmitting radio, television, telephone or other electronic signals. A communications/transmission facility may or may not be co-located with an antenna.

Conditional use means a use identified in these bylaws, which is permitted only upon approval by the development review board in accordance with the provisions of section 30-723.

Cultural facility means establishments such as libraries, museums, theaters for live stage presentations, art galleries, interpretive centers, etc., which are of historic, educational or cultural interest, and which are not operated commercially.

Day care home means a home or facility serving six or fewer children. (Considered to constitute a permitted single-family residential use of property per 24 V.S.A. § 4412(5).)

Deeded access corridor means a deeded strip of land, not less than 20 feet, nor more than 100 feet, in width, which provides access to land which has no frontage on a town highway. A deeded access corridor shall serve no more than two lots and shall have no buildings, septic systems or wells located within it.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, any change in the use of any building or other structure, or land, or extension of use of land.

Development review board means a development review board for a municipality created under 24 V.S.A. § 4301 et seq. The development review board shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including, but not limited to, the power to hear and decide administrative appeals; variance requests; and applications for site plan approval, conditional use, design review, planned unit development, flood hazard review, and subdivision review.

Downtown design review advisory commission means an advisory design review commission established and appointed by the Selectboard in accordance with 24 V.S.A. §§ 4433 and 4464(d). The downtown design advisory commission has the authority under these regulations to hold meetings, subject to Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314) and to:

(1) Review applications and prepare recommendations on each of the review standards under section 30-724 that are within the downtown design advisory commission's purview (within the boundaries of the designated Downtown) for consideration by the development review board at a public hearing on the application.

(2) If necessary, conduct site visits, prior to a regularly scheduled meeting. No testimony shall be taken at said site visit.

(3) Advise applicants of potential negative responses of the development review board and suggest remedies to correct identified deficiencies for a more detailed and successful application in preparation for the following design review hearing with the development review board.

Dwelling unit, multifamily, means a building designed for occupancy by three or more families living independently of each other in individual dwelling units.

Dwelling unit, single-family, means a room or rooms for the purpose of occupancy by a single family, including independent facilities for living, sleeping, cooking, eating and sanitation.

Dwelling unit, two-family, means a building designed for occupancy by two families living independently of each other in individual dwelling units.

Electronic message display sign means an electrically activated changeable sign where the variable message capability can be electronically programmed.

Essential services means the erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground or overhead facilities for energy, communications, water or drainage.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraction of earth resources includes, but not limited to, gravel pit and mines. See section 30-589 for specific use standards.

Family child care facility means a day care facility which serves more than six full-time and four part-time children. (Subject to all applicable municipal bylaws.)

Family child care home means a day care facility which serves six or fewer full-time children and four part-time children in the care giver's own dwelling unit. (33 V.S.A. § 3511(7).) (Constitutes a permitted use of property, but can require site plan approval.)

Family unit means one or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, not including a housekeeping unit being operated as a roominghouse.

Farm structure means farm structure means a building, enclosure, or fence for housing livestock, silo, the raising of horticultural or agronomic plants or the carrying out of other practices associated with accepted agricultural or farming practices as defined in 10 V.S.A. § 6001(22). This excludes dwellings for human habitation.

Farming includes the activities in the definition below, and viticulture (i.e., culture of grapes). This definition shall include usual, customary, and traditional harvesting, processing, and packaging activities of produce grown on the premises. The term "farming," pursuant to 10 V.S.A. § 6001(22), means:

(1) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;

(2) The raising, feeding, or management of livestock, poultry, fish, or bees;

(3) The operation of greenhouses;

(4) The production of maple syrup;

(5) The on-site storage, preparation and sale of agricultural products principally produced on the farm;

(6) The on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(7) The raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Fence means a freestanding structure of wood, metal, masonry, stone or any combination of materials, attached to the ground and used to restrict visual or physical access.

Flood means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood hazard areas means those areas shown as special flood hazard areas on flood insurance rate maps, further defined as those areas in which a flood would have a one percent chance of occurring each year.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Flood insurance study (generic) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or *floodprone area* means any land area susceptible to being inundated by water from any source. See *Flood.*

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway fringe means the remaining portion of the flood hazard area excluding the floodway.

Forest product processing. See *Agricultural and forest product processing.*

Forestry means any use and management of land for forestry purposes, including logging of a forest, woodland, or plantation and research and educational activities.

Fuel storage and distribution facility means the use of a lot and/or building or other structure for the bulk storage of combustible fuels (fuel oil, gasoline, propane, compressed natural gas, coal or other similar materials, excluding wood) prior to transfer to vehicles for distribution to consumers.

Funeral home means a structure, or part thereof, used for the preparation of the deceased for burial and associated funeral services.

Garden apartment. A garden apartment complex consists of low-rise apartment buildings built with landscaped grounds surrounding them. The apartment buildings are often arranged around courtyards that are open at one end. A garden apartment has some characteristics of a townhouse: each apartment has its own building entrance, or just a few apartments share a small foyer or stairwell at each building entrance. Unlike a townhouse, each apartment occupies only one level.

Garden apartment design means a two or 2½ story structure containing multifamily dwellings.

Gasoline station means a building or land that is used for the sale of motor fuel, oil, and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

Green space means the area of a lot which is landscaped or otherwise undeveloped; the area not included in "lot coverage." See *Lot coverage.*

Group home means a residential care or group home to serve eight or fewer clients in a residential setting, to be operated under state licensing and applicable regulations, for handicapped or disabled persons as defined in 9 V.S.A. § 4501. Such a dwelling must be at least 1,000 feet from another dwelling being utilized for a similar purpose.

Health care facility means facilities for the provision of health care services, including, but not limited to, hospitals, nursing homes, medical laboratories, clinics, etc., doctors' offices, individual offices for a physician, dentist, etc., are considered to be professional offices.

Heavy equipment sales and service means a structure or lot used for the purpose of selling or servicing heavy equipment (tractors, farm equipment, earth moving equipment, cranes, and similar equipment). The facility may include space used for display of items for sale and storage of items awaiting repair.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

Home business means a business carried on in a portion of a dwelling/residence or in an accessory structure to a dwelling/residence.

Home occupation means an occupation, carried on within a dwelling/residence or in an accessory structure to a dwelling/residence, which is customarily incidental and secondary to the use of the premises for dwelling purposes and does not have an undue adverse effect upon the character of the area in which the dwelling is located.

Hotel means an establishment designed or used for public lodging, meeting rooms, meals, service of legal beverages, and related amenities with all rooms accessible from a central point within the building.

Housing, affordable. Housing is affordable when households with incomes below an area's median income pay no more than 30 percent of their income on housing. Housing costs for renters are rent and utilities. Housing costs for homeowners are principal on mortgage payments, interest, property taxes, and insurance.

Housing, low income, means housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that does not exceed 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

Housing, moderate income, means housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that is greater than 80 percent and less than 120 percent of the median gross household income for households of the same size within the region in which the housing is located.

Inn means use of one or more structures (typically a private home or accessory buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use.

Kennel means an establishment for housing domestic animals on a commercial basis.

Land development means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Legislative body means the Selectboard in the case of a town; the trustees in the case of an incorporated village; the mayor, alderpersons, and city council members in the case of a city; and the supervisor in the case of an unorganized town or gore.

Lot means a parcel of land defined by property lines or boundaries. The term "lot" includes the term "plot."

Lot coverage means that portion (percentage) of a lot area which is covered by buildings, structures and other manmade improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of stormwater. Lawn areas are specifically excluded from this definition.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing/processing of goods, foods and beverages means an establishment which makes or processes raw materials into a finished or intermediate product, for commercial purposes, including fabricating facilities and large printing or publishing establishments.

Makerspace means a place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, industrial processes, peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products that might not be possible to create by individuals working alone. The primary focus of makerspaces is the creation of new products.

Means of access is unique to the NRPD district and includes trails, driveways, tracks, etc., which allow the public access to study and enjoy the significant natural resources which are protected by this district.

Medical marijuana dispensary means a dispensary registered with the state that may acquire, possess, cultivate, manufacture, transfer, transport, supply, sell or dispense marijuana, marijuana-infused products, and marijuana-related supplies to registered patients and their caregivers who have designated that dispensary.

Medical testing laboratories means laboratories for testing of medical samples, water samples, etc., where the testing is not directed towards the development of new products, and where no testing is done on live subjects such as humans or other animals.

Mixed use means a structure or land containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the structure or land is located. See section 30-591.

Mobile home means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation. The term "mobile home" includes plumbing, heating, cooking, and electrical systems, and is:

(1) Transportable in one or more sections; and

(2) At least eight feet wide or 40 feet long or when erected has at least 320 square feet, or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

(3) Any structure that meets all the requirements of this definition except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under 42 USC.

Mobile home park means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. The term "mobile home park" does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

Mobile home sales and services means any lot and/or structure used for the sale and repair of mobile homes. Such a facility may include space for the display of mobile homes for sale and the temporary storage of mobile homes awaiting repair.

Modular or prefabricated housing means a dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel means a facility for short-term accommodations usually having a private outside entrance for each room or suite of rooms, and for each room or suite a parking place provided on the premises.

Motor vehicle repair means the use of any building, land area, or other premises which is used for the purpose of making major and minor repairs, for hire, to motor vehicles, including painting, body work, and mechanical work, provided all motor vehicles located on the premises are being worked on for repair or rebuilding and are not kept on the premises for salvage. All motor vehicles located on the premises must be registered for operation.

*Motor vehicle sale*s means the use of any building, land area, or other premises for the display and sale of new or used automobiles generally, but may include light trucks or vans, trailers, or recreation vehicles. Limited to the actual sales of vehicles that require registration by the department of motor vehicles.

Motor vehicle service means the use of any building, land area, or other premises for the sale of motor vehicle fuel, lubricants, and related products and accessories, and for servicing of automobiles and light trucks.

Multi-story apartment design means a structure containing multiple dwellings, composed of three or more stories, but no more than eight stories.

New construction means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of these bylaws and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Nonconforming lots (or parcels) means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming structure means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconforming use means any use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Nursery means a place where young trees or other plants are raised for transplanting or for sale, wholesale or retail, and including the sale of cut and live flowers.

Occupied and *used* shall be considered as though followed by "or intended, arranged, or designed to be used or occupied."

Official zoning map means the map adopted as part of these bylaws showing the boundaries of the established zoning districts.

Outdoor market means an open or roofed area, not within a building, for groups or individuals that offer goods for sale, display or demonstration.

Parking space means an off-street space used for the temporary storage of a licensed motor vehicle.

Permitted use means a use, identified in these bylaws, allowed upon issuance of a zoning permit by the administrative officer. A permitted use may also require site plan approval in accordance with section 30-722.

Person extends and is applied to associates, societies, clubs, firms, cooperatives, companies, organizations, partnerships and bodies political and corporate as well as to individuals.

Personal services means a class of uses including barbers, hairdressers, beauty parlors, shoe repairs, laundries, laundromats, dry cleaners, photo studios, and other businesses deemed services of a personal nature by the development review board.

Personal storage facility means a structure designed to include a number of small, independent storage spaces, each intended to be rented to individual users who are able to access their space without assistance by the proprietor or manager of the facility.

Planned unit development (PUD) means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

Planning commission means a planning commission for a municipality created under 24 V.S.A. § 4321 et seq.

Professional office includes offices for the professional practice of various occupations, including, but not limited to, physicians, dentists, insurance sales, consultants, lawyers, building or property management, engineers, architects or accountants.

Professional service means the provision of services which support other commercial and professional activities such as small print shops, office equipment sales and repair and similar activities.

Public administrative office means a structure which contains the administrative offices of a municipality or a public agency or department.

Public maintenance and storage means a lot and/or structure used by a municipality or public agency or department for the storage and maintenance of vehicles and equipment, and for the storage of materials.

Public road means, for the purpose of these zoning bylaws, a state highway as defined in 19 V.S.A. § 1 or a Class 1, 2, or 3 town highway as defined in 19 V.S.A. § 302(a).

Public safety facility means a facility used by public police, fire or rescue agencies for the purpose of storing vehicles, office activities, training and other agency activities.

Recreation, private indoor, means a class of uses including bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor commercial recreation.

Recreation, private outdoor, means a class of uses including marinas; golf courses; trap, skeet, and archery ranges; swimming pools; skating rinks; riding stables; parks; swimming areas; tennis courts and skiing facilities; which are not enclosed and which are operated commercially.

Recreation, public indoor, means a class of uses owned or operated by a municipality or school district for various recreational activities, which are open to the public. Included are publicly owned or operated indoor facilities such as gymnasiums, skating rinks, swimming pools, etc.

Recreation, public outdoor, means a class of uses including publicly owned and operated playgrounds, play fields, parks, forests, golf courses and unenclosed swimming pools.

Recreational trail means a corridor that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and shall not be used as a permanent dwelling. The term "temporary living" is defined as not more than 30 days and must have the ability to move off-site on a regular basis to discharge the potable water supply.

Recreation vehicle sales and service means a structure or lot used for the purpose of selling or servicing recreational vehicles such as motor homes, camper trailers, travel trailers, etc. The facility may include space for the display of such vehicles for sale, and for the temporary storage of such vehicles awaiting repair.

Renewable energy resource means energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Research and testing laboratory means a commercial facility or enterprise intended for the purpose of conducting scientific research and development related to manufactured or processed end products or services.

Residential care home. A residential care home or group home, to be operated under state licensing or registration, serving nine or more individuals who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multifamily dwelling and shall be subject to conditional use and site plan review.

Restaurant means a commercial establishment for the preparation, sale and consumption of food, but which does not contain a drive through window.

Restaurant with drive through window means a commercial establishment for the preparation, sale and consumption of food, which does contain a drive through window.

Retail sales means an establishment for the sale of goods and merchandise to direct users or consumers of such goods.

Roominghouse means any dwelling unit with two or more individual sleeping rooms for rent, non-transient (meaning for more than seven days at a time) and not including uses defined as bed and breakfast or motel/inn. Owner occupied (where the owner is a natural person) single-family residences renting out no more than two bedrooms with adequate off-street parking are not to be considered roominghouses under this regulation.

Salvage and recycling facility means any lot and/or structure used for the purpose of storing, collecting, purchasing, processing, recycling or selling such materials as wastepaper, rags, scrap metal, plastics, glass, discarded machinery, auto parts, or two or more unregistered, inoperable motor vehicles.

School, private, means an establishment for the purpose of instructing students that does not receive principal funding from the public sector, including schools certified by the state department of education.

School, public, means any publicly owned and operated school district which is used for the education of students.

Seasonal roadside produce stand means an establishment for the retail sales of produce.

Setback means the minimum distance by which a building must be separated from a lot line, centerline of a right-of-way or public road.

Short-term rental means rental of a home, apartment or accessory building for a period of less than 30 days per occurrence.

Sign means any device, logo, structure, building or part thereof used for visual communication or for the purpose of directing the attention of the public to any business, industry, profession, service, commodity or entertainment.

Sign, freestanding, means a sign which is separate from any other structure and is supported from the ground only.

Sign, projecting, means a sign which projects from the face of the building on which it is mounted.

Sign, wall, means a sign which is mounted on and runs parallel to the building which shows only one face.

Small repair services means an indoor use that specializes in small repair services, restoration of a broken, damaged, or failed device, equipment, or part to an acceptable operating or usable condition, such as computer, upholstery, small engine repair or other similar uses.

Solid waste management facility means an area designed for the disposal of refuse or waste materials. Such facilities may be privately or publicly owned and operated, and may include transfer stations. See section 30-610 for specific requirements.

Special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for

publication of the flood insurance rate map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1—30, AE, A99, AR, AR/AI—30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1—30, VE, and V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Start of construction (includes *substantial improvement*) means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Street means (defined for the purposes of these bylaws) any public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street line means the portion of the right-of-way line defining a street which forms the front boundary line of a lot fronting on that street.

Structure means an assembly of materials for occupancy or use, including a building, mobile home or trailer.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement (this definition applies only to the flood hazard review procedures specified in article IX of this chapter).

(1) The term "substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.

(2) The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed.

(3) The term "substantial improvement" does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

For the purposes of determining substantial improvement value and exceptions in subsection (3)a of this definition, the administrative officer is the local code enforcement official.

Theater (indoor) means an establishment for the presentation of motion pictures, inside a structure, operated on a commercial basis.

Townhouse. Townhouses usually consist of multiple floors and have their own outside door as opposed to having only one level and an interior hallway access.

Townhouse design means a residential structure containing single-family attached dwelling units which are separated by a common wall and in which each dwelling unit extends from foundation to roof.

Travel trailer means any vehicle used as sleeping or transient living quarters mounted on wheels or a camper body which can be mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Trucking terminal means a lot and/or structure used for storage, sales, servicing, or loading and unloading of trucks, including tractor and/or trailers. Trucking terminals may also include areas for the temporary storage of loads prior to transshipment.

Veterinary/animal hospital means an establishment for providing care to animals under the direction of a licensed veterinarian.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Warehouse/wholesale distribution means a structure used for the purpose of storing goods and merchandise for a fee and/or distributing goods and merchandise to various retailers for resale. A warehouse/wholesale distribution establishment may include space for temporary storage of trucks, but shall not include facilities for servicing such vehicles.

Wetlands means those areas of the state that are inundated by surface water or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Yard means the space on a lot which is not occupied by a building or structure (structure includes porches).

Yard, front, means the yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of a front yard shall be measured from the street line to the front line of the building.

Yard, rear, means the yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

Yard, side, means the yard between the principal building or accessory building and a side lot line, and extending from the front yard to the rear yard. The depth of a side yard shall be measured from the side lot line to the nearest point of the structure.

Zoning administrator. See *Administrative officer.*

Zoning permit means a form of public notice for posting, issued to an applicant for a use or a structure, following approval by the development review board or the administrative officer.
(Ord. No. O-2019-2, §§ 7.0—7.2, 9-23-2019)

Secs. 30-7—30-30. Reserved.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT STANDARDS

DIVISION 1. GENERALLY

Sec. 30-31. Establishment of zoning districts.

For the purposes of these bylaws, the town is hereby divided into the following zoning districts as shown on the official zoning maps:

Land Reserve 25-Acre District	LR-25
Land Reserve 10-Acre District	LR-10
Residential/Agricultural 5-Acre District	RA-5
Residential/Agricultural 2-Acre District	RA-2
Medium Density Residential District	MDR
High Density Residential District	HDR
General Business District	GB
Central Business District	CB
Residential Commercial District	RC
Industrial/Commercial District	IND/C
Industrial District	IND
Exit Seven District	E7
Aquifer Re-Charge Protection Area—Primary District	ARPA-P
Aquifer Re-Charge Protection Area—Secondary District	ARPA-S
Natural Resource Preservation District	NRPD
Riverbank Protection Overlay District	RPD
Observatory Protection Overlay District	OPD
Airport Approach Overlay District	AAOD

Highway Corridor Overlay District	HCOD
Downtown Design Control Overlay District	DDCOD

(Ord. No. O-2019-2, § 2.0, 9-23-2019)

Sec. 30-32. Official zoning maps.

The districts listed in section 30-31 are bounded as shown on the official zoning map, which is adopted as part of these bylaws and which is on file in the town offices. A reduced copy is attached to these bylaws for user convenience.
(Ord. No. O-2019-2, § 2.1, 9-23-2019)

Sec. 30-33. Interpretation of zoning district boundaries.

Where uncertainty exists with respect to the boundary of any zoning district on the zoning map, the development review board shall determine the location of such boundaries.

(1) Where district boundaries are indicated as approximately following the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such.

(2) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are indicated as approximately parallel to center lines or street lines of streets, the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

(4) Where the boundary of the district follows a river, stream or other body of water, the center of such water shall be construed to be said boundary.

(5) Where the district boundary follows a ridgeline or toe of a slope, U.S.G.S. topographical maps, aerial photographs or on-site inspection may be used to determine in which district a proposed use is located.

(Ord. No. O-2019-2, § 2.2, 9-23-2019)

Sec. 30-34. Lot classification.

Lots are hereby classified according to the presence or absence of municipal water and sewer service. The classification is used to determine dimensional requirements in section 30-35. The classification system is as follows:

Lot Classification	*Provision of Water and Sewer Service*
Class 1	Municipal water and sewer
Class 2	Municipal sewer and on-site water
Class 3	Municipal water and on-site sewer

Lot Classification	*Provision of Water and Sewer Service*
Class 4	On-site water and sewer facilities

(Ord. No. O-2019-2, § 2.3, 9-23-2019)

Sec. 30-35. Lot size and density in land reserve and agricultural zones.

In order to preserve large contiguous areas of forest and agricultural resource lands, required building lot sizes may be as small as two acres in the LR-25, LR-10 and RA-5 districts as long as maximum density requirements are met. The following table shows parcel areas and the permitted number of lots for the applicable districts.

Land Reserve and Agricultural District Densities					
RA-5		*LR-10*		*LR-25*	
Parcel Area (acres)	*Permitted Number of Lots (existing and new home sites)*	*Parcel Area (acres)*	*Permitted Number of Lots (existing and new home sites)*	*Parcel Area (acres)*	*Permitted Number of Lots (existing and new home sites)*
0—4.9	1	0—9.9	1	0—24.9	1
5—9.9	1	10—19.9	1	25—49.9	1
10—14.9	2	20—29.9	2	50—74.9	2
15—19.9	3	30—39.9	3	75—99.9	3
20—24.9	4	40—49.9	4	100—124.9	4
25—29.9	5	50—59.9	5	125—149.9	5
30—34.9	6	60—69.9	6	150—174.9	6
35—39.9	7	70—79.9	7	175—199.9	7
Etc.	Etc.	Etc.	Etc.	Etc.	Etc.

Notes:

(1) "Parcel Area" shall be the acreage on the effective date of this provision (September 10, 2007), of the contiguous taxable property under the same ownership or control. A set of property maps are on file in the lister's office.

(2) This table limits the total number of home sites which are permitted, including existing and new home sites. Any pre-existing home shall be allotted a minimum lot area site for computation purposes. The minimum lot size can be as small as two acres as long as it meets state regulations for on-site septic and water supply systems.

(3) Approval of lot size and layout are also dependent on meeting other requirements (e.g., on-site sewage, lot frontage/width, access, and other provisions of the zoning and subdivision regulations). See section 30-579.

(Ord. No. O-2019-2, § 2.4, 9-23-2019)

Secs. 30-36—30-58. Reserved.

DIVISION 2. SPECIFIC DISTRICT REGULATIONS

Subdivision I. In General

Sec. 30-59. Specific regulations.

The following subdivisions present specific regulations applicable in each district.

(Ord. No. O-2019-2, § 2.5, 9-23-2019)

Secs. 30-60—30-76. Reserved.

Subdivision II. Land Reserve 25-Acre District (LR-25)

Sec. 30-77. Purpose.

The Land Reserve 25-Acre District is intended to conserve open space for land reserve and associated uses. These areas are generally not serviced by community facilities such as roads, utilities and water and sewer. In keeping with the community's desire to retain the town's farm and forested landscape, these areas are slated for very low-density development. The applicant shall demonstrate that the location of any proposed development is suitable for the proposed purpose. This demonstration may reference the land use and the future and current land use maps in the town plan.
(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Sec. 30-78. Permitted and conditional uses.

The permitted and conditional uses in the LR-25 district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)		*Conditional Uses (see section 30-723)*	
1.	Accessory dwelling	1.	Accessory use on-farm business
2.	Accessory use	2.	Agricultural and forest product processing
3.	Agriculture (no permit required, see definition in section 30-6)(E/N)	3.	Bed and breakfast
4.	Church*	4.	Campground
5.	Day care home	5.	Extraction of earth and mineral resources
6.	Dwelling unit: single-family	6.	Family child care facility
7.	Dwelling unit: multiple-family (in approved PUD only)	7.	Family care home
8.	Family child care home*	8.	Home business
9.	Forestry	9.	Inn
10.	Home occupation	10.	Kennel
11.	Nursery*	11.	Outdoor market
12.	Seasonal roadside produce stand*	12.	Recreation, private outdoor
13.	Group home (E/N)	13.	Recreation, public outdoor

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Sec. 30-79. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the LR-25 district:

	Classes 1—4	*Standards for 2- to 5-acre lots*
Minimum lot size**	25 acres	
Maximum density**	1 unit per 25 acres	

	Classes 1—4	*Standards for 2- to 5-acre lots*
Minimum lot size per dwelling unit	2 acres	
Minimum road frontage	300 ft.	200 ft.
Minimum front yard setback	35 ft. from center line of the road	35 ft. from center line of the road
Minimum side yard setback	25 ft.	25 ft.
Minimum rear yard setback	100 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.
Maximum structure coverage	NA	NA

**See sections 30-35 and 30-279

(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Secs. 30-80—30-101. Reserved.

Subdivision III. Land Reserve 10-Acre District (LR-10)

Sec. 30-102. Purpose.

The Land Reserve 10-Acre District is designed to maintain open space in the outlying areas at a smaller minimum acreage while encouraging the same uses that would be applicable to the LR-25 district. These areas are more accessible than LR-25, but the topography may be mixed and irregular similar to the RA-5 district. Generally new development would require on-site water and sewer. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Sec. 30-103. Permitted and conditional uses.

The permitted and conditional uses in the LR-10 district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Accorry use on-farm business
2. Accessory use	2. Agricultural and forest product processing
3. Agriculture (E)	3. Bed and breakfast
4. Church	4. Campground
5. Day care home	5. Extraction of earth and mineral resources
6. Dwelling unit: multiple-family (in approved PUD only)	6. Family child care facility
7. Dwelling unit: single-family	7. Home business
8. Family child care home*	8. Inn
9. Forestry	9. Kennel
10. Home occupation	10. Outdoor market
11. Nursery*	11. Recreation, private outdoor

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
12. Seasonal roadside produce stand*	12. Recreation, public outdoor
13. Group home (E/N)	13. Short-term rental

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Sec. 30-104. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the LR-10 district:

	Classes 1—4	*Standards for 2- to 5-acre lots*
Minimum lot size	10 acres	
Maximum density (see sections 30-35 and 30-579)	1 unit per 10 acres	
Minimum lot size per dwelling unit (see sections 30-35 and 30-579)	2 acres	
Minimum road frontage	200 ft.	200 ft.
Minimum front yard setback	35 ft. from center line of the road	35 ft. from center line of the road
Minimum side yard setback	25 ft.	25 ft.
Minimum rear yard setback	50 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.
Maximum structure coverage	NA	NA

(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Secs. 30-105—30-121. Reserved.

Subdivision IV. Residential Agricultural 5-Acre District (RA-5)

Sec. 30-122. Purpose.

The Residential Agricultural 5-Acre District has been established in outlying areas where public water and sewer service is not available and where topography is mixed and irregular. The purpose of this district is to encourage economical agricultural activities, and allow for low-density housing patterns. It shall be the policy of the town to encourage development in these areas in the manner that will best protect the agricultural and rural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Sec. 30-123. Permitted and conditional uses.

The permitted and conditional uses in the RA-5 district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Accessory use on-farm business
2. Accessory use	2. Agricultural and forest product processing
3. Agriculture (E/N)	3. Bed and breakfast
4. Cemetery*	4. Campground
5. Church*	5. Club house: private
6. Day care home	6. Inn
7. Dwelling unit: single-family	7. Extraction of earth and mineral resources
8. Dwelling unit: two-family	8. Family child care facility
9. Dwelling unit: multiple-family (in approved PUD only)	9. Home business
10. Family child care home*	10. Kennel
11. Forestry (E/N)	11. Nursery
12. Group home (E/N)	12. Outdoor market
13. Home occupation	13. Recreation, private outdoor
14. Seasonal roadside produce stand*	14. Recreation, public outdoor
	15. School, private (day)
	16. School, private (boarding)
	17. School, public
	18. Short-term rental
	19. Veterinary/animal hospital

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Sec. 30-124. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the RA-5 district:

	Classes 1—4
Minimum lot size	5 acres
Minimum density (see sections 30-35 and 30-579)	1 unit per 5 acres
Minimum lot size per dwelling unit (see sections 30-35 and 30-579)	2 acres
Minimum road frontage	200 ft.
Minimum front yard setback	35 ft. from center line of road
Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	NA

(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Secs. 30-125—30-146. Reserved.

Subdivision V. Residential Agricultural 2-Acre District (RA-2)

Sec. 30-147. Purpose.

The Residential Agricultural 2-Acre District has been established to allow low-density residential development in areas that generally have good agricultural and forest soils. It shall be the policy of the town to encourage development in these areas in the manner that will best protect the agricultural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Sec. 30-148. Permitted and conditional uses.

The permitted and conditional uses in the RA-2 district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)		*Conditional Uses (see section 30-723)*	
1.	Accessory dwelling unit	1.	Accessory use on-farm business
2.	Accessory use	2.	Agricultural and forest product processing
3.	Agriculture (E/N)	3.	Bed and breakfast
4.	Cemertery*	4.	Campground
5.	Day care home	5.	Cemetery
6.	Dwelling unit: single-family	6.	Church club house: private
7.	Dwelling unit: two-family*	7.	Extraction of earth and mineral resources
8.	Dwelling unit: multiple-family (in approved PUD only)	8.	Family child care facility
9.	Family child care home*	9.	Home business
10.	Forestry (E/N)	10.	Kennel
11.	Group home (E/N)	11.	Mobile home park; if served with public water and sewer
12.	Home occupation	12.	Nursery
13.	Seasonal roadside produce stand*	13.	Outdoor market
		14.	Professional office
		15.	Recreation, private outdoor
		16.	Recreation, public outdoor
		17.	School, private (day)
		18.	School, private (boarding)
		19.	School, public
		20.	Short-term rental
		21.	Veterinary/animal hospital

(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Sec. 30-149. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the RA-2 district:

Minimum lot size	2 acres
Minimum lot size per dwelling unit	2 acres
Minimum road frontage	200 ft.
Minimum front yard setback	35 ft. from center line of the road
Minimum side yard setback	25 ft.
Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653)	40 ft.
Maximum structure coverage	NA

(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Secs. 30-150—30-166. Reserved.

Subdivision VI. Medium Density Residential District (MDR)

Sec. 30-167. Purpose.

The Medium Density Residential District is designated for land where central water and sewer facilities are available or where the installation of these facilities is feasible. Residential and other compatible and complementing uses are permitted in this district at densities dependent on utility service availability. This district is intended to serve as an urban fringe area for both Springfield and North Springfield, housing a majority of the community's residents in areas and at densities consistent with the utilities provided. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Sec. 30-168. Permitted and conditional uses.

The permitted and conditional uses in the MDR district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Adult day care
2. Accessory use	2. Bed and breakfast
3. Agricuture (E/N)	3. Church
4. Day care home	4. Inn
5. Dwelling unit: single-family	5. Dwelling unit: multiple-family
6. Dwelling unit: two-family	6. Family child care facility
7. Family child care home*	7. Health care facility
8. Forestry (E/N)	8. Home business
9. Group home (E/N)	9. Outdoor market
10. Home occupation	10. Professional office

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
	11. Recreation, public outdoor (parks and playgrounds only)
	12. Roominghouse
	13. School, private (day)
	14. School, private (boarding)
	15. School, public
	16. Short-term rental

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Sec. 30-169. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the MDR district:

	Class 1	*Class 2*	*Class 3*
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	30,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider thatn 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Minimum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%
Maximum lot coverage	80%	80%	80%

(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Secs. 30-170—30-191. Reserved.

Subdivision VII. High Density Residential District (HDR)

Sec. 30-192. Purpose.

The High Density Residential District is designated for land centrally located where central water and sewer facilities are available or readily available. Existing utilities, roads, locations, and intensive development all make certain areas appropriate for high-density development. The purpose of this district is to house a high percentage of the town's population near jobs and community services and where adequate facilities and utilities can be provided. It will be an expansion of residential and related uses. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Sec. 30-193. Permitted and conditional uses.

The permitted and conditional uses in the HDR district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Adult day care
2. Accessory use	2. Bed and breakfast
3. Agriculture (E/N)	3. Inn
4. Day care home	4. Church
5. Dwelling unit: single-family	5. Dwelling unit: multiple-family
6. Dwelling unit: two-family	6. Family child care facility
7. Family child care home*	7. Health care facility
8. Forestry (E/N)	8. Home business
9. Group home (E/N)	9. Outdoor market
10. Home occupation	10. Personal storage facility
	11. Professional office
	12. Recreation, public outdoor
	13. Roominghouse
	14. School, private (boarding)
	15. School, private (day)
	16. School, public
	17. Short-term rental

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Sec. 30-194. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the HDR district:

	Class 1	*Class 2*
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW	
Minimum side yard setback	15 ft.	15 ft.
Minimum rear yard setback	15 ft.	15 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.
Maximum structure coverage	35%	20%
Maximum lot coverage	80%	80%

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Secs. 30-195—30-211. Reserved.

Subdivision VIII. General Business District (GB)

Sec. 30-212. Purpose.

The General Business District includes areas geared towards accommodating the general commercial needs of the public. Lying outside central business areas and along major travel corridors, these areas are easily accessible by existing roads. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Sec. 30-213. Permitted and conditional uses.

The permitted and conditional uses in the GB district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Adult day care
2. Accessory use	2. Bed and breakfast
3. Agriculture (E/N)	3. Building and excavating yard
4. Bank*	4. Building materials and supply
5. Bar*	5. Business incubator - B&P
6. Cultural facility*	6. Business incubator - M&D
7. Dwelling unit: single-family (only in a PUD)	7. Car wash
8. Group home (E/N)	8. Church
9. Home business (in existing dwelling units)*	9. Class I type salvage and recycling facilities
10. Home occupation (in existing dwelling units)*	10. Commercial parking lot garage
11. Personal services*	11. Day care home
12. Professional office*	12. Dwelling unit: multiple-family
13. Restaurant, with or without drive through window*	13. Dwelling unit: two-family
14. Retail sales*	14. Family child care facility
15. Small repair services	15. Fuel storage and distribution
16. Theater, indoor*	16. Gasoline station
	17. Health care facility
	18. Heavy equipment sales and service
	19. Hotel
	20. Makerspace
	21. Manufacturing/processing of goods/foods
	22. Mixed use
	23. Mobile home sales and service
	24. Motel
	25. Motor vehicle repair
	26. Motor vehicle sales
	27. Motor vehicle service
	28. Outdoor market
	29. Personal services

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
	30. Personal storage facility, public
	31. Public maintenance and storage
	32. Public safety facility
	33. Recreation, private indoor
	34. Recreation, private indoor (only if an extension of an existing recreation facility)
	35. Recreation, public outdoor
	36. Recreation vehicle sales and service
	37. Research and testing laboratory
	38. Retail sales
	39. Roominghouse
	40. Salvage and recycling facilties
	41. School, private (day)
	42. School, public
	43. Short-term rental
	44. Theater, indoor
	45. Trucking terminal
	46. Warehouse/wholesale distribution
	47. Veterinary/animal hospital

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Sec. 30-214. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the GB district:

	Classes 1—4
Minimum lot size	10,000 sq. ft.
Minimum road frontage	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW
Minimum side yard setback	None
Minimum rear yard setback	15 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	75%
Maximum lot coverage	80%

(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Secs. 30-215—30-236. Reserved.

Subdivision IX. Central Business District (CB)

Sec. 30-237. Purpose.

The Central Business District is an area that permits a variety of uses all promoting the community's governmental and retail center. This district is intended to preserve the investment made in existing business centers while encouraging the orderly development of new business. Residential uses are also allowed accommodating those who wish to live in a high-density area. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Sec. 30-238. Permitted and conditional uses.

The permitted and conditional uses in the CB district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Adult day care
2. Accessory use	2. Bar
3. Agriculture (E/N)	3. Business incubator - M&D
4. Bank*	4. Child care facility
5. Bar*	5. Church
6. Business incubator - B&P	6. Commercial parking lot/garage
7. Child care facility*	7. Concert venue (indoor)
8. Concert venue (indoor)	8. Day care home
9. Cultural facility*	9. Dwelling unit: multiple-family
10. Forestry (E/N)	10. Dwelling unit: single-family
11. Group home (E/N)	11. Family child care home*
12. Home occupation	12. Family child care facility
13. Personal services*	13. Hotel
14. Profesional office*	14. Makerspace
15. Recreation: public indoor*	15. Manufacturing/processing of goods/foods
16. Restaurant, without drive through window*	16. Mixed use
17. Retail sales*	17. Motel
18. Small repair services	18. Outdoor market
19. Theater, indoor*	19. Personal services
	20. Professional office
	21. Public administrative office
	22. Public maintenance and storage
	23. Public safety facility
	24. Recreation, private indoor
	25. Recreation, public outdoor
	26. Research and testing laboratory
	27. Restaurant, without drive through window
	28. Roominghouse
	29. School, private (day)

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
	30. School, public
	31. Short-term rental
	32. Veterinary/animal hospital

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Sec. 30-239. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the CB district:

	Classes 1—4
Minimum lot size	10,000 sq. ft.
Minimum road frontage	75 ft.
Minimum front yard setback	None
Minimum side yard setback	None
Minimum rear yard setback	None
Maximum building height (see section 30-653 for exceptions)	60 ft.
Maximum structure coverage	90%

(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Secs. 30-240—30-256. Reserved.

Subdivision X. Residential Commercial District (RC)

Sec. 30-257. Purpose.

The Residential Commercial District is a district that is designed to accommodate both residential and commercial development in the more built up areas of town. Permitted uses would be the same as those in high density residential areas while conditional uses would include many of the uses allowed in the Central Business District. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Sec. 30-258. Permitted and conditional uses.

The permitted and conditional uses in the RC district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Adult day care bed and breakfast
2. Accessory use	2. Business incubator - B&P
3. Agriculture (E/N)	3. Business incubator - M&D

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
4. Day care home	4. Church
5. Dwelling unit: single-family	5. Club house: private
6. Dwelling unit: two-family	6. Cultural facility
7. Family child care home*	7. Dwelling unit: multiple-family
8. Forestry	8. Family child care facility
9. Group home (E/N)	9. Family child care home
10. Home occupation	10. Funeral home
11. Recreation, public indoor*	11. Health care facility
	12. Home business
	13. Mixed use
	14. Makerspace
	15. Motor vehicle repair (on parcels with a minimum of two acres)
	16. Motor vehicle service (on parcels with a minimum of two acres)
	17. Motor vehicle sales (on parcels with a minimum of two acres)
	18. Outdoor market
	19. Personal service
	20. Personal storage facility
	21. Professional office
	22. Professional service
	23. Public administrative offices
	24. Recreation, public outdoor
	25. Recreation, public indoor
	26. Restaurant, without drive through window
	27. Retail sales (less than 5,000 sq. ft.)
	28. Roominghouse
	29. School, private (day)
	30. School, public
	31. Short-term rental
	32. Small repair service
	33. Veterinary/animal hospital

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Sec. 30-259. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the RC district:

	Class 1	*Class 2*
Minimum lot size	7,500 sq. ft.	10,000 sq. ft.

	Class 1	*Class 2*
Minimum road frontage	75 sq. ft.	100 sq. ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW	
Minimum rear yard setback	15 ft.	15 ft.
Maximum building height (see section 30-653 for exceptions)	15 ft.	15 ft.
Maximum structure coverage	60 ft.	60 ft.
Maximum lot coverage	75%	75%
	90%	90%

(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Secs. 30-260—30-281. Reserved.

Subdivision XI. Industrial/Commercial District (IND/C)

Sec. 30-282. Purpose.

The Industrial/Commercial District encompasses an area lying outside the central and general business areas, along a major travel corridor with direct access to the Interstate Highway. The purpose of this district is to encourage industrial and commercial uses on a large scale, as opposed to the General and Central Business districts, where small-scale operations are encouraged on small parcels. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Sec. 30-283. Permitted and conditional uses.

The permitted and conditional uses in the IND/C district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)		*Conditional Uses (see section 30-723)*	
1.	Accessory use	1.	Agricultural and forest product processing
2.	Bank	2.	Bar
3.	Cultural facility	3.	Building materials and supplies
4.	Forestry (E/N)	4.	Business incubator - B&P
5.	Heavy equipment sales and/or service*	5.	Business incubator - M&D
6.	Home occupation (in pre-existing residential structures)	6.	Church
7.	Manufacturing/processing of goods, foods and beverages*	7.	Family child care facility
8.	Motor vehicle repair*	8.	Fuel storage and distribution (bulk)
9.	Motor vehicle sales*	9.	Gas station
10.	Motor vehicle serice	10.	Home business (in existing homes)
11.	Planned unit development*	11.	Hotel
12.	Professional office*	12.	Makerspace

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
13. Small repair services	13. Motel
14. Research and testing laboratory*	14. Nursery (with retail sales)
15. Retail sales*	15. Personal services
16. Theater, indoor*	16. Public administrative offices
17. Warehouse/wholesale distribution*	17. Public maintenance and storage
	18. Public safety facility
	19. Recreation, public indoor
	20. Recreation, private indoor
	21. Recreation, public outdoor
	22. Recreation vehicle sales and service
	23. Restaurant, with/without drive through window

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Sec. 30-284. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the IND/C district:

	Classes 1—4
Minimum lot size	40,000 sq. ft.
Minimum road frontage	300 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW
Minimum side yard setback	20 ft.
Minimum rear yard setback	20 ft.
Maximum building height (see section 30-653 for exceptions)	60 ft.
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Secs. 30-285—30-301. Reserved.

Subdivision XII. Industrial District (IND)

Sec. 30-302. Purpose.

The Industrial District allows for the establishment of manufacturing employment opportunities in the community. These areas must take into consideration truck access and the availability of utilities. Space for off-street parking and trucking, therefore, must be adequate enough for industrial use. These areas must be protected from intrusion of residential or retail business uses that are not compatible with

the industrial uses designated for this area. Research and development or other high-density employment activities should be concentrated in this area. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Sec. 30-303. Permitted and conditional uses.

The permitted and conditional uses in the IND district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory use	1. Business incubator - M&D
2. Agriculture (E/N)	2. Church
3. Agricultural and forest product processing*	3. Earth and mineral resources extraction
4. Building and excavating yard*	4. Makerspace
5. Forestry (E/N)	5. Professional office
6. Fuel storage and distribution (bulk)*	6. Research and testing laboratory (large scale)*
7. Gasoline station*	7. Recreation, private indoor
8. Heavy equipment sales and service	8. Regional solid waste management facility
9. Manufacturing/processing of goods, foods and beverages*	9. restaurant
10. Motor vehicle repair*	10. Salvage and recycling facilities
11. Motor vehicle sales*	11. Trucking terminal*
12. Motor vehicle service*	12. Warehouse/wholesale distribution*
13. Professtional office	
14. research and testing laboratory (large scale)*	
15. Small repair services	
16. Trucking terminal*	
17. Warehouse/wholesale distribution*	

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Sec. 30-304. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the IND district:

	Classes 1—4
Minimum lot size	40,000 sq. ft.
Minimum road frontage	300 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW
Minimum side yard setback	20 ft.
Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653 for exceptions)	60 ft.

	Classes 1—4
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Secs. 30-305—30-326. Reserved.

Subdivision XIII. Exit Seven District (E7)

Sec. 30-327. Purpose.

The Exit Seven District includes a defined area located on the western side of Interstate 91 between the Interstate Highway and the Black River. This area has businesses that are geared towards accommodating the traveling public and to maintaining major highway systems. It is the intent of the district not to compete with the Central and General Business district for small businesses. It is also the intent of this district to restrict sprawl around the Interstate interchange by limiting the minimum size of parcels and the land required to support individual uses. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.
(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Sec. 30-328. Permitted and conditional uses.

The permitted and conditional uses in the E7 district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory use	1. Fuel storage and distribution
2. Agriculture (E/N)	2. Gasoline station
3. Forestry (E/N)	3. Hotel
	4. Mixed use
	5. Motel
	6. Motor vehicle repair
	7. Motor vehicle sales
	8. Motor vehicle service
	9. Public maintenance and storage
	10. Public safety facility
	11. Restaurant, with or without drive through window
	12. Trucking terminal

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Sec. 30-329. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the E7 district:

	Classes 1—4
Minimum lot size	2 acres
Minimum road frontage	150 ft.
Minimum front yard setback	30 ft.
Minimum side yard setback	None
Minimum rear yard setback	30 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Secs. 30-330—30-346. Reserved.

Subdivision XIV. Aquifer Re-Charge Protection Area Primary District (ARPA-P)

Sec. 30-347. Purpose.

The Aquifer Re-Charge Protection Area Primary District is an assigned district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land known to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to residential use with additional controls not normally found in other zoning districts.
(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-348. Permitted and conditional uses.

The permitted and conditional uses in the ARPA-P district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
1. Accessory dwelling unit	1. Church
2. Agriculture (E/N)	2. Home business
3. Day care home	3. Home occupation
4. Dwelling unit: single-family	
5. Dwelling unit: two-family	
6. Family child care home*	
7. Forestry (E/N)	

*Site plan review required

E/N = Exempt, notify AO

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-349. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the ARPA-P district:

	Classes 1	*Class 2*	*Class 3*
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum lot size per dwelling unit	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-350. Special standards.

The following special standards shall apply to all new construction started after the adoption of these bylaws:

(1) In-ground tanks for storage of petro-chemicals and any toxic or conceivably hazardous materials are prohibited.

(2) Petroleum fuels that remain liquid at atmospheric pressure (fuel oil) are prohibited as heating fuels.

(3) Storage of liquid petroleum fuels in tanks having capacity of more than 25 gallons is prohibited. This includes the storage of fuel tanker trucks.

(4) All construction activities and completed uses that are used or occupied by people must be serviced by the municipal sewer system.

(5) Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.

(6) All applications for development or construction shall be submitted to the department of public works. The department of public works review, comment and recommendations are required prior to any leasing or commencement of construction.

(7) Subsections (2) and (3) of this section notwithstanding, existing liquid petroleum fuel tanks and heating systems serving existing development may continue in use, but may not be replaced. If such tanks and heating systems are abandoned for a complete heating season, they may not be placed back in operation.

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Secs. 30-351—30-373. Reserved.

Subdivision XV. Aquifer Re-Charge Protection Area Secondary Overlay District (ARPA-S)

Sec. 30-374. Purpose.

The Aquifer Re-Charge Protection Area Secondary District is an overlay district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land know to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to those uses indicated for the underlying General Business (GB) District and the Medium Density Residential (MDR) District.
(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Sec. 30-375. Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the ARPA-S district:

	Classes 1	*Class 2*	*Class 3*
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum lot size per dwelling unit	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%
Maximum lot coverage	50%	40%	20%

(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Sec. 30-376. Special standards.

The following special standards shall apply to all new construction started after the adoption of these bylaws:

(1) In-ground tanks for storage of petrochemicals and any toxic or conceivably hazardous materials are prohibited.

(2) All construction and completed uses that are occupied by people must be serviced by the municipal sewer system.

(3) Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.

(4) All applications for development or construction shall be submitted to the department of public works. The department of public works review, comment and recommendations are required prior to any leasing or commencement of construction.

(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Secs. 30-377—30-395. Reserved.

Subdivision XVI. Natural Resource Protection District (NRPD)

Sec. 30-396. Purpose.

The purpose of the Natural Resources Protection District shall be to protect areas that include irreplaceable, limited and significant natural resources. Use of the land shall be strictly limited to its study and enjoyment by persons through proper and controlled access that would preclude any vehicular traffic. These areas shall remain in their natural state except for means to properly control access and trespass. Any other use or development shall be prohibited.
(Ord. No. O-2019-2, art. 2, tab. 2.15, 9-23-2019)

Sec. 30-397. Permitted and conditional uses.

The permitted and conditional uses in the NRPD district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	*Conditional Uses (see section 30-723)*
	1. Means of access

(Ord. No. O-2019-2, art. 2, tab. 2.15, 9-23-2019)

Secs. 30-398—30-422. Reserved.

Subdivision XVII. Riverfront Protection Overlay District (RPD)

Sec. 30-423. Purpose.

The Riverfront Protection Overlay District is intended to reduce erosion of the banks of the Connecticut River and the Black River near the confluence of the Connecticut River, reduce pollution of the river by filtering surface runoff and ensuring that on-site sewage treatment systems are adequately separated from the river, preserve the visual qualities of the river valley (both views of the river and views from the river) and protect wetlands and other natural features along the river.
(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-424. Location.

The RPD shall include all land located between the edges of the Connecticut River and Black River and the nearest 400-foot elevation contour up to Goulds Mills Falls on the Black River.
(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-425. Dimensional requirements.

Dimensional requirements shall conform to those specified in the underlying districts.
(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-426. Permitted and conditional uses.

Permitted and conditional uses shall conform to those specified in the underlying districts.
(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-427. Special provisions.

The following special provisions shall apply to all new construction and reconstruction started after the adoption of these bylaws:

(1) For purposes of computing lot area, the area between the water's edge and the top of the bank shall not be included.

(2) No structure shall be placed, and no land shall be excavated, filled or graded between the water's edge and within a distance of 25 feet measured horizontally from the top of the bank. Vegetation shall not be removed, and ground cover of indigenous species shall be introduced to cover bare spots. Walkways and paths shall be discouraged. Each lot may have one stairway leading to the water's edge, and one dock, if desired, and if in accordance with all applicable state and federal regulations. This provision shall not apply to town-approved multi-use or pedestrian trails or paths.

(3) Between the top of the bank and a line 75 feet horizontally from the top of the bank, construction shall be prohibited. This provision shall not apply to town-approved multi-use or pedestrian trails or paths. Approval by the zoning administrator is required prior to selective pruning or removal of trees to enhance views or to protect the riverbank from further erosion. This shall not be construed to prohibit the planting of trees or pollinator habitats in accordance with a town-approved beautification plan.

(4) Septic systems shall be separated from the top of the riverbank by the minimum separation distance from watercourses as set forth in the state health regulations.

(5) For proposed developments for which site plan review is required by these bylaws, the development review board shall consider tree removal and other aesthetic aspects of the development project as part of its site plan review.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-428. Input from conservation commission.

If the town chooses to create a conservation commission in accordance with 24 V.S.A. § 4501, the planning commission may request that the conservation commission review proposed development in the RPD District. The commission may also request the town trails, greenways, byways and rural economic advisory committee to review the proposed development.
(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Secs. 30-429—30-454. Reserved.

Subdivision XVIII. Observatory Protection Overlay District (OPD)

Sec. 30-455. Purpose.

The Observatory Protection Overlay District has been established to ensure the continued operation of the two functioning astronomical observatories located in the town. These facilities are extremely sensitive to badly aimed or uncontrolled light, and this overlay district is established to minimize the incidence of such light.
(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-456. Location.

The OPD includes that area surrounding the two observatories as shown on the overlay district map adopted as part of these bylaws.
(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-457. Special provisions.

Within this overlay district, in addition to the general provisions pertaining to exterior lighting set forth in section 30-655, all exterior light drawing more than 35 watts of power shall conform to the following special provisions: All direct light pointed in a direction within 22.5 degrees of a straight line between the light source and the observatories must be shielded so that no direct light is radiated beyond the property line.
(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-458. Implementation.

(a) When granting site plan approval for projects located all or in part within the OPD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this section.

(b) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of these bylaws and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq.
(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Secs. 30-459—30-484. Reserved.

Subdivision XIX. Airport Approach Overlay District (AAOD)

Sec. 30-485. Purpose.

The purpose of the Airport Approach Overlay District is to provide an area of restricted use that protects the airport from injurious encroachment, and from nearby uses harmful to the operation of the

airport and aircraft using it, pursuant to 24 V.S.A. § 4414(1)(C). This district also provides for the safe and convenient use of lands within the district, and allows the airport to successfully coexist with its neighbors within and without the district.
(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-486. Applicability.

The AAOD consists of the airport approach zones that are shown on the official zoning map of the town and defined below. All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the special provisions in this section. The 11/29 runway is 75 feet wide and 3,000 feet long. The 5/23 runway is 100 feet wide and 5,498 feet long, and extends into the Town of Weathersfield. The airport approach zones are defined as follows:

(1) *Primary surface.* Primary surface is the area longitudinally centered on a runway, and extends 200 feet beyond each end of the paved runway surface. The vertical elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface for the 11/29 runway is 250 feet. The primary surface for the 5/23 runway is 500 feet.

(2) *Approach cones.* Approach cones are the areas longitudinally centered on the extended runway centerline and extend outward and upward from each end of the primary surface.

a. *Extensions for the 11/29 runway.* The approach cones for the 11/29 runway extend outward from the primary surface for a distance of 5,000 feet, and are 1,250 feet wide at the end of each approach cone. The approach cones extend upward at a slope of 20 to 1 beginning at the elevation of the primary surface.

b. *Extensions for the 5/23 runway.* The approach cones for the 5/23 runway extend outward from the primary surface for a distance of 10,000 feet, and are 3,500 feet wide at the end of each approach cone. The approach cones extend upward at a slope of 34 to 1 beginning at the elevation of the primary surface.

1. *Horizontal zone.* Horizontal zone is the horizontal plane 150 feet above the established airport elevation, the perimeter of which is determined by swinging arcs of specified radii (10,000 feet) from the center of each end of the primary surface of each runway, and connecting the arcs by lines tangent to those arcs. The horizontal zone does not include the approach cones or primary surface.

2. *Conical zone.* Conical zone is the surface extending outward for a horizontal distance of 4,000 feet, and upward from the periphery of the horizontal surface at a slope of 20 to 1.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-487. Allowed uses.

All permitted or conditional uses in the AAOD shall be limited to those uses permitted in the underlying zoning districts.
(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-488. Special provisions.

All properties affected by this overlay district shall be subject to the following special provisions:

(1) No use, structure or trees shall be permitted which could obstruct the aerial approaches to the airport (i.e., extend above tree line or otherwise restrict airport operations).

(2) All uses shall comply with applicable FAA or other federal and state regulations.

(3) No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.

(4) No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-489. Implementation.

(a) When granting site plan approval for projects located all or in part within the AAOD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this subdivision.

(b) Site plans for the AAOD shall include topographic elevations at structure locations and structure height in addition to the requirements listed in Table 30-721. One additional copy of each site plan and application materials shall be submitted to the town airport commission. The airport commission shall be notified of hearings, will have automatic status as an abutter, and be provided an opportunity to comment at hearings.

(c) The development review board may also consult with the aviation section of the state agency of transportation to determine the potential impacts of a proposed use on the operations of the Hartness State Airport.

(d) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of these bylaws and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Secs. 30-490—30-516. Reserved.

Subdivision XX. Highway Corridor Overlay District (HCOD)

Sec. 30-517. Purpose.

The Highway Corridor Overlay District is intended to manage access to land development along Clinton Street and Chester Road (VT Route 11), and River Street (VT Route 106) in a manner that preserves the safety, efficiency, development and redevelopment potential, and character of these specific highway corridors, pursuant to 24 V.S.A. § 4414(2). The specific purposes of this district are as follows:

(1) To protect the safety of motorists traveling on these specified segments of state highways, their crossroad intersections, and to preserve the traffic flow along these highway corridors.

(2) To protect the safety of pedestrians and bicyclists, and to provide safe, continuous facilities for bicyclists and pedestrians.

(3) To preserve and enhance development and redevelopment options along the highway corridors by promoting development of unified access and internal circulation systems that serve more than one property.

(4) To ensure that adjacent driveways, access roads and street intersections are designed according to standards, have adequate sight distances for safe entry and exit, and are adequately spaced in accordance with the state agency of transportation's Access Management Program Guidelines.

(5) To accomplish these goals through cooperative planning and coordination between area property owners, town officials, personnel of the state agency of transportation, and others interested in orderly development, safety and highway capacity in these areas.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-518. Applicability.

The HCOD applies to all land in the town that contains frontage on or obtains access from Clinton Street and Chester Road (VT Route 11), and River Street (VT Route 106), or has frontage on or obtains access from any intersecting road for a distance of 300 feet from the intersection centerline. These regulations shall be in addition to all other existing regulations of the town. Properties divided by a HCOD boundary or that do not have frontage but request an access connection in the affected area must comply with the district standards. This district does not change the zoned use of property. Permitted or conditional uses in this overlay district shall be as provided for in the existing underlying zoning districts. All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the special provisions in this section. The overlay district is shown on the official zoning map of the town.
(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-519. Previously permitted uses to be allowed to remain.

Zoning and access permits existing before the effective date of these regulations shall be allowed to remain and will be considered legal until such time as there is a change in use as detailed in this section.
(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-520. Allowed uses.

Uses, permitted or conditional, in the HCOD shall be limited to those uses permitted in the underlying zoning districts.
(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-521. Special provisions.

All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the following special provisions:

(1) *Lot frontage requirements.* The minimum lot frontage for all newly created lots within the overlay district shall not be less than the applicable minimum frontage standard for the appropriate underlying zoning district. Frontage for properties within this overlay district that are zoned as Medium Density Residential shall not be less than 100 feet, and flag lots shall not be allowed.

(2) *Setbacks and landscaping.*

a. No structure shall be located within 50 feet of the edge of the state highway right-of-way.

b. All commercial and industrial land uses shall reserve a 25-foot-wide strip of land from the state highway right-of-way. This area shall serve as a landscaped area that shall include a mix of native shade and street trees, shrubs, planting beds and ground covers. Proposed landscaping and screening shall be designed to:

1. Preserve and incorporate existing vegetation and enhance unique landscape features.

2. Be suited to existing site conditions and be integrated with adjacent properties.

3. Screen parking areas from view.

4. Establish a consistent streetscape and the planting of street trees, especially in the industrial and commercial areas.

5. Not obstruct scenic views or road visibility.

c. Reduced setback and landscaped buffer dimensions may be allowed by the development review board where existing site conditions do not allow for compliance with these standards.

d. A three-year landscaping maintenance plan and/or a bond or other surety to assure installation and maintenance may be required as appropriate and incorporated as a condition to site plan approval.

(3) *Access to residential lots.* Residential lots are encouraged to consolidate driveways or avoid direct access onto state highways. All other reasonable access alternatives should be investigated by the state agency of transportation, in coordination with the development review board, before direct residential driveway access to the state highways is permitted.

a. Residential lots may be required to provide shared driveways serving up to three lots or houses. Property owners shall record a permanent easement or right-of-way for such shared driveways, and a joint maintenance agreement with the property deed.

b. Access from an adjacent local road, a frontage road or a shared access road may be required for four or more residential lots to the extent practical. Property owners shall record a permanent easement or right-of-way for frontage roads, and a joint maintenance agreement with the property deed.

Figure 1 — Residential Access from a Local Road or Access Road

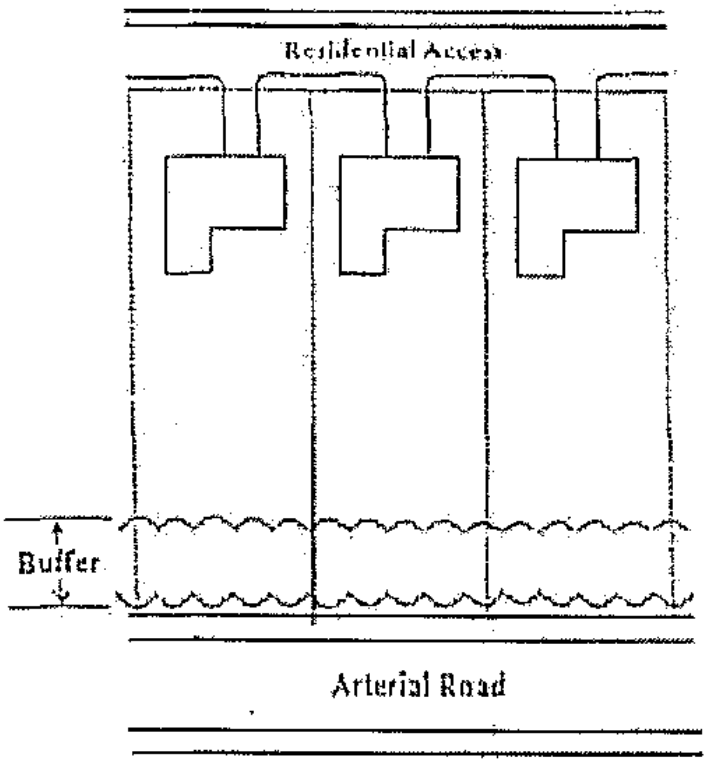
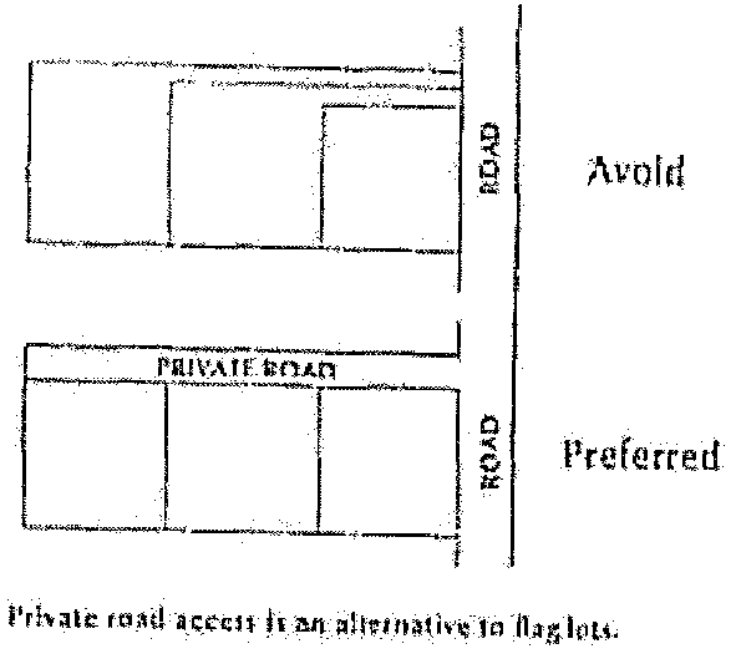


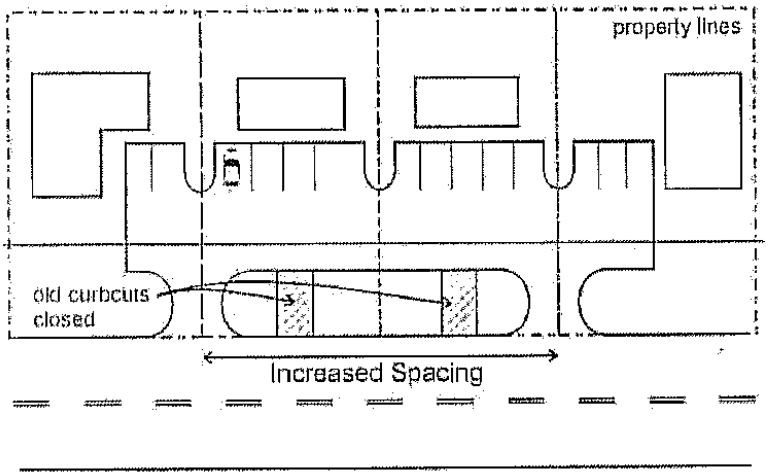
Figure 2 — Access from a Shared Access Road



Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

(4) *Joint and cross access.* Adjacent industrial, commercial or office properties and compatible major traffic generators (i.e. shopping plazas, office parks, apartments, etc.) shall provide cross access drives or rights-of-way to allow circulation between sites. This requirement shall also apply to the re-development of existing properties to the extent feasible. Property owners shall record a cross access easement or right-of-way and a joint maintenance agreement with the property deed. A right-of-way for future joint and cross access may be required in some cases.

Figure 3 — Joint and Cross Access



Source: *US 19 Overlay District* (Florida Department of Transportation, 2001)

(5) *Access or frontage roads.* Access or frontage roads shall be designed, constructed and maintained per town road standards.

(6) *Access location and design.*

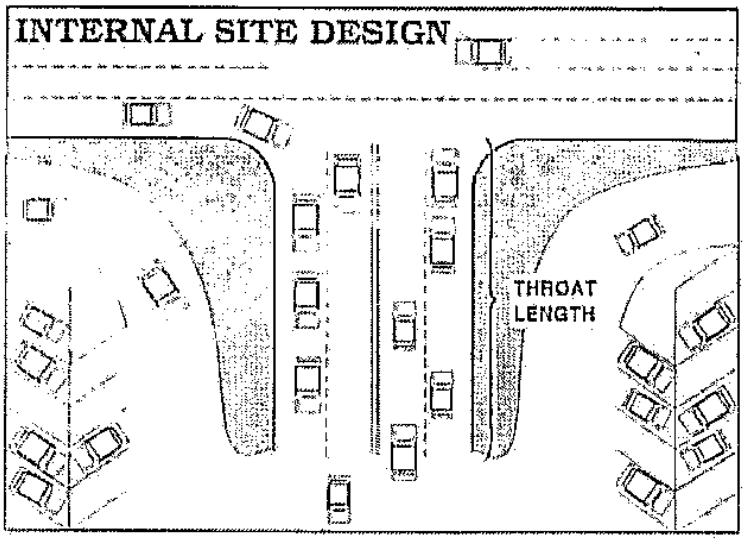
a. All accesses within this overlay district are subject to access permits through the state agency of transportation. All accesses shall be consistent with the state agency of transportation B-71 standards for residential and commercial drives and are subject to the state agency of transportation access management program guidelines.

b. The state agency of transportation, in coordination with the development review board, may require turning lanes or medians where deemed necessary due to traffic volumes or where safety or operational problems exist.

c. Each lot shall have no more than one access. Accesses with more than one entry lane and one exit lane shall incorporate channelization features to separate the entering and exiting traffic at the access.

d. Accesses shall be provided with adequate storage (or "throat length") for entering and exiting vehicles to reduce unsafe conflicts with through traffic or on-site traffic circulation, and to avoid congestion at the entrance.

Figure 4 — Commercial Access with Adequate Storage



Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

(7) *Bicycle and pedestrian access.*

a. Opportunities for bicycle and pedestrian mobility should be enhanced through site plan review objectives, and bicycle and pedestrian facilities should be provided to reduce automobile use and increase accessibility between neighborhoods, schools, recreation areas, shopping areas or employment centers. These facilities shall be consistent with the state pedestrian and bicycle facility planning and design manual.

b. Commercial development shall support bicycle and pedestrian mobility, and make connections to adjacent commercial areas or lots.

c. Bicycle and pedestrian facilities may be incorporated into the required landscape buffer.

(8) *Change in use.* Existing properties with access connections that do not meet the requirements of the HCOD shall be subject to these provisions when there is any change in use or expansion of use.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-522. Implementation.

(a) When granting site plan approval for projects located all or in part within the HCOD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this subdivision.

(b) One additional copy of each site plan and application materials shall be submitted to the state agency of transportation utilities and permits section. The utilities and permits section shall have 30 days to review each site plan and provide recommendations to the development review board. The development review board when granting site plan approval shall consider recommendations from the utilities and permits section.

(c) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of these bylaws and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq. Violations of state access permits shall be administered by the state agency of transportation.

(d) The development review board may waive one or more of the standards in this subdivision where site conditions do not allow for compliance with these standards. The applicant should document clearly all requested waivers and the reasons why the standards cannot be met as part of the site plan submission requirements per section 30-722.
(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Secs. 30-523—30-552. Reserved.

Subdivision XXI. Downtown Design Control Overlay District (DDCOD)

Sec. 30-553. Purpose.

(a) The creation of a Design Control Overlay District will enable the town to apply for status as a Designated Downtown. The state legislature, by enacting the Downtown Development Act, 24 V.S.A. ch. 76A (24 V.S.A. § 2790 et seq.), has determined that this will be the primary avenue for grant funding for revitalization of downtown areas and promotion of downtown economic development. Design review districts and commissions, 24 V.S.A. §§ 4414(1)(E) and 4433(4), are an integral part of the process.

(b) The DDCOD has a unique character, found in our buildings, streetscape, and the natural surroundings of the Black River and Comtu Falls. This character is found throughout our history and gives the community its identity. The character of the DDCOD reflects the community's economic history, way of life, and the interaction of both with the natural and built environment. Attempts shall be made to preserve as much of a building's original design, details and materials as is feasible.

(c) Sympathetic new design can be a positive contribution to the character of a district. Historical, architectural and visual integrity can be maintained while present and future needs are met. To acknowledge growth and character, existing buildings, and structures should be recognized as products of their own time. Rather than copying a particular style, new construction shall be complementary to the configuration of existing buildings and streetscapes, and shall relate to the traditional materials, scale, proportions, shapes and rhythms of the surrounding neighborhood.
(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Sec. 30-554. Location of the district.

(a) The DDCOD is the same as the Designated Downtown, and substantially the same as the Downtown Historic District and the Central Business Zoning District.

(b) In accordance with the map attached to the ordinance from which this chapter is derived, the DDCOD will include:

(1) Both sides of Main Street;

(2) The Miller Art Center, so-called, on Elm Hill;

(3) Valley Street from Main Street to the first corner, including the town parking lot, and the Bishop parcel, so-called;

(4) The westerly side of River Street from Main Street to the Fellows Footbridge, so-called;

(5) The north and easterly side of Mineral Street;

(6) The state office property located at 100 Mineral Street;

(7) Both sides of Park Street from Main Street to Pearl Street, including the Park Street School property; and

(8) The northeasterly side of Pearl Street to Morgan Street, except for the six private dwelling properties on the northeasterly side of Pearl Street.

(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Sec. 30-555. Exceptions to design approvals.

Within the DDCOD, all land uses and development allowed (permitted or conditional) in the base zoning district are allowed and require design approval from the development review board or zoning administrator, after review and comment by the downtown design review advisory commission, except for the following:

(1) Subdivision of land.

(2) Interior alteration or a change in use that will not result in any exterior modifications.

(3) Exterior modifications to a noncontributing structure that will not be visible from the street

(4) Non-substantial alterations as determined by the zoning administrator.

(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Secs. 30-556—30-573. Reserved.

ARTICLE III. SPECIFIC USE STANDARDS

Sec. 30-574. Applicability.

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with section 30-723. If there is a conflict between a standard in this article and a standard in another section of these regulations, the more restrictive standard shall apply.

(Ord. No. O-2019-2, § 3.0, 9-23-2019)

Sec. 30-575. Accessory dwellings.

(a) An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

(b) One accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be permitted in all districts in which single dwelling units are permitted, provided there is compliance with all of the following:

(1) The property has sufficient wastewater capacity.

(2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.

(3) Applicable setback, coverage and parking requirements specified in the bylaws are met.

(c) A conditional use permit is required for an accessory dwelling when any one or more of the following conditions exist:

(1) A new accessory building is required to house all or a part of the proposed accessory dwelling;

(2) When an increase in the height or floor area of the existing dwelling is required to house all or a part of the proposed accessory dwelling;

(3) An increase in the dimensions of the parking area is required to accommodate the accessory dwelling; and

(4) If a proposed accessory dwelling unit exceeds 30 percent of the total habitable area of the single-family dwelling.

(d) No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the state wastewater system and potable water supply rules and applicable state regulations.
(Ord. No. O-2019-2, § 3.1, 9-23-2019)

Sec. 30-576. Accessory uses and structures.

An accessory use is customarily incidental and subordinate to the principal use and located on the same lot as the principal use. Accessory buildings shall meet all setback requirements of these bylaws.

(1) *Swimming pools.* A swimming pool shall be considered an accessory use/structure.

(2) *Agricultural products.* The sale of products raised on the property, when applied to agriculture, shall be considered an accessory use.

(3) *Home occupation.* A home occupation shall be considered an accessory use.

(4) *Theater marquee.* A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations.

(5) *Self-service machine.* A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.
(Ord. No. O-2019-2, § 3.2, 9-23-2019)

Sec. 30-577. Accessory use on-farm business.

An accessory on-farm use may be operated by a farmer, farm resident or farm lessee through site plan review by the development review board. The accessory on-farm business may take place in a new or existing structure or on the land. Accessory on-farm businesses may include storage, preparation and sale of products, provided that half of the sales are from qualifying products principally produced on the farm using farm commodities. Examples of accessory on-farm businesses are educational, and agritourism events that feature agricultural practices and/or qualifying products such as farm to table events, weddings, wine tastings, etc.
(Ord. No. O-2019-2, § 3.3, 9-23-2019)

Sec. 30-578. Adaptive reuse of historic structures.

(a) *Purpose.* The purpose of this section is to encourage and enable the restoration, rehabilitation, continued viability and use of historic structures that have outlived their original function, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under section 30-723 and the provisions of this section.

(b) *Applicability.*

(1) The adaptive reuse of a historic structure, and applicable site improvements to accommodate the use, may be allowed in designated zoning districts, subject to review by the development review board under article VII of this chapter, district requirements as specified for adaptive reuses, and the provisions of this section. Historic structures, for the purposes of these regulations, shall include all structures constructed prior to January 1, 1973. The adaptive reuse of structures within the Downtown Design Control District are subject to review by both the downtown design review advisory commission and the development review board under section 30-724, the standards and requirements of that district. Any rehabilitation or restoration associated with an adaptive reuse shall not significantly alter the facade or historic character of the structure.

(2) The development review board may waive the historic structure requirement for former commercial or industrial structures that are located in primarily residential or mixed use neighborhoods.

(c) *Allowed uses.* Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval under section 30-723:

(1) Any use permitted within the district in which the structure is located;

(2) Multifamily dwelling;

(3) Enclosed storage facility;

(4) Enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);

(5) Uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);

(6) Other uses as determined by the development review board to meet the intent of this section and conditional use criteria under section 30-723.

(d) *Minimum lot size and density waived.* Minimum lot size and density requirements for the districts in which adaptive reuse will occur may be waived as long as it can be demonstrated to the satisfaction of the development review board that adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed uses.
(Ord. No. O-2019-2, § 3.4, 9-23-2019)

Sec. 30-579. Agriculture and forest resource land preservation.

(a) Purpose. The purpose of this section is to encourage preservation of large contiguous areas of agricultural and forest resource lands in the town.

(b) Subdivision of lots. The subdivision of lots and the siting of non-agricultural buildings in the LR-25, LR-10, and RA-5 districts shall be subject to the following: While preserving the rights of the property owner to create the number of building sites allowable within the zone with adequate sewage disposal:

(1) Lots shall be located and sized so as to preserve farmlands and contiguous areas of forest lands to the maximum extent possible; and

(2) Buildings and other structures shall not be sited in the middle of open fields, but shall be located in wooded areas closer to roadways or at the edge of fields so as to preserve agricultural and forest land utilization and scenic views, and to minimize the loss of open space to the maximum extent possible.

(c) This section shall be implemented by the administrative officer for individual zoning permit applications, and by the development review board for conditional uses, subdivision regulations, and planned unit developments.

(d) In the PUD, the development review board may allow a density bonus of an additional lot or building site to compensate, only in unusual cases where the application of the above standards would create unreasonable additional costs upon the property owner.
(Ord. No. O-2019-2, § 3.5, 9-23-2019)

Sec. 30-580. Agriculture and forestry product processing.

This use is intended to allow owners and users of farm and forest lands to maintain "very small" (defined as less than "certified small" in 6 V.S.A. § 4871 and section 4.1 of Vermont Required Agricultural Practices) scale processing and/or packaging operations. Examples of such processing/packaging operations include, but are not limited to, maple syrup production and bottling, wine making and bottling, firewood cutting and splitting, small sawmills, etc. In all cases, the following requirements must be satisfied:

(1) Parking for employees and customers must be completely off of any public roads.

(2) If any toilet facilities are provided, arrangements for wastewater treatment and disposal shall meet all town and state requirements.

(3) Suitable provisions must be made to prevent any waste materials from entering groundwater or surface water.

(Ord. No. O-2019-2, § 3.6, 9-23-2019)

Sec. 30-581. Bed and breakfast.

(a) A place of lodging that provides overnight accommodations and which may serve only breakfast to lodged patrons. The establishment must be owner occupied and have adequate off-street parking in relation to the number of guest rooms and employees. The establishment shall not be used to cater parties or other events.

(b) Change of use from a residential single-family dwelling to a bed and breakfast shall require a site plan (section 30-722) and conditional use (section 30-723) review by the development review board.

(Ord. No. O-2019-2, § 3.7, 9-23-2019)

Sec. 30-582. Broadcast facilities.

Broadcast facilities, as defined by these bylaws, shall conform to the following provisions:

(1) All broadcast facilities shall be licensed by the Federal Communications Commission.

(2) Commercial broadcast facilities.

a. Commercial broadcast facilities shall be allowed in all districts upon receiving conditional use approval from the development review board and issuance of a zoning permit.

b. Any installation or construction of, or significant addition or modification to, such facilities requires approval under section 30-650, unless determined to be of de minimis impact under subsection (5) of this section.

c. Commercial broadcast facilities will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.

d. Antennae and towers shall meet a setback distance from the property lines equal to the height of the antennae or tower. Setbacks are measured from the base of the structure, not guy wires. In the alternative, the tower may be engineered to collapse upon itself in the event of a structural failure or an easement may be obtained to compensate for inadequate setback distance.

e. Landscaping may be required around the base of all antennae and towers.

(3) Private broadcast facilities (e.g., ham radio facilities).

a. Private broadcast facilities shall be allowed in any district upon issuance of a zoning permit.

b. Antennae and towers shall be located in back yards and shall meet a setback distance equal to the height of the antennae or tower.

(4) In accordance with 24 V.S.A. § 4412(8), the following facilities are exempt from these bylaws:

a. Telecommunications facilities that are subject to review by the public service board under 30 V.S.A. § 248a.

b. Antenna structures less than 20 feet in height with its primary function to transmit or receive communication signals for commercial, industrial, institutional, nonprofit or public purposes.

c. No permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached, except to the extent bylaws protect historic landmarks and structures listed on the state or National Register of Historic Places.

(5) De minimis impacts.

a. All applications for broadcast facilities shall be reviewed by the town zoning administrator to determine if the facility will impose no impact or de minimis impact. A de minimis impact exists if the project meets the following criteria:

1. Project consists of either:

(i) Collocation on a legally existing tower;

(ii) Upgrades to legally existing equipment; or

(iii) Similar projects.

2. Project does not involve:

(i) New towers;

(ii) Extending the height of existing towers;

(iii) New access roads or expansions of existing access roads; or

(iv) Similar projects.

b. The zoning administrator's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal to the development review board in accordance with 24 V.S.A. § 4465. Furthermore, the zoning administrator shall mail a copy of any positive determination to all abutting landowners.

c. If the zoning administrator determines that a facility will have more than a de minimis impact under the criteria established in this section, the zoning administrator shall refer the application to the development review board for review as a conditional use.

(Ord. No. O-2019-2, § 3.8, 9-23-2019)

Sec. 30-583. Business incubator; business/professional and manufacturing/distribution facility.

Business/professional and manufacturing/distribution facilities are an allowed conditional use in districts GB, CB, RC, IND/C and IND for the purpose of fostering growth of small companies to increase the chances for economic survival and growth by providing a range of business development services to similar entities under one roof. This use will allow for lower cost spaces by decreasing

overhead costs through shared technology, conference area, office support, commercial kitchen and utilities. Primary occupants for business and professional services typically include medical services, accounting, marketing, engineering, graphic design, etc. Small manufacturing and distribution may include product manufacturers, industrial processes, warehousing, shipping and receiving. Business/professional and manufacturing/distribution facilities which are also allowed in DDCOD.

(1) Site plan review by the development review board is required.

(2) Individual certificate of occupancy permits for each use will be required.
(Ord. No. O-2019-2, § 3.9, 9-23-2019)

Sec. 30-584. Campgrounds.

(a) In the RA-2 and the RA-5 districts, campgrounds, as defined in section 30-6, are allowed as conditional uses, provided that the area shall have obtained a wastewater permit from the state.

(b) Campgrounds must be in compliance with the state rules and regulations for trailer camps or campgrounds.

(c) Campgrounds must receive site plan approval from the development review board.

(d) Campers on non-campground parcels; limitations. Nothing in this section shall prevent a property owner in any district from parking their own, or a guest's travel trailer or recreational vehicle on the property to be used as temporary living quarters by non-paying guests for up to two weeks.
(Ord. No. O-2019-2, § 3.10, 9-23-2019)

Sec. 30-585. Day care.

(a) A day care home serving six or fewer children is exempt from local bylaw review. A certified letter of approval from the state agency of human services shall be filed with the administrative officer with a site plan and floor plan which will be forwarded to the emergency services department.

(b) A state-registered or licensed family child care home serving six or fewer full-time children and four part-time children shall require site plan approval.

(c) A state-registered or licensed facility or residential dwelling serving more than six full-time and four part-time children for group care and/or educational development shall require a conditional use permit and site plan approval. (Defined in 33 V.S.A. § 4902(3)(A).)

(d) Adult day care. An adult day care facility is a facility which provides supervised activities, a range of professional health, social and therapeutic services, meals, and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.
(Ord. No. O-2019-2, § 3.11, 9-23-2019)

Sec. 30-586. Dish antennae.

(a) Pursuant to 47 CFR 1.4000 et seq., this section does not apply to:

(1) An antenna that is:

a. Used to receive broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; and

b. One meter or less in diameter;

(2) An antenna that is:

a. Used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than satellite; and

b. One meter or less in diameter or diagonal measurement;

(3) An antenna that is used to receive television broadcast signals; or

(4) A mast supporting an antenna described in subsections (a)(1) through (3) of this section.

(b) A satellite dish antenna that does not meet the criteria of 47 CFR 1.4000, may not be installed in any district without conditional use approval of the development review board and a zoning permit issued by the administrative officer. The standards for conditional use approval are:

(1) Satellite dishes located in nonresidential districts shall be located on a structure or in rear yards and be screened from view from adjacent properties and streets.

(2) Satellite dishes located in residential districts shall be located in rear yards unless the applicant demonstrates that adequate reception is impossible in such a location, in which case it may be located in a side yard.

(3) If the development review board determines that the above standards cannot be met, the development review board may alter the requirements of this section to the extent necessary to obtain adequate signals. The development review board may place reasonable conditions on its approval to minimize visual or other impacts on neighboring streets or properties.

(Ord. No. O-2019-2, § 3.12, 9-23-2019)

Sec. 30-587. Dwelling unit—Two-family.

In districts where two-family dwelling units are permitted, the administrative officer may issue a permit only when all of the following conditions are met:

(1) The parcel is in a zoning district where two-family dwelling units are allowed.

(2) The required off-street parking shall not be located in the area between the front lot line and the front line of the building. However, the applicant can apply to the development review board for modification of this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.

(3) Any existing or proposed septic system must be designed to accommodate the total number of bedrooms within the two dwellings. It is the responsibility of the applicant to obtain a state permit for an on-site septic system, prior to receiving a final local permit, that will accommodate the two dwelling units.

(4) In the HDR and MDR districts, two-family dwelling units must provide at least 20 percent of the site as green space.

(5) In the RC district, two-family dwelling units must provide at least ten percent of the site as green space.

(Ord. No. O-2019-2, § 3.13, 9-23-2019)

Sec. 30-588. Dwelling unit—Multifamily.

Depending upon the district, multifamily dwelling units are allowed as permitted or conditional uses or as part of a planned residential development, subject to the following provisions:

(1) The parcel is in a zoning district where two-family and multifamily dwelling units are permitted.

(2) In the LR-25, LR-10, RA-5 and RA-2 zoning districts, multifamily dwelling units are allowed only if they are part of a planned unit development and shall be no more than a "townhouse" (i.e., no more than two story) design.

(3) The required off-street parking for a multifamily dwelling unit shall not be located in the area between the front lot line and the front line of the building. As part of site plan approval and conditional use approval, however, the development review board may modify this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.

(4) In the HDR and MDR districts, multifamily residential projects must provide at least 20 percent of the site as green space.

(5) In the RC district, multifamily residential projects must provide at least ten percent of the site as green space.

(6) In the HDR, RC and MDR districts, multifamily dwelling units may be of a "townhouse" or "garden apartment" design.

(7) In the GB and CB districts, multifamily dwelling units may be of a "townhouse," "garden apartment" or "multi-story" apartment design. Multi-story apartments shall contain no more than eight stories.

(Ord. No. O-2019-2, § 3.14, 9-23-2019)

Sec. 30-589. Extraction of earth and mineral resources.

The following standards for operation and rehabilitation of all earth and mineral resource extraction operations, including extraction of soil, sand or gravel, shall apply to new operations and the extension of existing operations. The extension of an existing extraction operation shall be considered as excavation of previously undisturbed land surface area. The pre-existence of an operation for removal of topsoil, or a condition of the land where topsoil has been removed, shall not be considered the same as

a pre-existing resource extraction operation. Continuation of existing operations shall be permitted on contiguous property where the land or gravel rights were owned or under option to the operator on the effective date of these bylaws, if such extensions comply with the remainder of this section.

(1) *Approval required; performance bond.* The extraction of earth or mineral resources shall not be permitted until the development review board has approved a plan for reclamation of the site. The plan shall be submitted by the applicant and shall outline excavation procedures that specify phasing of the operation such that, upon completion of each phase, the excavated sections are reclaimed and left in a safe, attractive and useful condition. The development review board may require a performance bond to cover the costs of such phased reclamation of the site. This subsection shall not apply when the extraction is incidental to the construction of a building or a road on the same premises or where extraction will not exceed 100 cubic yards per year.

(2) *Reclamation plan.* The plan for reclamation shall at least include:

a. Grading so that no slope is steeper than one-on-two;

b. Installation of at least four inches of topsoil;

c. Mulching, fertilizing and replanting to prevent erosion;

d. Provision for the stability of the entire site and erosion prevention;

e. Provision for all drainage ways to be retained or relocated, and kept in a condition that prevents erosion; and

f. Compliance with VT Department of Environmental Conservation Best Management Practices.

(3) *Operating requirements.* Extraction operations shall conform to the following:

a. No blasting shall occur within 100 feet of any property line and no excavation or stockpiling of materials shall be located within 50 feet of any building, road or property line, unless other satisfactory agreement has been reached with the abutting property owner involved.

b. No power-activated crushing or sorting machinery or equipment shall be located within 300 feet of any occupied building without consent of the occupants or within 300 feet of any street or property line without consent of the abutter. All such machinery shall be equipped with satisfactory dust elimination devices.

c. During the period of excavation, slopes created in excess of 45 degrees (1 to 1 slope) shall be adequately posted for public safety, until rehabilitation is completed.

d. The operator shall control all surface drainage affected by the operation to prevent erosion debris and other loose materials from entering any drainage course, road or adjacent property. All provisions to control natural drainage shall meet with the approval of the development review board.

e. Excavation shall not jeopardize the stability of soils at any property lines.

f. Permanent structures shall comply with the setback and other requirements of the zoning district in which the operation is located.

g. Stripping of topsoil for sale or for use on other premises, except soil made surplus by a construction project, may be permitted, provided that no less than four inches of topsoil is retained and reseeded over the entire stripped area.

h. Compliance with state department of environmental conservation stormwater management regulations, as amended.

(Ord. No. O-2019-2, § 3.15, 9-23-2019)

Sec. 30-590. Farm structures.

(a) The term "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants or carrying out other practices associated with accepted agricultural or farming practices, including a silo (see "agriculture" and "farming" defined in section 30-6), but excludes a dwelling for human habitation.

(b) To qualify for the exemption from local zoning or to build a farm structure without following local zoning setbacks, a property owner must first demonstrate to the state that their operation is a "farm" as defined by section 2.05 of the accepted agricultural practices (AAPs) and is engaged in accepted agricultural practices as defined in section 3.2 of the AAPs. A small farm operation (SFO) is defined as follows: "operates four or more acres for farming; has filed a 1040(F)-tax form once in the last two years; or earns an annual gross income of more than $2,000.00 from the sale of agricultural products."

(c) An exempt farm structure may exceed building height or footprint requirements.

(d) A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

(Ord. No. O-2019-2, § 3.16, 9-23-2019)

Sec. 30-591. Forestry.

Forestry uses shall include the maintenance, construction and alteration of logging roads, skid ways, landings, fences, and forest drainage systems. The following requirements shall be met:

(1) All slash and tops from within 50 feet of a public right-of-way shall be removed immediately.

(2) No more than 50 percent of the basal area of standing timber within 50 feet of a public right-of-way may be cut.

(3) Suitable measures for the prevention of excessive soil erosion onto public rights-of-way shall be installed and maintained.

(4) Landowners who intend to conduct a heavy cut of 40 acres or more on land owned or controlled by the landowner are required by 10 V.S.A. ch. 83 (10 V.S.A. § 2625) to file a "notice of intent to cut" with the department of forests, parks and recreation (FPR).

(Ord. No. O-2019-2, § 3.17, 9-23-2019)

Sec. 30-592. Fuel storage and distribution facilities.

Fuel storage and distribution facilities, as defined in section 30-6, are allowed in the GB, IND/C, E7, and IND districts upon conditional use approval of the development review board, provided that the following conditions are also satisfied:

(1) Minimum lot size shall be two acres.

(2) Minimum side and rear yard setbacks shall be 75 feet.

(3) Minimum front yard setback shall be 35 feet.

(4) There shall be a landscaped screening area along the side and rear lot lines no less than 35 feet deep. Reasonable accommodations for sidewalks/walkways, and public spaces shall be made. Existing trees, shrubs, and other vegetation shall be preserved on the site to the extent possible.

(5) A metal fence no less than six feet in height shall surround all equipment related to the storage and distribution of fuel.

(6) The applicant shall provide a master plan for the build-out of the site that addresses the issues of truck circulation, containment of spills and emergency procedures in case of fire or explosion; conditional use approval is dependent on development review board approval of the master plan.

(7) Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels.

(8) Fuel storage and distribution facilities must meet all state and federal safety standards.

(Ord. No. O-2019-2, § 3.18, 9-23-2019)

Sec. 30-593. Gasoline stations.

In all districts where allowed, gasoline or motor vehicle service stations shall comply with the following:

(1) A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.

(2) Lot size shall be at least 15,000 square feet, and in no case shall it be smaller than the minimum lot allowed in the district in which the facility is located. New gasoline stations lot size minimum is 25,000 square feet.

(3) Lot frontage shall be at least 150 feet.

(4) Pumps, lubricating and other service devices shall be located at least 35 feet from the front, side and rear lot lines.

(5) All fuel and oil shall be stored at least 35 feet from any property lines.

(6) All automobile parts and dismantled vehicles are to be stored within a building, and no repair work that exceeds 15 minutes is to be performed outside a building.

(7) There shall be no more than two access driveways from all streets. Construction of curb cuts shall be in accordance with state agency of transportation B-71 for Commercial Drives. The maximum width of each access driveway shall be 40 feet; the minimum shall be 24 feet.

(8) A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway.

(Ord. No. O-2019-2, § 3.19, 9-23-2019)

Sec. 30-594. Group homes.

In accordance with 24 V.S.A. § 4412(1)(G), a state-licensed or -registered group home serving not more than eight persons who are disabled as defined in 9 V.S.A. § 4501, shall be considered by right as a permitted single-family dwelling unit. A residential care home, to be operated under state licensing or registration serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multifamily dwelling and shall be subject to conditional use review. Such a dwelling must be at least 1,000 feet from another dwelling being utilized for a similar purpose.

(Ord. No. O-2019-2, § 3.20, 9-23-2019)

Sec. 30-595. Helicopter pads.

(a) Helicopter pads associated with hospitals and emergency facilities may be permitted as accessory uses provided that all setback requirements are met.

(b) Helicopter pads associated with private residences or businesses may be permitted upon receiving conditional use approval by the development review board, shall be no less than 100 feet from any property line, and shall be screened from adjacent properties and public roads.

(Ord. No. O-2019-2, § 3.21, 9-23-2019)

Sec. 30-596. Home business.

Home businesses, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter. Home businesses shall conform to the requirements of this section. A home occupation that grows to exceed the restrictions set forth in section 30-597 must obtain a permit as a home business in accordance with this section. A home business in a residential district that grows to exceed the restrictions of this section must relocate to a district in which the activity is a permitted or conditional use. A home business in a nonresidential district that grows to exceed the restrictions of this section must meet all requirements (including use restrictions) of the district in which it is located. The specific conditions for a home business are:

(1) The home business is clearly secondary to the use of the building for dwelling purposes, and shall be operated by a resident of the dwelling;

(2) The home business shall be carried on wholly within the dwelling/residence or accessory structures to the dwelling/residence, and shall occupy no more than 1,100 square feet of floor space or 50 percent of the dwelling area, whichever is less;

(3) The home business shall employ no more than three on-premises employees who are not residents of the premises;

(4) There shall be no exterior displays or signs other than those permitted under these regulations;

(5) There shall be no exterior storage of materials, no exterior indication of the home business and no variation from the residential character of the principal structure;

(6) Parking shall be provided off-street in accordance with section 30-659;

(7) A home business shall not include service or repair of motor vehicles in MRD and HRD zoning districts; and

(8) Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced.

(Ord. No. O-2019-2, § 3.22, 9-23-2019)

Sec. 30-597. Home occupations.

Home occupations, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter. Home occupations include such uses or activities as art studios, dressmaking, teaching, or the professional part-time off-hours office of a lawyer, engineer, architect, accountant, computer programmer/technician, transcriber, barber/hairstylist, bookkeeper, woodworker, etc. Any home occupation shall require a zoning permit which may only be issued if the following conditions are met:

(1) The home occupation is clearly secondary to the use of the building for dwelling purposes;

(2) The home occupation shall be carried on by residents of the premises only;

(3) The home occupation shall be carried on wholly within the principal or accessory structures, and shall occupy no more than 600 square feet of floor space or 25 percent of the dwelling area, whichever is less;

(4) There shall be no exterior displays or signs other than those permitted under these regulations;

(5) There shall be no exterior storage of materials, no exterior indication of the home occupation and no variation from the residential character of the principal structure;

(6) Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced;

(7) A home occupation shall not include service or repair of motor vehicles; and

(8) Parking shall be provided off-street in accordance with section 30-659.

(Ord. No. O-2019-2, § 3.23, 9-23-2019)

Sec. 30-598. Inn.

An inn is the use of one or more structures (typically a private home or accessory building or buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use. Such structure must have a resident manager or appropriate staff when occupied by guests, and shall:

(1) Be allowed in all districts, except IND.

(2) Require site plan approval from the development review board.
(Ord. No. O-2019-2, § 3.24, 9-23-2019)

Sec. 30-599. Makerspace.

(a) A makerspace is a place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, and industrial processes that would otherwise be inaccessible or unaffordable such as 3-D printers, digital fabrication machines and computer-aided design (CAD) software, as well as peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products. Conditional use and site plan review is required. (Sections 30-722 and 30-723.)

(b) Makerspaces, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter upon conditional use approval of the development review board, provided that the following conditions are also satisfied:

(1) There shall be no outdoor storage of materials used or generated by the activity.

(2) The potential for noise, fumes, and dust shall be evaluated by the development review board and a finding shall be made that no surrounding properties will be adversely affected by noise, fumes, or dust associated with the use.

(3) No use shall, as part of normal operations, produce vibrations which are detectable without instruments at the property line.

(4) The site shall provide sufficient loading and unloading areas so that traffic will not back up onto adjacent or nearby streets.

(5) User access to the site shall be limited to those times as recommended by the development review board and such times shall be posted on the site.

(6) Parking shall be provided in accordance with section 30-659.

(7) Limited retail and tour-oriented observation hours, related to manufactured items, shall be set at days and times specified by the development review board.

(8) Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the fire department, shall be prohibited.
(Ord. No. O-2019-2, § 3.25, 9-23-2019)

Sec. 30-600. Mobile home parks.

(a) *Applicability.* A new or expanded mobile home park may be allowed in designated zoning districts subject to review by the development review board under article VII of this chapter, and the provisions of this section. All standards applicable to dwellings in the district within which the mobile home park is located shall apply equally to dwellings located within the park, unless otherwise specified below.

(b) *Application requirements.* In addition to the application information required under section 30-722, the applicant for a mobile home park shall also submit a site development plan that shows the following:

(1) Lot boundaries, required setbacks and buffers, and distances to the nearest intersecting streets;

(2) Designated mobile home sites;

(3) Existing and proposed building footprints and elevations, including existing buildings on adjoining lots which are within 100 feet of the boundaries of the mobile home park;

(4) Existing and proposed vehicle and pedestrian circulation, including accesses, park roads, pedestrian paths, and parking areas;

(5) Existing and proposed open spaces and other common areas;

(6) Existing and proposed park infrastructure, including water and wastewater systems, utilities, drainage and stormwater management systems, and associated easements or rights-of-way; and

(7) A detailed landscaping plan.

(c) *Siting requirements.* All mobile home parks shall be sited on a lot that is:

(1) A minimum of ten acres in area;

(2) Served by a public or community water supply and wastewater system; and

(3) Well-drained, with land and soil conditions that are suitable for park development.

(d) *Design standards.*

(1) The maximum number of mobile homes in a mobile home park shall not exceed four mobile homes per gross acre of the park.

(2) The mobile home park shall meet all setback requirements for the district in which it is located. A landscaped buffer strip, not less than 20 feet in width, shall be provided along all property and street lines. The development review board may require increased setback distances and/or buffering and screening to minimize or avoid adverse impacts to adjoining properties and public rights-of-way.

(3) Open space for recreation and playground purposes, occupying not less than ten percent of the gross mobile home park area, shall be provided in a convenient location for use by park residents. Such open space shall be suitably landscaped, equipped and furnished, and screened or protected from parking and service areas.

(4) Designated rights-of-way for mobile home park roads shall be at least 50 feet wide; park roads shall have a maintained gravel or paved surface at least 20 feet wide and be adequately lighted.

(5) Each individual mobile home shall be located on a site having a minimum width of 50 feet and a minimum area of 6,000 square feet, which is defined by four inches by four inches by three feet reinforced concrete markers at each corner.

(6) Each mobile home, and associated accessory structures, shall be set back a minimum of 20 feet from adjoining sites and roadways.

(7) Each site shall contain permanent, immovable service connections.

(8) There shall be two parking spaces per mobile home, at least one of which is on the mobile home site. Common parking areas, and bicycle racks or storage areas, for the use of residents and visitors may also be provided in accordance with section 30-657.

(e) *Operation and maintenance.* The mobile home park owner, or designated operator, shall, as a condition of development review board approval:

(1) Maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage;

(2) Remove snow from all park roads, parking and service areas;

(3) Plant and maintain a minimum of two trees (minimum 2.0 inches diameter at breast height or greater) on each mobile home site; and

(4) Not engage in retail sale of mobile homes in connection with the operation of the park.

Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action under article X, division 6 of this chapter.

(f) *Review of mobile home accessory structures.* The owner of a mobile home within an approved mobile home park may apply for a zoning permit under article X of this chapter for a deck or accessory structure which meets site setback requirements under subsection (b) of this chapter, without additional approval by the development review board under article VII of this chapter.
(Ord. No. O-2019-2, § 3.26, 9-23-2019)

State law reference—Equal treatment of mobile homes, manufactured homes. 24 V.S.A. § 4412(1)(B).

Sec. 30-601. Outdoor markets.

Outdoor markets may be located in any district after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of these bylaws. The following requirements shall also be applied:

(1) The applicant shall demonstrate that adequate parking is available for vendors' vehicles and customers' vehicles;

(2) The applicant shall provide a satisfactory plan for controlling trash and other litter and preventing it from being deposited on nearby properties;

(3) The applicant shall demonstrate that an adequate water supply will be available whenever the market is in operation;

(4) The applicant shall demonstrate that adequate sanitary facilities will be available and operating whenever the market is in operation.

(Ord. No. O-2019-2, § 3.27, 9-23-2019)

Sec. 30-602. Personal storage facilities.

Personal storage facilities may be located in the HDR, RC and GB districts after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of these bylaws. The following requirements shall also be applied:

(1) The applicant shall demonstrate that adequate parking and circulation are available for customers' vehicles.

(2) The facility shall be designed to fit into the surrounding neighborhood and/or shall include landscaping that screens structures from view of the road and neighboring properties.

(Ord. No. O-2019-2, § 3.28, 9-23-2019)

Sec. 30-603. Public facilities.

In accordance with 24 V.S.A. § 4413(a), the following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State or community owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the state department of education.

(3) Public and private hospitals.

(4) Churches and other places of worship, convents and parish houses.

(5) Regional solid waste management facilities certified under 10 V.S.A. § 159.

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(Ord. No. O-2019-2, § 3.29, 9-23-2019)

Sec. 30-604. Recreational vehicles.

(a) It shall be unlawful for any person to park a recreational vehicle/camper except:

(1) In an approved campground;

(2) In an approved camper sales lot; or

(3) A recreation vehicle/camper parked on private property shall not be used as permanent living quarters and shall not be hooked up to any water or sewer utilities. An owner who invites someone to park a recreational vehicle/camper on their property shall not allow said use to exceed a period of time of 30 days.

(b) No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the state wastewater system and potable water supply rules and applicable state regulations.

(Ord. No. O-2019-2, § 3.30, 9-23-2019)

Sec. 30-605. Small repair services.

Small repair services are permitted in GB, CB, IND/C and IND districts and may be located in the RC district after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of these bylaws. The following requirements shall also be applied: The activity is wholly conducted indoors.
(Ord. No. O-2019-2, § 3.31, 9-23-2019)

Sec. 30-606. Roominghouse.

(a) A roominghouse may be located in MDR, HDR, GB, CB and RC districts after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of these bylaws. The following requirements shall also be applied: Sufficient off-street parking shall be provided at the rate of one parking space per bedroom. Each roominghouse shall have no more than one kitchen facility whether shared or not.

(b) Roominghouses are a conditional use in the HDR, MDR, RC, GB, and CB zoning districts. Roominghouses are not permitted in any other zoning district.

(c) Roominghouses are subject to site plan review approval and conditional use review approval by the development review board. The number of individuals housed in each bedroom of a roominghouse will also be determined by the development review board through the site plan review and conditional use process.

(d) A roominghouse that exists on the date this section was adopted by the Selectboard (January 5, 2017) may continue to exist as a nonconforming use for a period not to exceed two years, at which time the use shall cease, unless in the interim the development review board has granted the owner of the parcel a site plan review approval and conditional use approval of the use of the parcel for a roominghouse, subject to the same standards as set forth in subsection (c) of this section. The grandfathering for a period of two years is subject to the owner registering a roominghouse that existed prior to the passage of this section within 60 days of the date this section is adopted by the Selectboard. A roominghouse that exists at the time of the passage of this section, which use is discontinued for a period of 60 days, shall be a nonconforming use and roominghouse use shall not be reestablished unless the owner of the parcel has obtained conditional use approval and site plan review approval of the roominghouse use from the development review board.
(Ord. No. O-2019-2, § 3.32, 9-23-2019)

Sec. 30-607. Salvage and recycling facilities.

(a) Salvage and recycling facilities are of two types:

(1) Class I facilities accept and process only household wastes such as paper, plastic, glass, newspaper, tin cans, small appliances, etc.

(2) Class II facilities accept and process larger appliances such as motor vehicles, mechanical equipment, industrial waste, construction debris, etc.

(b) Class I salvage and recycling facilities may be allowed in the GB district as a conditional use in accordance with the provisions of section 30-723, and following site plan approval by the development review board in accordance with the provisions of section 30-722.

(c) Class II salvage and recycling facilities may be allowed in the IND districts in conjunction with a regional solid waste management facility as a conditional use in accordance with the provisions of section 30-723, provided that it is licensed to operate in the state in accordance with 24 V.S.A. § 2241 et seq.

(Ord. No. O-2019-2, § 3.33, 9-23-2019)

State law reference—Salvage yards, 24 V.S.A. § 2241 et seq.

Sec. 30-608. Seasonal roadside produce stands.

Seasonal stands for the sale of agricultural produce may be located off-site, provided that:

(1) All stands shall meet the setback requirements of the district in which they are located.

(2) Off-street parking shall be in compliance with section 30-659 and section 30-722

(3) Applicants shall contact the state department of transportation and/or town department of highways for access review.

(Ord. No. O-2019-2, § 3.34, 9-23-2019)

Sec. 30-609. Short-term rentals.

(a) The town recognizes the benefit of short-term rentals to homeowners, visitors and the community. However, it is important not to create a nuisance or change the residential character of the area. A permit is not required during foliage season (September 15 through October 21) when the owner or primary tenant is in residence throughout the rental period and the provisions of subsections (b)(4) through (7) of this section are met.

(b) The following provisions shall apply to ensure that the commercial use of residential property does not adversely affect the neighborhood in which short-term rentals are located:

(1) Conditional use approval is required for rental periods of fewer than 30 days.

(2) All associated parking shall be on-site in designated spaces and comply with section 30-659.

(3) Rubbish service shall be provided and containers shall be maintained out-of-sight, not viewed from the street.

(4) Notice to renters of house rules pertaining to parking, rubbish, noise, parties, etc., shall be visibly displayed in the dwelling.

(5) Name, address and telephone number of a manager shall be filed with the application and kept up to date.

(6) Prohibitions:

a. Weddings, parties, catered events, and similar events.

b. Signs and other outside indications the dwelling is used as a short-term rental.

c. Outdoor activities between 9:00 p.m. and 7:00 a.m.

(7) A change of ownership shall require a new permit.
(Ord. No. O-2019-2, § 3.35, 9-23-2019)

Sec. 30-610. Solid waste management facilities.

In the IND district, facilities for the temporary storage and transfer or disposal of refuse and waste materials are allowed as a conditional use in accordance with the provisions of section 30-723, provided that the facility meets all of the requirements for solid waste management facilities established by the state.
(Ord. No. O-2019-2, § 3.36, 9-23-2019)

Sec. 30-611. Wireless telecommunications facilities.

See broadcast facilities, section 30-582.
(Ord. No. O-2019-2, § 3.37, 9-23-2019)

Sec. 30-612. Temporary structures and temporary uses.

(a) Temporary structure permits, on subject construction site property, may be issued by the administrative officer for a period not to exceed six months, for nonconforming uses incidental to construction projects (use of a trailer/mobile home for office or storage space) or for special events (large tent for wedding, etc.).

(b) Temporary structures, building or tents intended for public assembly use (larger than 1,200 square feet) are considered a public building by the state fire marshal and shall require a state permit and a zoning permit for site plan review (section 30-722).

(c) The permit shall be conditioned upon agreement by the owner to dismantle and remove the structure upon expiration of the permit. Such permits may be renewed upon application for an additional six-month period.

(d) Such a structure shall comply with all setback standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes.
(Ord. No. O-2019-2, § 4.22, 9-23-2019)

Sec. 30-613. Unsafe buildings.

Nothing in these bylaws shall limit the ability of the town to provide for the removal, repair or demolition of any building determined to be unsafe in accordance with the provisions of chapter 8, article II.
(Ord. No. O-2019-2, § 4.23, 9-23-2019)

Secs. 30-614—30-644. Reserved.

ARTICLE IV. GENERAL REGULATIONS

Sec. 30-645. Applicability.

The following general standards, including provisions required under 24 V.S.A. § 4412, apply to all uses and structures as specified within the town.
(Ord. No. O-2019-2, § 4.0, 9-23-2019)

Sec. 30-646. Access and frontage requirements.

(a) In accordance with 24 V.S.A. § 4412(3), no land development may be permitted on lots which do not have either frontage on a public road (Class 1, 2 or 3 town highway) or public waters, or with the approval of the development review board, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width. Such rights-of-way shall serve no more than two lots or dwelling units. For access subject to development review board approval, the development review board may consider intended use, safety, traffic, and road and site conditions in granting or denying such approval.

(b) All new accesses proposed after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as applicable provisions of the town subdivision regulations and town driveway standards. A change in use, expansion of an existing use or significant modification of an existing access shall be subject to these provisions.

(c) Access onto town highways is subject to the approval of the Selectboard or its designee, and for state highways, the state agency of transportation. As a condition of access approval, compliance with all municipal land use regulations is required. Local access permits or state access letters of intent must be obtained prior to the issuance of a zoning permit.

(d) Lot frontage requirements apply to lots served by private development roads as well as lots served by public roads.

(e) In no case shall any development be permitted which is accessible only by intersection with a Class 4 town highway. However, the applicant may petition the town Selectboard to upgrade the highway, if the public good and necessity requires, to a Class 3 town highway, but in so doing the applicant shall bear the costs of upgrading that road.

(f) With the exception of accesses used solely for agricultural or forestry purposes, no lot shall be served by more than one access. Additional accesses may be approved by the development review board in the event that:

(1) The additional access is necessary to ensure vehicular and pedestrian safety;

(2) The strict compliance with this standard would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or

(3) A traffic management plan is developed in association with a planned unit development approved in accordance with article VIII of this chapter.

(g) Applicants for a zoning permit for any parcel where the number of existing accesses exceeds the number allowed under this section must eliminate or combine accesses in order to meet the applicable standards unless otherwise approved by the appropriate municipal panel.

(h) An access shall be located at least 100 feet from any intersection of public road rights-of-way (125 feet from centerline) for all uses except single- and two-family dwellings, which shall be at least 50 feet from such intersections (75 feet from centerline), unless otherwise approved in accordance with conditional use approval under section 30-723 or subdivision approval.

(i) Shared accesses are encouraged, and may be required for development subject to subdivision, site plan and/or conditional use approval. The interests of each owner shall be protected by an agreement of deed provisions for private, joint maintenance of the common access.

(j) Accesses serving more than three lots shall be subject to E911 assignments and town road standards, that is, the Town Road And Bridge Standards, Town of Springfield, Vermont (herein "town road and bridge standards"), adopted by the Selectboard on January 27, 2014, and as from time to time amended.

(k) Driveways, which serve no more than three lots, shall meet the following standards:

(1) Driveways shall be constructed to town driveway standards (see town road and bridge standards) unless otherwise required under subdivision, site plan or conditional use review.

(2) No driveway shall exceed a slope of three percent within 35 feet of an intersection with the travel-way of a road, or shall intersect with a road at a horizontal angle of less than 70 degrees.

(3) Driveways shall not exceed a 12 percent grade.

(4) Driveways exceeding 400 feet in length must include, at minimum, one 12-foot by 50-foot pull-off area.

(Ord. No. O-2019-2, § 4.1, 9-23-2019)

Sec. 30-647. Conversions and changes of use.

Conversions or changes in the use of land, existing buildings, or other structures are subject to the provisions of this bylaw as follows:

(1) The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including, but not limited to, any district, general or specific requirements, as well as subdivision regulations and all other municipal regulations currently in effect.

(2) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a subdivided lot which conforms to the lot size, setback, parking and other requirements applicable to the relevant district and proposed use.

(3) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or

has different minimum lot size or dimensional requirements, will require a zoning permit issued by the administrative officer under article X, division 2 of this chapter. Site plan review under section 30-722 may also be required.

(4) A conversion or change from a permitted use to a conditional use may be approved by the development review board subject to conditional use review under section 30-723.

(5) A conversion or change of use involving a nonconforming use and/or structure is also subject to review under section 30-647.

(Ord. No. O-2019-2, § 4.2, 9-23-2019)

Sec. 30-648. Equal treatment of housing.

(a) Except as provided in 24 V.S.A. §§ 4412(1)(E) and 4414(1)(E), design review districts, and 24 V.S.A. § 4414(1)(F), local historic districts and landmarks, no bylaw shall have the effect of excluding mobile homes, modular housing or prefabricated housing from the town, except upon the terms and conditions as conventional housing is excluded.

(b) Bylaws shall designate appropriate districts and reasonable regulations for multi-unit or multi-family dwellings. No bylaw shall have the effect of excluding these multi-unit or multifamily dwellings from the town. (24 V.S.A. § 4412(1)(D).)

(c) No bylaw shall have the effect of excluding low- and moderate-income housing.

(Ord. No. O-2019-2, § 4.3, 9-23-2019)

Sec. 30-649. Conformance with other regulations.

All permitted and conditional uses must be in compliance with all other regulations, including all federal, state and local regulations. Where there are inconsistencies between regulations, the more stringent regulations shall apply.

(Ord. No. O-2019-2, § 4.4, 9-23-2019)

Sec. 30-650. Damaged or destroyed structures.

(a) Within three months of a structure being damaged or destroyed by any cause, the owner must act to either:

(1) Stabilize and secure it as necessary to protect public health and safety and to protect it from the elements, prior to commencing reconstruction; or

(2) Demolish it and remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion.

(b) The administrative officer may grant up to three ten-month extensions upon finding that the site does not pose a hazard to public health or safety and that the owner has reasonable cause for not commencing repair, reconstruction or demolition.

(c) A zoning permit will not be required to repair or reconstruct a damaged or destroyed structure and use it as before, provided that:

(1) Repair or reconstruction commences within three months of the damage or destruction, or of the extension;

(2) The structure as repaired or reconstructed does not exceed the original floor area;

(3) The structure as repaired or reconstructed will be located within the original footprint.

(4) Nonconforming structure. If a nonconforming structure is damaged or destroyed, the structure as repaired or reconstructed must not be more nonconforming than the original structure. However, properties in the flood hazard areas will require a permit to repair or reconstruct.

(Ord. No. O-2019-2, § 4.5, 9-23-2019)

Sec. 30-651. Fences.

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which obstructs or interferes with traffic visibility or public safety. Fences that are below six feet in height and meet the setbacks for the districts in which they are located do not need a permit. (See exemptions, section 30-916.)

(1) Fences may be erected on side and rear property lines (i.e., perimeter fences) and are not required to meet setback requirements.

(2) Perimeter fences along both the side and rear property lines shall not exceed six feet in height.

(3) Fences along front lot lines shall not exceed four feet in height.

(4) A perimeter fence exceeding six feet in height may be approved by the development review board if it finds that the following conditions are met:

a. The fence will have no adverse impact on adjacent properties or the character of the neighborhood;

b. The fence is required for the safe operation of the permitted activities on the property.

(5) Except for perimeter fences approved under subsection (1) of this section, fences or walls in excess of six feet in height shall meet all applicable setback requirements.

(6) Fences shall not be located within the triangular area formed by the lot lines at a street intersection and the line connecting them at points 30 feet from the intersection of the lot lines.

(7) Fences shall not deprive adjacent property owners of light and air.

(8) Electric fences are permitted only for agricultural purposes.

(9) Fences shall be located at least five feet from the edge of an abutting town street or easement right-of-way.

(10) Fences abutting state roads shall adhere to state agency of transportation right-of-way setbacks.

(Ord. No. O-2019-2, § 4.6, 9-23-2019)

Sec. 30-652. Filling of low areas.

Filling of land with loam, rock, stone, gravel, sand or other such material when incidental to development or construction which has been granted a permit under these bylaws, is allowed in any district, except the SFHA, provided that:

(1) The filled surface is graded to a slope no steeper than one on two, covered with four inches of topsoil, mulched, fertilized and re-seeded to prevent erosion; and

(2) Natural drainage flows are not obstructed or diverted onto adjacent property. Diversion is permitted provided the owners of each affected parcel agree in writing to the diversion and a stormwater permit is obtained from the state for all affected parcels.

(Ord. No. O-2019-2, § 4.7, 9-23-2019)

Sec. 30-653. Height limitations.

(a) Except within 2,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bells, clocks, fire and observation towers, antenna structures, wind turbines with blades less than 20 feet in diameter, and roof-top solar collectors less than ten feet high, which are mounted on complying structures, broadcast facilities, or essential public utility structures per 24 V.S.A. § 4412(6).

(b) Broadcast facilities, wireless telecommunications facilities, water or cooling towers, oil or gas holders, elevator bulkheads, chimneys or similar structures in excess of the height limitation for the district in which they are to be located may be approved upon conditional use approval by the development review board.

(c) With the exceptions specified in subsections (a) and (b) of this section, height limitations for all structures shall be as specified for the individual zoning districts.

(Ord. No. O-2019-2, § 4.8, 9-23-2019)

Sec. 30-654. Incomplete development.

If land development authorized by a zoning permit is not substantially completed prior to the permit expiring, the applicant must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion. The site must be cleaned up, secured and stabilized within six months after the permit expires.

(Ord. No. O-2019-2, § 4.9, 9-23-2019)

Sec. 30-655. Lighting.

The residents of the town recognize that inappropriate and poorly designed or installed exterior lighting can cause unsafe and unpleasant conditions and limit the ability to enjoy the night-time sky. To reduce these undesirable effects, the following regulations are established:

(1) *Applicability.* On all properties falling within the Observatory Protection Overlay District, and in all other districts, all properties except those of one- and two-family residential structures and active farms, the installation or replacement of any exterior lighting fixtures shall require a

zoning permit, and said permit may not be issued unless the proposed installation is found (by the development review board or the administrative officer) to conform to all applicable provisions of this section.

a. When the lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the development review board shall review and approve the lighting installation as part of its site plan approval.

b. Exterior lighting installations involving the installation or replacement of six or fewer lighting fixtures may be approved by the administrative officer. All others must be approved by the development review board.

c. The applicant shall submit to the town sufficient information (site plans, specifications, designs, analyses, etc.) to enable the town to determine that the applicable provisions will be satisfied.

(2) *Exterior lighting in the Exit Seven (E7) District, Industrial (IND) District, Industrial/Commercial (IND/C) District, Residential Commercial (RC) District, Central Business (CB) District, General Business (GB) District, High Density Residential (HDR) District, and Medium Density Residential (MDR) District.*

a. *Parking lot lighting, where provided.*

1. All lighting fixtures serving parking lots shall be low angle cut-off fixtures as defined by the Illumination Engineers Society of North America (IESNA). Such fixtures limit 90 percent of the light to a cone falling below 80 degrees from the vertical, ten percent to the area between 80 and 90 degrees from the vertical, and prevent any light from being radiated above 90 degrees from the vertical.

2. Lighting fixtures shall be mounted no more than 25 feet above the surface of the parking lot.

3. Lighting levels shall be measured as the horizontal illuminance of the parking lot surface and measured in footcandles. For safety purposes, the minimum illuminance provided shall not be less than 0.2 footcandles.

4. The uniformity of illumination shall be measured by a uniformity ratio defined as the ratio of the average level of illuminance divided by the minimum level. This ratio shall not exceed 4:1.

5. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.

b. *Security lighting.* The purpose of and need for security lighting must be explicitly stated, and the area to be illuminated for security purposes shall be specifically delineated. To the extent that the designated area is illuminated by lighting for other purposes, independent security lighting installations will be discouraged.

1. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

2. Security lighting fixtures shall be mounted no more than 25 feet above grade.

3. The average lighting level on the ground in the designated area shall not exceed 2.0 footcandles.

4. Vertical surfaces (i.e., building facades and walls) may be illuminated up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater. The average lighting level on such vertical surfaces shall not exceed 2.0 footcandles.

5. Security lighting fixtures may be mounted on poles located no more than ten feet from the perimeter of the designated secure area.

6. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five feet of the perimeter.

7. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.

c. *Illuminated signs.* Illuminated signs shall meet the requirements set forth in the signs section of these bylaws (article V of this chapter).

d. *Street lighting.* Street lighting shall meet the standards set forth in the town's public works specifications and subdivision regulations, and shall be cutoff fixtures as defined in subsection (2)a.1 of this section.

(3) *Exterior lighting in all other districts.* In all other districts, parking lot lighting and street lighting are to be discouraged.

a. Where the development review board determines that parking lot lighting is needed, it shall conform the requirements of subsection (2)a of this section.

b. Where the development review board determines that street lighting is needed, it shall conform to the requirements of subsection (2)d of this section, and shall be installed to illuminate intersections and other potential danger points only.

(4) *Observatory Protection Overlay District.* Exterior lighting on properties falling all or partly within the OPD shall conform to all requirements of the overlay district, in addition to all requirements of this section.

(Ord. No. O-2019-2, § 4.10, 9-23-2019)

Sec. 30-656. Lot and yard requirements.

(a) *Reduction of lot area.* No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these bylaws shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose; this provision is not subject to variance consideration by the development review board.

(b) *Required area of yards.* Space required under these bylaws to satisfy area or other open space requirements in relation to one building shall not be counted as part of a required yard, area or open space for any other building.

(c) *Yards on corner lots.* Any yard adjoining a street shall be considered a front yard for the purposes of these regulations. All front yards shall meet the setback requirements of these regulations.

(d) *Lots in two districts.* Where a district boundary line divides a lot which was in single ownership at the time of passage of these bylaws, the development review board may, as a conditional use, permit the extension of either district beyond the existing boundary into the portion of the lot falling outside of that district by an amount not to exceed the following limits:

(1) In the LR-25, LR-10, RA-5 and RA-2 districts: 100 feet;

(2) In all other districts: 50 feet.

(e) *Existing small lots.* Any lot in existence prior to the adoption of zoning may be developed even if it no longer complies with minimum lot size standards. Existing small lots are subject to all requirements as set forth for the zoning district in which the lot is located except lot size and setback. Setbacks shall comply with lot sizes in districts to which the existing small lots can compare (e.g., a two-acre lot in an RA-5 district shall comply with setbacks of the RA-2 district).
(Ord. No. O-2019-2, § 4.11, 9-23-2019)

Sec. 30-657. Multiple structures and uses on one lot.

More than one structure and/or more than one use may be allowed on a single lot, provided that the following conditions are satisfied:

(1) *General.*

a. If any of the uses or structures requires conditional use approval, approval must be obtained for all structures or uses.

b. If any of the uses or structures requires site plan approval, approval must be obtained for all structures or uses.

c. Off-street loading and parking requirements, specified in section 30-659, must be satisfied for all uses and structures.

(2) *Multiple structures on a single lot.*

a. All structures must satisfy all setback requirements for the district in which the lot is located.

b. The maximum structure coverage limitation for the district must be satisfied by the total of all structures on the lot.

(3) *Multiple uses on a single lot.* All uses must be allowed in the district in which the lot is located.
(Ord. No. O-2019-2, § 4.12, 9-23-2019)

Sec. 30-658. Nonconformities.

(a) *Nonconforming uses.* The following provisions shall apply to all uses existing on the effective date of these bylaws which do not conform to the requirements set forth in these bylaws and to all existing uses that in the future do not conform because of any subsequent amendment to these bylaws:

(1) Any nonconforming use of a structure or land may be continued indefinitely.

(2) No nonconforming use shall be added to, expanded or enlarged.

(3) A nonconforming use shall not be changed to another nonconforming use without approval by the development review board, and then only to a use which, in the opinion of the development review board, is no more nonconforming than the previous nonconforming use.

(4) A nonconforming use shall not be re-established if such use has been discontinued for a period of 24 months or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

(5) A building housing a nonconforming use may be enlarged or rebuilt after being damaged for any reason, so long as the space devoted to the nonconforming use is no more than existed prior to the enlargement or rebuilding, and the nonconforming use is reinstated within two years of such damage; if the restoration of such building, regardless of intent, is not completed within two years the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged part of the building.

(b) *Nonconforming structures.* The following provisions shall apply to all buildings and structures existing on the effective date of these bylaws which do not conform to the requirements set forth in these bylaws and to all existing structures that in the future do not conform because of any subsequent amendment to these bylaws:

(1) A nonconforming structure may continue to be occupied and used indefinitely.

(2) Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure, provided that such action does not increase the degree of nonconformity.

(3) A nonconforming structure which is damaged or destroyed by 75 percent of its market value by any event may not be rebuilt without conditional use approval by the development review board, and the rebuilt structure must be at least as much in conformity as the original structure.

(4) A nonconforming structure may be moved, enlarged, altered, extended, reconstructed or restored, provided that the extension or expansion is in conformance with all provisions of these bylaws, and that the extension or expansion does not increase the degree of nonconformity of the original structure. This section shall not be construed to permit any unsafe structure, or to affect all proper procedures to regulate or prohibit the unsafe use of a structure.

(Ord. No. O-2019-2, § 4.13, 9-23-2019)

Sec. 30-659. Parking and loading.

(a) *Loading.* For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry, there shall be provided gravel or paved surfaced off-street space for loading and unloading of vehicles as set forth below:

(1) Hotels, motels, hospitals, commercial, business, service and industrial establishments: one off-street loading space of at least 2,500 square feet for every 10,000 square feet of floor area.

(2) Wholesale, warehouse, freight, and trucking use: one off-street loading space of at least 1,000 square feet for every 7,500 square feet of floor area.

(b) *Parking.* Off-street parking spaces shall be provided in accordance with this section in all districts when any use is established or any existing use is enlarged.

(1) Dimensions. Parking spaces and maneuvering aisles shall have minimum dimensions as shown in the following table:

Parking Angle	*Stall Width*	*Stall Aisle*	*Depth One Way*	*Widths Two Way*
90º	9'	18'	24'	24'
60º	9'	18'	18'	24'
45º	9'	18'	15'	24'
Parallel	8'	22'	14'	24'
All handicapped spaces shall be 12 feet wide.				

(2) In the CB district, all parking shall be paved. Off-street parking will only be required for:

a. Employees on the basis of one space per two employees per shift; and

b. One and one-half spaces per dwelling unit; or

c. As required pursuant to the provisions of section 30-578.

(3) Home occupations and home businesses.

a. Home occupations shall provide off-street parking sufficient to accommodate all customers, but not less than one off-street space, unless the applicant provides evidence that the home occupation will not have customers coming to the site.

b. Home businesses shall provide off-street parking for each non-resident employee and sufficient to accommodate all customers, but not less than one customer space.

(4) In all districts other than the CB district, off-street parking shall be required as follows:

Use	*Parking Spaces*
Residential	1.5 per dwelling unit
Lodging	1 per lodging unit
Restaurant/bar	1 per 3 seats (peak capacity)
Professional business office	1 per 300 sq. ft. of area
Rental sales/service*	1 per 300 sq. ft. of business area, plus 1 additional space
Other	As required by the development review board under site plan review

*The development review board may waive these requirements when the applicant demonstrates that the use is a low traffic generator. Typically, when calculated to end with 0.5, round up parking spaces that are required.

(c) *On-site parking, loading, and/or service area requirements.* On-site parking, loading, and/or service area requirements may be reduced or waived by the development review board under site plan or conditional use review, based on a determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary:

(1) Green areas are to be set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need;

(2) Shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed;

(3) Sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot;

(4) The proposal is specifically for the development of multifamily, elderly or affordable housing; or

(5) In the CB district for any permitted or conditional use (except any dwelling unit or establishment that provides overnight accommodations) that is within 300 feet of a municipal parking facility.

(Ord. No. O-2019-2, § 4.14, 9-23-2019)

Sec. 30-660. Performance standards.

In accordance with 24 V.S.A. § 4414(5), the following standards of performance are to be met and maintained by all uses in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

(1) No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.

(2) The following standards apply to all uses, with the exception of agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:

a. Noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments;

b. Smoke dust, odors, noxious gases, or other forms of air pollution which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;

c. Releases of heat, cold, moisture, mist, fog, precipitation or condensation beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;

d. Any electromagnetic disturbances, or any electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located;

e. Glare, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;

f. Liquid or solid wastes or refuse in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute groundwater and surface water; or which are otherwise detrimental to the public health, safety, and welfare;

g. Undue fire, safety, explosive or other hazard which endangers neighboring properties, or the general public, or which results in a significantly increased burden on municipal facilities and services; or

h. Noise in excess of the following decibel levels at the property line:

1. General external exposure levels - dB(A) (decibels in a scale perceptible to the human ear).

(i) Unacceptable:

A. Exceeds 80 dB(A) 60 minutes per 24 hours;

B. Exceeds 75 dB(A) eight hours per 24 hours;

(ii) Discretionary, normally unacceptable:

A. Exceeds 65 dB(A) eight hours per 24 hours;

B. Loud repetitive sounds on site;

(iii) Discretionary, normally acceptable: Does not exceed 65 dB(A) more than eight hours per 24 hours.

2. Land use category.

(i) Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks, or portions of parks, or open spaces which are dedicated to, or recognized for, activities requiring special qualities of serenity and quiet. Decibel Level - 60 dB(A).

(ii) Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Decibel Level - 70 dB(A).

(iii) Developed lands, properties or activities not included in subsections (2)h.2(i) and (ii) of this section (see subsection (2)h.1 of this section).

3. Exemptions. Emergency standby generators are exempt from these requirements.

(3) Agricultural operations shall at minimum observe accepted agricultural practices (AAPs) as defined and administered by the state agency of agriculture.

(4) Forestry operations shall at minimum observe accepted management practices (AMPs) as defined and administered by the state department of forests, parks and recreation.

(Ord. No. O-2019-2, § 4.15, 9-23-2019)

Sec. 30-661. Pre-existing uses.

In the enforcement of these bylaws, there shall be no interference with permitted and conditional uses which were in existence prior to the adoption of these bylaws, until or unless they are enlarged or changed.

(Ord. No. O-2019-2, § 4.16, 9-23-2019)

Sec. 30-662. Outdoor storage in residential districts.

(a) No scrap or waste material not originating on the premises may be stored or disposed of on any lot, except at a state certified solid waste disposal or transfer facility.

(b) No scrap or waste material originating on the premises may be stored on any lot unless within a building, except that 30 days shall be allowed for the removal of scrap or waste material resulting from a construction operation, or from fire, flood or similar emergency. Outdoor storage shall not be permitted in excess of 30 days except with the issuance of a temporary zoning permit by the administrative officer for a period not to exceed 30 days. Further extensions may be granted by the development review board subject to review under article VII of this chapter.

(c) No snowmobile, boat, or other recreational vehicles not registered or inspected within the past 30 days shall be parked in the front yard in any district. When such vehicles or boats are stored elsewhere, they shall be stored in a manner that conforms with accessory uses. No unregistered or uninspected motor vehicle shall be parked on the premises, outside of a structure, in any district for more than 30 days.
(Ord. No. O-2019-2, § 4.17, 9-23-2019)

Sec. 30-663. Steep slopes.

All development involving the excavation, filling, or regarding of land having a slope of 20 percent or more shall be subject to review by the development review board under article VII of this chapter. Under this provision, the development review board shall require, for review and approval, the submission of erosion control and stormwater management plans, prepared by a licensed professional engineer which:

(1) Cover all phases of development, including site preparation, construction, and post-construction;

(2) Incorporate accepted or best management practices for erosion control and stormwater management as defined by the state department of environmental conservation; and

(3) Identify related long-term maintenance and management requirements.
(Ord. No. O-2019-2, § 4.19, 9-23-2019)

Sec. 30-664. Storage of flammable materials.

The storage of all flammable materials and the equipment in which they are stored are controlled under the fire code of the state as administered by the state fire marshal. Storage of flammable materials (other than bulk storage for commercial distribution) consistent with this Code is permitted in some zoning districts, but will require a zoning permit if the storage capacity is over 1,000 gallons. Bulk storage for commercial distribution is only allowed in GB and IND districts.
(Ord. No. O-2019-2, § 4.20, 9-23-2019)

Secs. 30-665—30-676. Reserved.

ARTICLE V. SIGNS

Sec. 30-677. Permit required.

(a) The construction or erection of new signs, as defined in section 30-6, and/or the movement, enlargement, alteration, or reconstruction of existing signs shall be deemed land development as herein defined and shall require a zoning permit except as may be specifically provided in this article. Repainting or changing the message on a sign shall not be considered alteration.

(b) A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations. See section 30-576.
(Ord. No. O-2019-2, § 4.18(intro. ¶), 9-23-2019)

Sec. 30-678. General sign standards.

The following standards shall apply to all signs in all districts:

(1) *Location.* Signs shall be located where they will be most easily read to reduce the size needed for legibility. The zoning administrator may require the adjustment or relocation of any sign to ensure vehicular or pedestrian safety.

a. Wall signs and projecting signs shall be securely fixed to the wall of a principal structure and shall not obscure architectural features of the building.

b. No permanent signs shall be placed on the river side of a building unless the main entrance to the building is located on the river.

(2) *Design.* Every sign shall be designed, lighted, illuminated and located so that it does not:

a. Impair public safety;

b. Obstruct the lines of vision for pedestrians or vehicles entering or leaving a street (see subsection (13) of this section for restrictions applicable to freestanding signs);

c. Obstruct or confuse the meaning of any traffic sign or signal; or

d. Obstruct any door, window or fire escape.

(3) *Materials.* All signs shall be constructed of durable materials and shall be maintained in safe condition and repair at all times.

(4) *Light sources, externally illuminated signs.* Light sources illuminating any sign shall be shielded so as not to produce glare, undue distraction, or hazard, either to the surrounding area or to pedestrian or vehicular traffic. Exterior illumination shall be focused only upon the sign, preferably from above.

(5) *Internally illuminated signs.*

a. Internally illuminated signs shall not be allowed in the LR-25, LR-10, RA-5, RA-2, MDR, HDR, or RC districts;

b. Internally illuminated signs shall be designed so as to not produce unnecessary glare or brightness. Such signs shall have a dark background of a material with luminous trans-

mittance no greater than 15 percent. Letters and logos shall make up no more than 40 percent of the sign area and shall be of a material with a luminous transmittance no greater than 35 percent;

c. Light sources shall be fluorescent, LED or other energy efficient light source, no closer than 3½ inches from the surface, and shall be no less than 12 inches on center;

d. The applicant shall provide a certificate from the sign manufacturer that any internally illuminated sign conforms to these requirements.

(6) *Sign area.* The sign area shall be computed as the area of the sign board which carries or supports the lettering or message. The number of on-premises signs and the maximum area (size) of signs permitted for specific uses within each zoning district is set forth in subsections (7) through (10) of this section.

a. The sum of the areas of each part of a sign built in separate sections shall constitute its area.

b. The area of signs composed only of letters and symbols shall be 1½ times the total area of rectangles which enclose each letter or symbol.

c. A single sign (other than a wall sign) may contain two faces and the area of the sign shall be computed as the area of one face.

d. The sign area of irregularly shaped signs and logos shall be the area of the minimum rectangle necessary to enclose the said irregularly shaped sign or logo.

e. The depth of three-dimensional signs shall not exceed one-half of the smallest dimension of the sign.

(7) *Signs in LR-25, LR-10, RA-5, RA-2, MDR, HDR districts.* The following signs are permitted when located on the premises on which the structure, use or business is located:

a. One sign announcing a home occupations or home business, not exceeding six square feet; or

b. Up to two signs identifying any other use allowed in the district, the total of the two signs not to exceed 20 square feet.

(8) *Signs in the RC district.* The following signs are permitted when located on the premises on which the structure, use, or business is located:

a. One sign announcing a home occupation or home business, six square feet; or

b. For other uses allowed within the district, any two of the following:

1. One freestanding sign per lot, no larger than 20 square feet;

2. One wall sign for business. This sign shall be no longer than 85 percent of the lineal frontage of the building occupied by the business, and in no case shall exceed 32 square feet in area.

3. One projecting sign per business, no larger than 20 square feet.

(9) *Signs in the GB, IND and IND/C districts.* The following signs are permitted when located on the premises on which the structure, use or business is located:

a. One sign announcing a home occupations or home business, not exceeding six square feet; or

b. Signs for other permitted uses may include:

1. One freestanding sign per lot, no larger than 32 square feet; and

2. One wall sign per business. This sign shall be no longer than 85 percent of the lineal frontage of the building occupied by the business, and the lettering shall not exceed the height of 36 inches; or

3. One projecting sign per business, no larger than 32 square feet, located on the building in which the business being advertised is located.

(10) *Signs in CB district.* The following signs are permitted when located on the premises on which the structure is situated:

a. *Business with basement level or ground floor location.* Each allowed business or use with a basement level or ground floor location in the CB district shall be permitted one projecting sign as specified in subsection (10)a.1 of this section, or one freestanding sign is specified in subsection (10)a.2 of this section.

1. One projecting sign only, which shall not exceed 32 square feet in area;

2. One freestanding sign only, which shall not exceed two square feet in area.

3. A combination of signs which may include any two of the following:

(i) One wall sign which:

A. Shall not be greater three feet in overall height; and

B. Shall be no longer than 85 percent of the overall length of the storefront;

(ii) One projecting sign which:

A. Shall not exceed ten square feet in overall area; and

B. Shall not be more than six feet in overall height; or

(iii) One freestanding sign which shall not exceed ten square feet in area.

b. *Business with location above the ground floor.* A business with a location above the ground or street-level shall be allowed a sign mounted near a window of the business being identified, as either of the following:

1. One wall-mounted sign, no larger than eight square feet in area; or

2. One projecting sign which shall not exceed eight square feet in area and shall not extend more than four feet from the face of the building wall.

(11) *Special signs; administrative officer discretion.* The following special signs may be permitted upon approval by the administrative officer if the administrative officer finds that such a sign is in the public interest, that it will not be detrimental to surrounding properties, and that it will not create a safety hazard:

a. Signs necessary and beneficial to the public safety and welfare may be permitted in all districts.

b. A sign identifying the commonly accepted name of a commercial building, provided that the following conditions are met:

1. The sign shall be located on the same lot as the building;
2. The sign shall contain no old business name;
3. If the sign is freestanding, there shall be suitable landscaping around the sign's base;
4. The sign shall not contain more than 12 square feet of sign area per face and contain no more than two faces;
5. The sign shall be no more than ten feet in height.

c. State of Vermont Official Business Directory signs.

d. Shopping plaza/industrial park/mall signs. A shopping plaza, industrial park or mall may have one freestanding directory sign. Each business within the plaza, park or mall may have a sign within the directory sign. The entire directory sign shall not exceed:

1. 50 square feet for five or fewer businesses;
2. 75 square feet for six to ten businesses;
3. 100 square feet for ten to 15 businesses;
4. 150 square feet for more than 15 businesses; and
5. 25 feet in height.

e. A business with two separate street frontages (each with its own entrance open for public access) may be permitted one additional secondary wall-mounted sign only on the secondary frontage; such sign shall be:

1. No greater than two feet in overall height; and
2. No longer than 85 percent of the overall length of the business' secondary store frontage or 20 feet, whichever is less.

f. A business directory sign may be permitted for the identification of ground floor businesses without direct access on to the street or businesses with a principal location above the ground floor. Said directory shall be located within the immediate vicinity of the building entrance. Each business identified by the directory shall be permitted. No more than two square feet in area of directory signing is allowed. Each directory sign shall not exceed eight square feet and overall area.

g. Signs announcing the name of the subdivision or development. A freestanding sign indicating the name of a housing development, subdivision or apartment complex may be allowed, provided that the following conditions are met:

1. The sign shall be on the same parcel as the development;
2. The sign shall not contain more than 24 square feet per face, and shall not contain more than two faces;
3. The sign shall be no more than ten feet in height;
4. There shall be appropriate landscaping around the sign's base;
5. The sign shall not be illuminated.

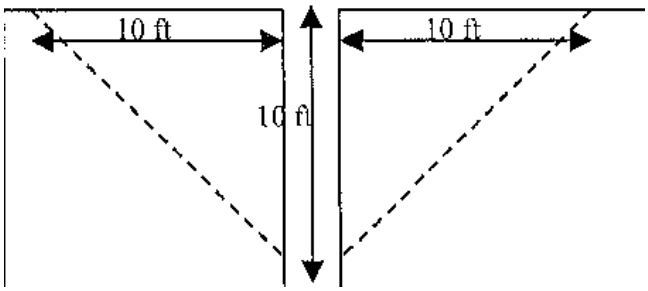
(12) *Special signs; development review board discretion; plaza/industrial park/mall signs only.* The development review board may approve larger plaza/industrial park/mall signs after making a finding that such a sign is in the public interest, that it will not have an undue adverse detrimental effect on the surrounding properties, and that it will not create a safety hazard.

(13) *Freestanding signs.* No freestanding sign may:

a. Except for "special signs" as provided in subsections (11) and (12) of this section, exceed 20 feet in overall height above finished grade for nonresidential uses, or ten feet for subdivision, apartment or housing complex.

b. Be closer than ten feet to a neighboring property line except with the approval of the downtown design review advisory commission in the Central Business District.

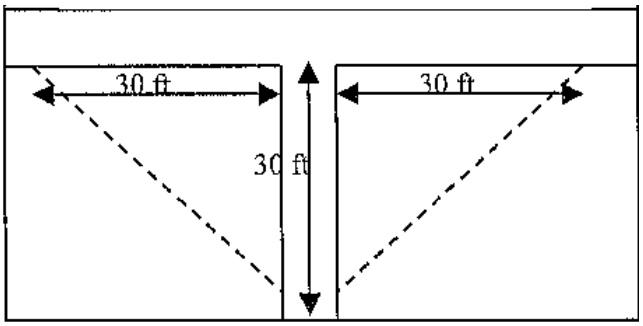
Driveway Visibility Triangle



c. Be set closer than ten feet to a street line, or half the distance between the building front wall and the street line, whichever is less.

d. Be located within the visibility triangle at the intersection formed by connecting points on the right-of-way lines located 30 feet from the point of intersection of those intersection of those right-of-way lines (see diagram, below).

Roadway Visibility Triangle



e. Be located within the visibility triangle at the intersection of a street and a driveway formed by connecting points located ten feet along the right-of-way and the edge of the driveway, as shown in the Driveway Visibility Triangle diagram.

f. All freestanding signs must be appropriately landscaped around the base of the sign.

(14) *Projecting signs.* Projecting signs shall be securely fixed to the front wall of a building and shall not obscure any architectural features of the building. Signs mounted on a roof are considered projecting signs. No projecting sign may:

a. Extend within the area used by vehicular or pedestrian traffic;

b. Extend more than five feet from the building wall, or as otherwise restricted in this bylaw;

c. Be less than ten feet above finished grade;

d. Be constructed so that its highest point extends above the peak of the roof of the building on which it is mounted. Signs may not be mounted on roofs in the Central Business District.

(15) *Wall signs.*

a. Wall signs shall be mounted on and flush with the front wall of a building and shall not obscure architectural features of a building.

b. A wall sign may be located in a front window as long as it does not exceed 25 percent of the area of the window in which it is located.

(16) *Portable signs.* A portable sign may be mounted on wheels and designed to be towed from place to place or otherwise not fastened down, and is intended to be placed during business hours to advertise special sales or activities.

a. A portable sign may not be located in any public right-of-way, where it interferes with vehicular or pedestrian circulation, or where it obstructs lines of sight for traffic entering or leaving a public roadway.

b. In the Central Business District, portable signs must be placed next to the building so as not to interfere with car doors; and must be no more than the narrower of either two feet in width or one-half the width of the sidewalk.

c. A portable sign may be used to advertise a special sale or other event, but for no more than one week in duration.

d. A business may use a single portable sign not exceeding six square feet per face to advertise daily specials or sales, but must be removed when the business is not open.

e. Illuminated portable signs must meet all other provisions of this article.

(17) *Gasoline stations.* In addition to other signs permitted under subsections (9) and (10) of this section, gasoline stations are permitted one pump affixed pricing sign per pump, each not to exceed two square feet in area, in addition to subsections (1) through (12) of this section.

(18) *Nonconforming signs.* An existing sign which does not conform to the provisions of this article shall be considered a nonconforming sign and may not be replaced or expanded without being brought into conformance with this article.

(19) *Electronic message display.* Electronic message display (EMD) signs must meet the following standards and are subject to conditional use review by the development review board:

a. An EMD sign shall be permitted only on municipal and school properties only.

b. An EMD sign shall have two components: a traditional sign (top) and an electronic message display (bottom).

c. An EMD sign shall not exceed a maximum of 32 square feet and shall be a maximum height of ten feet.

d. An EMD sign shall be static and shall not have any distracting appearance of motion, including, but not limited to, flashing, blinking, shimmering, scrolling, pulsating as well as animation, streaming or live-time video or holographic displays.

e. An EMD sign that is readily visible to drivers of vehicles on any public way shall have characters of sufficient size to be easily discerned and must not constitute a safety hazard by being a distraction to drivers.

f. The message display area may have a maximum of three lines of characters, including all letters, numbers, spaces, or other symbols.

g. The area occupied by the message on an electronic message display may comprise no more than 50 percent of the maximum total allowable sign area.

h. A maximum of two colors shall be used for an electronic message or at the discretion of the development review board.

i. Dwell time/frequency change. Messages may change no more than once every 45 seconds unless modified by the development review board.

j. When the display of an electronic message changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

k. An EMD sign shall include internal ambient light monitors that automatically adjust the brightness level of its display according to natural ambient light conditions.

l. An EMD sign shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

m. The hours of operation of an EMD shall be permitted from 6:00 a.m. to 11:00 p.m. except in the case of a public emergency such as an "Amber Alert," weather advisory or other public emergency.

n. Signs placed along state highways, must contact VTrans (802-279-9599).

o. The EMD sign must meet all local and state setback requirements.

p. EMD signs must be FCC compliant and must not interfere with wireless technology.

q. EMD signs in existence at the time of the adoption of this bylaw, which do not conform to the requirements of this bylaw, shall be considered nonconforming signs.

r. All permanent signs and sign structures shall be brought into conformance with the sign bylaws when and if the following occurs:

1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Change to the copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
2. If more than 50 percent of the sign area is damaged, it shall be repaired to conform to this bylaw.
3. An alteration in the structure of a sign support.
4. A change in the mechanical facilities or type of illumination.
5. A change in the material of the sign face.

(Ord. No. O-2019-2, § 4.18(A), 9-23-2019)

Sec. 30-679. Signs which do not require a permit.

The following signs do not require a permit and are permitted in all districts:

(1) Signs wholly within the confines of a building.

(2) Temporary real estate signs, none of which exceed six square feet in overall area. Said sign shall only be permitted on property which is either being sold or leased, and shall be removed within 30 days from the date on which its intended purpose has been fulfilled.

(3) A temporary construction sign located on the property which is being developed. Said sign shall not exceed 32 square feet in area and shall be removed immediately when its stated purpose has been fulfilled.

(4) Entrance and exit signs located near a driveway not exceeding two square feet each, and which do not include a business name or logo.

(5) Two enclosed display cases for a theater, which display cases shall not exceed 16 square feet in overall area each. Said display cases shall be used exclusively for the display of advertising/promoting for the motion picture/pictures currently being shown, or coming attractions.

(6) Signs to be maintained for not more than two weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each sign shall not exceed two square feet.

(7) Street spanning signs (banners) to be maintained for not more than two weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each shall be allowed only in CB and GB zoning districts.

(8) Temporary signs advertising a sale, such as a yard sale, garage sale, lawn sale, etc., so long as the signs are removed within 24 hours of the end of the sale.

(9) A theater marquee shall be considered an accessory use and shall not be considered a sign under these regulations.

(10) Political campaign signs announcing a candidacy or issue for an election, provided:

a. They are on private property with the owner's permission;

b. They are not posted within the public highway right-of-way; and

c. The signs are removed within 24 hours of the end of the election.

(Ord. No. O-2019-2, § 4.18(B), 9-23-2019)

Sec. 30-680. Prohibited signs.

The following signs shall be prohibited in every district:

(1) Flashing, oscillating or revolving signs (a "time and temperature" sign shall not be considered a flashing sign);

(2) In the Central Business District, any freestanding objects or devices designed to catch attention, other than temporary signs as described in section 30-679(8);

(3) Freestanding signs in excess of 20 feet in the GB, IND or IND/C districts or higher than ten feet in all other districts;

(4) Signs which impair public safety;

(5) Signs not in conformance with this bylaw;

(6) Any sign, permanent or temporary, located within a highway right-of-way, except for official business directory signs maintained by the state, and official traffic control signs (this prohibition includes political campaign signs); and

(7) The use of a stationary vehicle or trailer for sign purposes. A vehicle or trailer shall be considered stationary if it is not licensed, is not provided with inflated tires, and is not used off of the premises on a regular basis averaging at least one day per month.

(Ord. No. O-2019-2, § 4.18(C), 9-23-2019)

Sec. 30-681. Removal of signs.

All signs relating to a business shall be removed by the owner of the property on which the signs are located within 30 days following the closing of said business. A business shall be deemed closed when it ceases to admit the general public onto the business premises on a regular weekly basis. Seasonal closures are exempted from this provision.

(Ord. No. O-2019-2, § 4.18(D), 9-23-2019)

Secs. 30-682—30-701. Reserved.

ARTICLE VI. STREAMS AND SURFACE WATERS

Sec. 30-702. Streams and watercourses.

(a) No structure shall be placed, and no land shall be excavated, filled or graded in any zoning district within a distance of 25 feet measured horizontally from the following surface waters except with approval of the development review board, subject to review under article VII of this chapter:

(1) Top of slope, where the channel runs adjacent to a valley wall or high terrace, or top of the normal bank, where the channel has access to its floodplain, of any stream or watercourse shown on town plan maps; or

(2) The delineated boundary of a Class 3 wetland, as shown on the natural resource map in the town plan and as defined under the state wetland rules.

(b) Class 1 and 2 wetlands shall be regulated by the state wetland rules. Land within the Riverfront Protection Overlay District must also comply with the provisions of that district. (See article II, division 2, subdivision XVII.)
(Ord. No. O-2019-2, § 4.21(A), 9-23-2019)

Sec. 30-703. General standards.

It is the objective of this article to promote the establishment and protection of heavily vegetated areas of native or historically common non-invasive vegetation and trees along the town's waterbodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality.

(1) Except as provided in subsection (2) of this section, all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.

(2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees and the planting of trees or pollinator habitat according to an approved plan is permitted.

(3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate native or historically common non-invasive vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

(4) Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, unless such would not be in accordance with a proposed and approved beautification project.
(Ord. No. O-2019-2, § 4.21(B), 9-23-2019)

Sec. 30-704. Buffer management.

The development review board may require, for review and approval, in addition to other required application materials, the submission of a buffer management plan describing the long-term manage-

ment of land within required setback areas to protect surface water quality, fish and wildlife habitat, and stormwater management systems. It is understood that buffer management shall also take into consideration that the town places a high value on the human enjoyment of and ability to view, access, and utilize its river fronts and the lands along the same.
(Ord. No. O-2019-2, § 4.21(C), 9-23-2019)

Sec. 30-705. Development review board determination.

Prior to granting such approval, the development review board shall find that the proposed construction, earth excavation, filling or grading, will not contribute to any impeded drainage, flood hazard, erosion silting, or other substantial adverse effect on natural conditions, or on fish or wildlife habitat, nor interfere with the present or planned stormwater drainage system of the town.
(Ord. No. O-2019-2, § 4.21(D), 9-23-2019)

Sec. 30-706. Modification of setback standards.

The development review board may approve modification to the setback standards set forth in section 30-702 in accordance with article VII of this chapter, and after a determination that the proposed modification meets the following standards:

(1) The proposed development is in the CB district. No buffer is required for properties that are already developed in this district; or

(2) The proposed development is located within the RC, HDR, GB, IND, IND/C, or E7 districts and is a redevelopment project or located on a site of a size and shape that does not allow for the full buffer requirement or is part of a town-approved multi-use or pedestrian trail, path or walkway; and

(3) Measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, establishing vegetated buffer areas along streambanks and within a minimum of 15 feet from the top of the bank (exempt in CB district), minimizing the use of impervious surfaces (paving and other development) except with regard to town-approved multi-use trails or paths, and/or implementing stormwater management provisions to collect and disperse stormwater away from the stream or river.

(Ord. No. O-2019-2, § 4.21(E), 9-23-2019)

Sec. 30-707. Exemptions from buffer requirements.

Required setback areas are to be maintained in a vegetated, undisturbed state, unless otherwise permitted by the development review board as part of an approved buffer management plan. The following structures or uses may also be allowed, subject to approval by the development review board, within setback areas required under this article:

(1) Road, driveway and utility crossings;

(2) Bank stabilization and restoration projects, in accordance with applicable state and federal regulations;

(3) Stormwater management and flood control facilities, in accordance with applicable state and federal regulations;

(4) Structures specifically intended to provide access to surface waters and wetlands (such as docks, boardwalks, or boat launches);

(5) Town-approved multi-use or pedestrian trails, paths, or walkways; and

(6) Projects part of a corrective action plan (CAP) approved by the EPA or the state agency of natural resources.

(Ord. No. O-2019-2, § 4.21(F), 9-23-2019)

Sec. 30-708. Wetlands.

The application for a proposed project which may impact a Class 1 or 2 wetland, a designated floodplain area, or would impound or alter a stream watercourse shall be referred to the agency of natural resources, prior to review and approval by the development review board in accordance with article VII of this chapter. Notice for proposed watercourse alterations or relocations also shall be given to adjacent, upstream and downstream communities.

(Ord. No. O-2019-2, § 4.21(G), 9-23-2019)

Secs. 30-709—30-719. Reserved.

ARTICLE VII. DEVELOPMENT REVIEW

Sec. 30-720. Applicability and coordination of review processes.

(a) *Administrative review.* In accordance with 24 V.S.A. § 4464(c), the administrative officer may review and approve new development and amendments to previously approved development. Section 30-919 outlines those activities that the administrative officer is authorized to review under these bylaws.

(b) *Site plan review.* Pursuant to section 30-722 and 24 V.S.A. § 4416, the site plan review shall apply to all permitted uses as designated in article II of this chapter, excluding single- and two-family dwellings, residential accessory uses or structures (including accessory dwellings, home occupations within a dwelling unit, home child care facilities, and group homes occupied by eight or fewer clients/residents), signs, agriculture and/or forestry. Uses designated as conditional uses in article II of this chapter are not subject to additional site plan review procedures outside of section 30-723(e)(1).

(c) *Conditional use review.* Pursuant to section 30-723 and 24 V.S.A. § 4414(3), the conditional use review shall apply to all conditional uses as designated in article II of this chapter or as otherwise specified under article III of this chapter.

(d) *Downtown design review.* Pursuant to section 30-724 and 24 V.S.A. § 4414(1)(E), the Downtown design review shall apply to all development, including, but not limited to, fencing, lighting, signage, alterations, rehabilitation, reconstruction, new construction and demolition within the Downtown Design Control Overlay District as designated in article II of this chapter.

(e) *Planned unit development (PUD) review.* Pursuant to article VIII of this chapter and 24 V.S.A. § 4417, the planned unit development (PUD) review may be applied at the request of the applicant, or as required under article II or VIII of this chapter, to any size parcel in designated zoning districts.

(f) *Flood hazard review.* Pursuant to article IX of this chapter, 24 V.S.A. § 4424 and 10 V.S.A. § 753, the flood hazard review shall apply to all development, including, but not limited to, new or expanded single-family dwellings as designated in article II of this chapter. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with article IX of this chapter.
(Ord. No. O-2019-2, § 5.0, 9-23-2019)

Sec. 30-721. Application submission requirements.

(a) *Site plan, conditional uses and Downtown Design Control District.* Applications for site plan, conditional use and Downtown Design Control District review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 30-721.

(b) *Planned unit developments (PUDs).* Applications for PUDs shall include:

(1) All information required for major subdivision, as set forth in the town subdivision regulations.

(2) On a map of the scale required by the subdivision regulations, detail showing the location, height and spacing of building sites, parking areas and property to be held in common.

(3) A narrative statement by the applicant describing the character of the development and the reasons for the particular approach proposed. Such statement shall also describe the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.

(4) If residential units are proposed, a calculation of the number of units or lots which could be permitted if the land were subdivided in strict conformance with the minimum lot size for dwelling units in the district in which the land is situated, together with a brief narrative outlining the methodology which was used in making the calculation. For the purposes of this calculation, the applicant shall exclude at least all land greater than 25 percent in slope, all land which lies under water, the amount of land required by these regulations for all commercial or industrial uses proposed and land held within a designated floodway. The total number of residential units allowed may be increased by up to 25 percent of the total allowed under zoning district standards in accordance with article VIII of this chapter.

(c) *Flood hazard.* Applications for flood hazard review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 30-721. The application also shall include:

(1) An elevation certificate, prepared by a state licensed land surveyor or professional engineer, showing the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures;

(2) The methods and levels to which any structure will be floodproofed and certification by the applicant's engineer or architect that the design and proposed methods of construction are in accordance with the floodproofing requirements of these regulations;

(3) The relationship of the above to the channel, floodway and base flood elevations;

(4) A description of the extent to which any watercourses will be altered or relocated as a result of the proposed development;

(5) Base flood elevation data for planned unit development subdivisions, including existing and proposed contours, at one-foot intervals, for any proposed building sites and/or building envelopes located within the flood hazard area (see town subdivision regulations);

(6) Any additional information required pursuant to section 30-757; and

(7) Such other information deemed necessary by the development review board for determining the suitability of the site for the proposed development.

Table 30-721. Application Requirements

Required Application Information	*SPR*	*CUR*	*DDR*	*FHA*
1. Name, address and telephone number of owners of record of the property; name, address, telephone number, and interest of the applicant, if different than the owners of record; name and address of the person or firm preparing the application and plans; date of the application and related plans; tax map identification number and parcel size	√	√	√	√
2. Proof of written notification to all adjoining property owners, regardless of rights-of-way, in accordance with section 30-1092(c)(1)	√	√	√	√
3. A plan drawn to scale showing the following:	√	√	√	√
a. North arrow and scale				
b. Legal property boundaries for the property				
c. A general indication of existing and proposed site conditions and features, including topography, land use, vegetation, critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints); structures and other outstanding features within 200 feet or on adjacent properties, whichever is less; distance to all property lines from proposed structures; signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities				
d. Traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; sidewalks, pathways and trails in the vicinity				

Table 30-721. Application Requirements					
Required Application Information		*SPR*	*CUR*	*DDR*	*FHA*
	e. Photographs of existing site and/or structures				
4.	Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries	√	√	N/A	√
5.	Proposed landscaping and screening plan, including plant details (size, location, species)	√	√	N/A	N/A
6.	Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management)	√	√	N/A	√
7.	Description of proposed water supply and wastewater disposal	√	√	N/A	√
8.	Proposed lighting plan, including the design, number, and type of fixtures, and location of all exterior lighting	√	√	√	N/A
9.	Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials	√	√	√	N/A
10.	Phasing schedule for completion of all proposed development and site improvements	N/A	√	N/A	N/A
11.	Estimate of traffic to be generated by the project and the impact of such traffic on area roads	N/A	√	N/A	N/A

SPR = Site Plan

CUR = Conditional Use

DDR = Downtown Design

FHA = Flood Hazard

√ = required

N/A = Not Applicable

The development review board may require additional information depending upon the scope and location of the proposed project, including, but not limited to, the following:

1. Forest management, tree removal and vegetation management plans.
2. Stormwater management and erosion control plans.
3. Visual impact analysis (photographs or drawings of site).
4. Community service impact assessments (analysis of fiscal costs and benefits to the town).
5. Traffic impact analysis.
6. Open space management plan.
7. Site reclamation plan (for proposed projects involving extraction).
8. Habitat impact assessment.
9. Other information or studies necessary for the development review board to conduct a comprehensive review.

(Ord. No. O-2019-2, § 5.1, 9-23-2019)

Sec. 30-722. Site plan review standards and procedures.

(a) *Application.* An application for site plan review, including a site development plan prepared in accordance with Table 30-721, and associated fee, shall be submitted to the administrative officer for consideration at the next available regularly scheduled meeting of the development review board.

(b) *Review procedure.* The administrative officer shall refer a complete application for site plan review to the development review board and schedule a public hearing of the development review board, to be warned and held in accordance with sections 30-1092 and 30-1093, to review the application and to determine whether the proposed use or structure conforms to the site plan review standards set forth below. The development review board shall act to approve, approve with conditions, or disapprove any application within 45 days of the date of final hearing adjournment, and shall issue a written decision, to include findings, any conditions, and provisions for appeal in accordance with article X, division 4 of this chapter. Failure to act within the 45-day period shall be deemed approval on the 46th day. In approving a project with conditions, the development review board may require specific modifications to the design, layout, scale and/or configuration of the project.

(c) *Attendance at hearing.* The applicant, or applicant's duly authorized representative, must attend the hearing to present and discuss the proposed site plan. An interested person, as defined in 24 V.S.A. § 4465(b), shall be in attendance to participate in the discussion, or if unable to attend, shall request party status in writing to the development review board, and participate by expressing their questions or comments in writing.

(d) *General standards.* The development review board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) *Safety and efficiency of traffic access.* Vehicular access and intersections with roads shall meet all applicable town and state design standards, including those set forth in section 30-646. Properties within the Highway Corridor Overlay District must also comply with the standards in that district (article II, division 2, subdivision XX of this chapter). The development review board may also:

a. Limit the number and size of curb cuts to a single access. Pre-existing, noncomplying curb cuts may require the reduction, consolidation or elimination of noncomplying curb cuts;

b. Require shared access between adjoining properties for areas of compatible adjacent uses; congested or unsafe turning areas; or parcels with access to more than one road;

c. Limit access to a side street or secondary road;

d. Require the installation of acceleration, deceleration, and/or turning lanes on the street or highway adjacent to any access, or service or connecting roads if it determines such installation necessary for traffic safety;

e. Require the provision of joint facilities between or among adjacent uses for access, parking and utilities, the total size of which shall be at least equal to the sum of the minimum required for each activity;

f. Limit the number and width of any access drives to secure traffic safety and the purposes of these regulations;

Whenever a proposed site plan involves access to a state highway, the applicant shall include a letter of intent from the agency of transportation confirming that the agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the agency proposes to attach to the section 1111 permit. (See 24 V.S.A. § 4416.)

(2) *Adequacy of circulation, parking and loading facilities.* Parking and loading facilities shall be provided per the requirements of section 30-659, and in accordance with the following:

a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the development review board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.

b. Driveway connections to parking areas on adjacent properties, or provision for future connection, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to section 30-659(c).

c. Adequate parking facilities for people with disabilities shall be required.

d. Loading and delivery areas within the site shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) *Bicycle and pedestrian access.* Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, shall be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the buildings that are open to the general public shall be provided for people with disabilities.

(4) *Landscaping and screening.* Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping may be required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening. Landscaping plans should emphasize the following:

a. The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

b. The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees may be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental

quality (e.g., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints.

c. The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such plantings practical, and are required for properties in the Highway Corridor Overlay District (article II, division 2, subdivision XX of this chapter). Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be an indigenous, deciduous species tolerant of road-salt, soil compaction and drought.

d. The development review board may require solid fencing and/or plantings to screen all outdoor lighting, outdoor storage areas and parking from the view of adjacent residential areas.

e. The development review board may require a three-year plan for all proposed landscaping and may require bonding or other surety to ensure installation and maintenance in accordance with section 30-1094(2). Replacement of dead or diseased landscaping shall be a condition of the permit.

f. Rain gardens and other innovative ways to filter run-off are encouraged.

(5) *Stormwater and drainage.* Adequate provisions shall be made for the management of erosion, sedimentation, stormwater runoff, and disturbance of subsurface water sources that causes runoff onto adjoining properties. Surface water and subsurface water runoff shall be minimized and, if possible, detained on site. The development review board may require a stormwater management and erosion control plan, consistent with the 2017 state stormwater management manual, certified as such and prepared by a professional engineer licensed by the state. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The development review board may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

(6) *Lighting.*

a. Exterior lighting shall be confined to the intended use and kept to the minimum required for pedestrian and vehicular safety, but shall confine outdoor lighting principally with the property for security and intended use, consistent with the character of the neighborhood in which it is located.

b. All permanent outdoor lighting fixtures shall not direct light onto adjacent properties, roads, or public waters; and shall minimize glare. All lighting fixtures shall be shielded downwards to minimize light from escaping into the darkened or night sky. All security lighting fixtures shall be motion sensitive fixtures and/or low luminance lamps. The development review board may restrict the height and/or location of fixtures and the maximum level of illumination on all or a portion of the property.

c. The extent of this section is not contrary to or conflicting with the standards of design guidelines of the Outdoor Lighting Manual for Vermont Municipalities (1996) or its subsequent revisions, the development review board and applicants shall comply with the standards of recommendation therein.

d. The development review board may impose conditions on exterior lighting in order to ensure compliance with the provisions of section 30-655.

(7) *Outdoor storage.* The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the development review board. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. If the development review board approves outdoor storage, it may place conditions on the area and location of such storage, and may require appropriate screening.

(8) *Outdoor display.*

a. *General Business District.* Items may be displayed in the General Business District as follows:

1. The display of one item located immediately in front of the establishment. All items must be brought in at closing, but no later than night fall.

2. No items may be illuminated nor create a glare.

3. No items shall obstruct public right-of-way, sidewalk or parking area.

b. *Central Business District.* Items may be displayed in the Central Business District as follows:

1. Only items that are normally used out-of-doors, except clothing apparel.

2. Display area is limited to ten percent of the interior retail space not including storage areas, and shall not exceed 250 square feet.

3. Display area is restricted to one side of the building not to exceed five feet in width measured from the building's foundation edge and shall not violate setback.

c. *Special conditions applicable to regional solid waste management facilities and salvage and recycling establishments.* In addition to the general standards listed above, the following conditions shall apply to regional solid waste management facilities and salvage and recycling establishments:

1. There shall be a landscaped screening area no less than 50 feet in depth, separating the facility from all adjacent properties or public roads;

2. There shall be a fence no less than six feet in height surrounding the entire facility;

3. There shall be a plan, approved by the development review board, for the control of loose rubbish and for the control of noise, dust and odor.

(e) *Terms of approval.* The applicant must initiate development as presented in site plan review within one year or forfeit approval of site plan review.

(f) *Performance bond.* The development review board may require a performance bond or other surety, in a form and amount acceptable by the legislative body, to cover the cost of landscaping and any other improvements the development review board designates.
(Ord. No. O-2019-2, § 5.2, 9-23-2019)

Sec. 30-723. Conditional use standards and procedures.

(a) *Application.* An application for conditional use review, including a development plan prepared in accordance with section 30-721, and associated fee, shall be submitted to the administrative officer at least 20 days prior to the next available scheduled meeting of the development review board (DRB).

(b) *Review procedure.* The administrative officer shall refer a complete application to the development review board and schedule a public hearing of the development review board, to be warned and held in accordance with sections 30-1092 and 30-1093, for the development review board's next available meeting date. The development review board will consider whether the proposed use or structure conforms to the conditional use standards set forth below. The development review board shall act to approve, approve with conditions, or disapprove any application for conditional use review within 45 days after the date of final adjournment of the public hearing held under this section, and shall issue a written decision, in accordance with section 30-1094, to include findings, any conditions, and provisions for appeal. Failure to act within 45 days shall be deemed approval, effective the 46th day. In approving a project with conditions, the development review board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.

(c) *Attendance at hearing.* The applicant, or applicant's duly authorized representative, must attend the hearing to present and discuss the proposed application. An interested person, as defined in 24 V.S.A. § 4465(b), shall be in attendance to participate in the discussion, or if unable to attend, shall request party status in writing to the development review board, and participate by expressing their questions or comments in writing.

(d) *General standards.* Conditional use approval shall be granted by the development review board upon their determination that the proposed use or structure shall not have an undue adverse effect on any of the following:

(1) The capacity of existing or planned community facilities or services. The development review board shall consider the demand for community services and facilities which will result from the proposed development, and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the development review board will consider any capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.

(2) The character of the area affected. As defined by the purposes of the zoning district within which the project is located, and specifically stated policies and standards of the town plan. The development review board shall consider the location, scale and intensity of the proposed project relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use. The development review board also shall consider the proposed

project's compatibility with the purpose and character of the affected district as defined by these regulations, the town plan, and the testimony of affected property owners and other interested persons. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed project or use.

(3) Traffic on roads and highways in the vicinity. The development review board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The development review board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.

(4) Bylaws and ordinances then in effect. A conditional use request must comply with all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the town plan and compliance with conditions of prior permits or approvals, including subdivision approval.

(5) The utilization of renewable energy resources. The development review board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.

(e) *Specific standards.* In addition to the general standards set forth in subsection (d) of this section, the following shall apply to all conditional uses:

(1) Site plan review general standards set forth in section 30-722(d) shall apply to all conditional uses reviewed under this section.

(2) Site plan review district standards set forth in section 30-722(d) shall apply to all conditional uses located within the designated district and reviewed under this section.

(3) Building design. The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, type and pitch of roofs, massing and/or orientation, to ensure compatibility.

(4) Protection of natural resources. Proposed development shall not have an adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife and fish habitat and habitat diversity, groundwater source protection areas, and/or floodplains identified in the town plan or through field investigation. The development review board may require the following protection measures to ensure the protection of natural resources and fragile features:

a. The establishment of buffer areas;

b. Permanent protection through conservation easements or other deed restrictions in accordance with section 30-741;

c. The designation of established building locations and/or building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or

d. The preparation and implementation of management plans for protected resources and associated buffers.

(5) Performance standards. All conditional uses shall meet the standards set forth in section 30-660.

(6) Protection of water quality. The proposed development shall not result in any direct or indirect discharge of waste, contaminants or stormwater, or any in-ground disposal of wastewater, in a manner that would adversely impact existing or planned, public or private, water supplies (including both groundwater and surface water). See section 30-663.

(f) *Waivers for minor projects.* The development review board may waive one or more of the standards set forth in subsection (d) or (e) of this section should the development review board determine that the proposed use:

(1) Will not result in an exterior change to an existing building; and

(2) Will not require alterations to an existing site (e.g., will not result in additional parking requirements, existing landscaping is adequate, etc.).

(g) *Additional conditions.* Additional specific conditions may be imposed by the development review board.

(h) *Appeals.* A decision of the development review board may be appealed in accordance with 24 V.S.A. § 4471.
(Ord. No. O-2019-2, § 5.3, 9-23-2019)

Sec. 30-724. Downtown Design Control Overlay District standards and procedures.

(a) *Design review approval.* Except as otherwise provided in this bylaw:

(1) A change in use or type of occupancy shall not require design review approval.

(2) The following acts are prohibited within the Downtown Design Control Overlay District without first obtaining design review approval from the development review board or approval of minor projects from the zoning administrator:

a. Construct or relocate a building.

b. Add or alter the exterior of any structure or portion of a structure, including, but not limited to, buildings, permanent fences, awnings, canopies, and gazebos.

c. Illuminate a sign, path or street, landscape feature, or any exterior feature of the structure.

(b) *Application.*

(1) An application for Downtown Design Control Overlay District review along with the associated fee shall be submitted to the zoning administrator at least seven days in advance of the next

available regularly scheduled meeting of the downtown design review advisory commission and 14 days before the regularly scheduled development review board meeting. In addition to standard application materials, an application for design review shall include a detailed statement of the proposed construction or alteration, including:

a. Its appropriateness to the neighborhood, surroundings or existing structures.

b. A detailed, scaled drawing that clearly illustrates the proposed construction or alteration.

c. Drawings or photographs showing existing conditions of the structure to be altered.

d. Catalogue cut sheets and/or product renderings of lighting fixtures, fences or other equipment to be added to the exterior of the building.

e. Other relevant information necessary for proper consideration of the application to be determined by the zoning administrator.

(2) Review by the downtown design review advisory commission.

a. Within 15 days of a filing of a completed application, the applicant shall meet with the downtown design review advisory commission to present and review a design that meets with the criteria of subsection (d) of this section. The initial meeting may be continued upon mutual consent of the downtown design review advisory commission and applicant.

b. The zoning administrator shall determine the completeness of an application, schedule a hearing with the downtown design review advisory commission and subsequent hearing with the development review board.

c. At the close of the downtown design review advisory commission hearing, the zoning administrator shall forward the downtown design review advisory commission's written recommendation to the development review board.

d. The downtown design review advisory commission functions in a customer service capacity to enable the applicant to prepare for a successful outcome at the upcoming development review board hearing. The downtown design review advisory commission shall advise applicants of potential responses of the development review board and suggest remedies to assist in preparing a more successful application in preparation for the following design review hearing with the development review board.

e. The downtown design review advisory commission and applicant may mutually agree to continue the hearing for further design review in order to prepare more detailed plans.

(3) The downtown design review advisory commission shall keep a written record of its discussion and recommendations, which shall be maintained as a public record of the town.

(4) Review by the development review board of the design review application.

a. The applicant shall have the primary responsibility of presenting the proposal to the development review board and establishing that the proposal meets the criteria in subsection (d) of this section.

b. The decision issued by the development review board may, but need not, adopt the recommendations of the downtown design review advisory commission.

c. Unless there is a mutual written agreement between the development review board and the applicant, the following requirements shall apply:

1. After receiving the applicant's testimony and after reviewing the application materials and the downtown design review advisory commission's recommendation, the development review board shall issue its decision in writing to the applicant within 45 days from the close of testimony.

2. Failure of the development review board to issue its decision within the time and in the manner specified shall constitute an automatic granting of design review approval, the occurrence of which shall be certified in writing to the applicant by the administrative officer. This stipulation applies only to design review approval and not to any additional zoning requirements that may apply to the application proposal.

d. The applicant and the development review board may mutually agree to the extension of time for action by the downtown design review advisory commission or the development review board for submission of additional information by the applicant.

e. The applicant shall be notified in writing of the decision and conditions of approval of the development review board.

(c) *Review limitations.*

(1) It is the intention of these regulations that new construction or alterations should blend with existing architectural styles or existing decorative details of other buildings within the Downtown Design Control Overlay District.

(2) The development review board shall not adopt or impose any specific architectural style in the administration of this bylaw.

(3) The development review board and downtown design review advisory commission shall not be overly restrictive in their judgment of plans for construction or alterations of structures of little historic or design value. Furthermore, the development review board and the downtown design review advisory commission shall not be overly restrictive in their consideration of plans for energy conservation.

(d) *Design criteria.* Before granting design review approval, the development review board shall find that any proposal substantially conforms to the following design criteria:

(1) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(2) Distinctive materials, features and construction techniques or examples of craftsmanship that characterize a property shall be preserved. New additions, exterior alterations, or related new construction shall protect the integrity of the property and its environment through use of appropriate historic materials, features, size, scale, and proportioning that is compatible with that of surrounding structures.

(3) Pattern. The visual pattern established by the alternation of solids (walls) and openings (windows and doors) in the facade of buildings creates a rhythm. These patterns of solids and openings shall be considered in new construction or alteration of an existing building. Variation of spacing between the buildings in the immediate area shall be considered in the construction or alteration of a building.

(e) *Design review minor application.* Minor changes such as conversion to energy efficient windows, minimal lighting, maintenance to canopies, and minimal alterations not visible to the passing public may be issued an administrative permit. If the downtown design review advisory commission recommends approval as a minor application, the zoning administrator will issue a permit. If not, a full design review process could be required. The zoning administrator shall inform the development review board of all approved minor applications.

(f) *Demolition.*

(1) Demolition or removal of a building or structure shall require design plan approval from the development review board.

(2) Before a building or structure is demolished or removed, the applicant shall present a plan for the re-use of the vacated site to determine if the plan meets the criteria for approval as stated in this bylaw.

(3) In the event that the development review board determines upon testimony offered that there may be valid reason for preservation, the development review board may impose a waiting period of no more than 45 days.

(4) The purpose of this provision is to afford a person or organization the opportunity to acquire or to arrange for the preservation of such building.

(5) Notwithstanding the above, any building with substantial structural instability resulting from fire or natural disaster, not a condition caused or suffered by the owner, shall be exempt from the provisions of this section.

(g) *Exterior lighting.*

(1) Exterior lighting shall conform to the requirements of section 30-655 as the same relates to the Central Business Zoning District.

(2) In addition, any new exterior lighting in the Downtown Design Control Overlay District, that is highly visible from Main Street, shall be compatible with the period of the related building or area of the Downtown Design Control Overlay District. The applicant must provide information on the type of proposed lighting fixture and the wattage of the bulb shall be provided in the application.

(3) Applicants must demonstrate that the amount, type, intensity and location of all exterior lighting is complementary to buildings and structures on site and neighboring properties.

(h) *Signs.* Signs within the Downtown Design Control Overlay District shall meet the general and dimensional requirements for signs in the underlying zoning district in which the property is located. This applies to wall, projecting, freestanding, awning and portable signs. Signs which meet the requirements of section 30-660 and the underlying district may be approved by the zoning administrator.

(1) The proposed sign shall be sited to coordinate with the facade of the building. Wall signs shall be located within a sign band, if one exists.

(2) In addition, the size, location, design, texture, lighting, and material of all exterior signs shall be complimentary to buildings and structures on the site and surrounding properties.

(Ord. No. O-2019-2, § 5.4, 9-23-2019)

Secs. 30-725—30-736. Reserved.

ARTICLE VIII. PLANNED UNIT DEVELOPMENT

Sec. 30-737. Approval.

In accordance with 24 V.S.A. § 4417, the development review board may approve planned unit developments in all districts. The planning commission is empowered to vary certain provisions of these zoning regulations in accordance with 24 V.S.A. § 4417. Planned unit developments may be approved simultaneously with subdivision approval, provided that the purposes and requirements of this article are met in addition to those of the town subdivision regulations.

(Ord. No. O-2019-2, § 5.5(intro ¶), 9-23-2019)

Sec. 30-738. Purpose.

The purposes of planned unit developments are as follows:

(1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both.

(2) To implement the policies of the town plan.

(3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.

(4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals of the area as articulated in the town plan and bylaws.

(5) To provide for the conservation of open space features recognized as worthy of conservation in the town plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources and protection from natural hazards.

(6) To provide for the efficient use of public facilities and infrastructure.

(7) To encourage and preserve opportunities for energy-efficient development and redevelopment.
(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-739. General standards.

In addition to the standards set forth in the town subdivision regulations, the following shall apply to planned unit developments:

(1) Uses allowed in a planned unit development are those uses allowed in the district in which the development is located.

(2) The planned unit development shall include a clustered plan of development

(3) The planned unit development shall create public benefits that would not be evident if the parcel were developed in strict conformance with the lot and building requirements for the district in which the development is located.

(4) The number of dwelling units allowed in the planned residential development shall not exceed 125 percent of the number which, in the development review board's judgment, could be developed on the parcel in conformance with the zoning regulations for the district in which the development is located.

(5) In computing the number of dwelling units for purposes of subsection (4) of this section, land shall be excluded if the slope exceeds 25 percent if the land is underwater, if the land is classified as "wetland" per state regulations, and if it is otherwise undevelopable.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-740. Submissions.

In addition to meeting submission requirements of the town subdivision regulations, the planned unit development application shall also include:

(1) A site plan showing location, height, and spacing of buildings or building sites, open spaces, landscaping, off-street parking spaces, septic areas, wells, utilities, easements or rights-of-way, major land forms, fences, stone walls, historic features and other pertinent topographical and physical features, at a scale sufficient to permit study of the plan;

(2) A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership such as community facilities, private roads or open spaces. This proposal must clearly outline who will be legally responsible for such commonly owned property for as long as the development exists;

(3) A statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations;

(4) If residential units are proposed, a calculation of the number of dwelling units to be constructed, together with a narrative outlining the methodology which was used in making the calculation.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-741. Procedure.

In addition to conforming with all procedural requirements of the town subdivision regulations, the following procedures will be followed:

(1) The development review board shall hold a public hearing to consider the proposed planned unit development. This public hearing may coincide with any public hearing required for subdivision approval.

(2) In considering the maximum number of dwelling units to be allowed in a planned unit development, the planning commission may decide to disallow acreage which it considers undevelopable or acreage being developed for some other purpose.

(3) If the proposed planned unit development creates property to be held in common ownership, such as community facilities or open spaces, the development review board, as a condition of approval, may establish such conditions on ownership, maintenance and financing of such property, as it deems necessary to ensure preservation of the property for its intended uses for as long as the property exists.

(4) The development review board shall render its decision on the application at the same time that it renders a decision on final subdivision approval in accordance with the town subdivision regulations. In addition to the subdivision approval required on the plat, any modification of the zoning regulations approved under this article shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Secs. 30-742—30-754. Reserved.

ARTICLE IX. FLOOD HAZARD REVIEW PROCEDURE

DIVISION 1. GENERALLY

Sec. 30-755. Statutory authorization.

To effect the purposes of 10 V.S.A. ch. 32 (10 V.S.A. § 751 et seq.), and in accordance with 24 V.S.A. § 4424, there is hereby established regulations for areas of special flood hazard in the town.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-756. Statement of purpose.

It is the purpose of these regulations to:

(1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards;

(2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;

(3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

(4) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-757. Applicability.

These regulations shall apply to all areas in the town identified as areas of special flood hazard, also referred to as special flood hazard areas (SFHA), in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations. The flood insurance study and maps are on file in the office of the zoning administrator in the town offices.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-758. Warning of disclaimer of liability.

These regulations do not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the town or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-759. Validity and severability.

If any portion of these regulations is held unconstitutional or invalid by a competent court, the remainder of these regulations shall not be affected.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-760. Precedence of FHA regulations.

The provisions of the regulations in this article shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where the regulations in this article impose a greater restriction, the provisions of the regulations in this article shall take precedence.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-761—30-773. Reserved.

DIVISION 2. ADMINISTRATION

Subdivision I. In General

Sec. 30-774. Designation of the administrative officer for these flood hazard regulations.

The Selectboard of the town appoints the administrative officer to administer and implement the provisions of these regulations.
(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-775. Duties and responsibilities of the administrative officer.

The administrative officer is hereby authorized and directed to enforce the provisions of this article. The administrative officer is further authorized to render interpretations of this article, which are consistent with its spirit and purpose.

(1) Duties of the administrative officer shall include, but not be limited to:

a. Review all development permits to ensure that the permit requirements of this article have been satisfied.

b. Advise applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

c. Notify adjacent communities and the stream alteration engineer at the state agency of natural resources, department of environmental conservation, river management section at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

d. Where base flood elevation (BFE) data is available per section 30-757 or the flood insurance rate map (FIRM), verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with development standards.

e. Where BFE data is available per section 30-757 or the flood insurance rate map (FIRM), verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with division 3, subdivision II, of this article.

f. Review certified plans and specifications for compliance.

g. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (determination of the horizontal limits only, not vertical). The person contesting the location of the boundary may appeal the interpretation to the development review board.

h. When base flood elevation data or floodway data have not been provided in accordance with section 30-790, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of division 3, subdivision II, of this article.

i. Prior to issuing a permit, submit a copy of the application and supporting information to the state national floodplain insurance program coordinator at the state agency of natural resources, department of environmental conservation, river management section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the agency or the expiration of 30 days from the date the application was mailed to the agency, whichever is sooner.

j. Provide information, testimony, or other evidence, as needed, during variance request hearings.

k. Conduct the following actions when damage occurs to a building:

1. Determine whether damaged structures are located within the special flood hazard area;

2. Conduct damage assessments for those damaged structures located in the SFHA; and

3. Make a reasonable attempt to notify owners of damaged structures of the requirement to obtain a building permit/floodplain development permit prior to repair, rehabilitation, or reconstruction.

(2) The administrative officer shall maintain a record of:

a. All permits issued for development in areas of special flood hazard;

b. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

c. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

d. All floodproofing certifications required under this regulation; and

e. All variance actions per subdivision III of this division, including justification for their issuance.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-776—30-788. Reserved.

Subdivision II. Development Permit

Sec. 30-789. Required.

(a) A permit is required, to the extent authorized by state law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the development review board is required for the following prior to being permitted by the administrative officer:

(1) New buildings;

(2) Substantial improvement of existing buildings; and

(3) Development in a floodway.

(b) All development and subdivisions shall be reviewed to ensure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

(c) The administrative officer shall determine boundary limits of the floodprone area by scaling distances on the most current flood insurance studies and maps, referred to in section 30-757, hereby declared to be a part of this regulation.
(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-790. Procedures.

(a) Prior to issuing a permit, a copy of the application and supporting information shall be submitted by the administrative officer to the state national floodplain insurance program coordinator at the state agency of natural resources, department of environmental conservation, river management section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the agency or the expiration of 30 days from the date the application was mailed to the agency, whichever is sooner.

(b) Adjacent communities and the stream alteration engineer at the state agency of natural resources, department of environmental conservation, river management section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(c) Applications and hearings.

(1) All applications for permits for development in the SFHA must be heard as a conditional use by the development review board. Those hearings shall be scheduled, noticed and heard using the same procedures as other conditional uses under these zoning regulations.

(2) Submission requirements. Applications for flood hazard review shall include:

a. Two copies of a map drawn to scale showing:

1. The dimensions of the lot;

2. The location of existing and proposed structures;

3. The elevation above mean sea level of the lowest floor, including basement, of all new or substantially improved structures and notations as to whether or not such structures contain a basement;

4. The relationship of the above to the streambank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the 100-year (base) flood.

b. If any portion of the proposed development is within a designated floodway, the application must show that the development standards in sections 30-858 and 30-859 are met.

c. If the proposed development is in the floodway fringe area, the application must show that the development standards in sections 30-858 and 30-860 are met.

d. All permits required for the proposed development by municipal law.

e. The applicant shall contact a permit specialist at the Vermont Agency of Natural Resources and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the town permit application.

(d) Review procedure.

(1) The development review board shall review the application, comments from the state national floodplain insurance program coordinator at the state department of environmental conservation, river management section, if available, and other pertinent information available to ensure compliance with the development standards set forth in division 3, subdivision II, of this article.

(2) The development review board shall review the application and ensure that all permits required for the proposed development by municipal law have been received by the applicant.

(3) If the development review board approves the proposed project, among other conditions, the development review board shall, in its decision, make the approval contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.

(4) The permit issued by the administrative officer after the development review board approval shall contain, among other conditions, a statement that the validity of the permit is contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.

(5) Applicant is required to obtain the legally required permits from the entity indicated on the permit review sheet, or, if it is determined by that agency that a permit is not required, a letter so stating from the agency, and, as received, provide copies of the permit or letter to the administrative officer for the applicant's file.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-791—30-808. Reserved.

Subdivision III. Variances

Sec. 30-809. Variances to the development standards.

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR 60.6 of the National Flood Insurance Program regulations.
(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-810. Matters to be considered in variance procedures.

(a) In passing upon such applications, in addition to the requirements of 24 V.S.A. § 4469, the development review board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger of life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(b) Upon consideration of factors listed above, and the purpose of this article, the development review board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-811. Procedures for variance hearings.

In addition to the requirements of 24 V.S.A. § 4469, in considering variances to these flood hazard area regulations, the development review board shall follow the following procedures, which include the procedures for the granting of variances found in 44 CFR 60.6 of the National Flood Insurance Program regulations:

(1) No-impact certification within the floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result. A no-impact certification within the floodway from a state registered professional engineer is required to satisfy this prohibition set forth in 44 CFR 60.6(a)(1).

(2) Variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures set forth in subsections (3) through (5) of this section.

(3) Variances shall only be issued when there is:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

b. Such construction below the base flood level increases risks to life and property.

(6) A copy of the notice shall be recorded by the administrative officer in the office of the town clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(7) The administrative officer will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's annual or biennial report submission to the Federal Emergency Management Agency or state NFIP coordinator upon request.

(8) Historic structures. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(9) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a. The criteria of subsections (1) through (4) of this section are met; and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-812—30-820. Reserved.

Subdivision IV. Enforcement and Penalties

Sec. 30-821. Violations; seven-day notice required; denial of flood insurance for noncompliance.

(a) It shall be the duty of the administrative officer to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the administrative officer, in such officer's discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. § 1974a or pursuant to 24 V.S.A. § 4451 or 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

(b) If the structure is still noncompliant after the opportunity to cure has passed, the administrative officer shall submit a declaration to the administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

(1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

(2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;

(3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

(4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

(5) A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-822—30-837. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Subdivision I. In General

Sec. 30-838. Base flood elevations and floodway limits.

(a) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the flood insurance study and accompanying maps, referred to in section 30-757, shall be used to administer and enforce these regulations.

(b) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the flood insurance study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from state or federal agencies or other sources, including data developed pursuant to section 30-860(c), shall be obtained and utilized to administer and enforce these regulations.

(c) Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-839—30-857. Reserved.

Subdivision II. Development Standards

Sec. 30-858. All development.

All development within the SFHA shall be reasonably safe from flooding and:

(1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;

(2) Constructed with materials resistant to flood damage;

(3) Constructed by methods and practices that minimize flood damage; and

(4) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-859. Floodway areas.

(a) Development within the regulatory floodway, as determined by section 30-838, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a state registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

(b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(c) All development in the regulatory floodway shall meet the standards of floodway fringe areas, section 30-860.

(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Sec. 30-860. Floodway fringe areas (i.e., special flood hazard areas outside of the floodway).

(a) *Residential development.*

(1) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH on the flood insurance rate maps shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

(2) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:

a. Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood. The required elevation and adequate anchoring must be certified in writing by a state registered professional engineer.

b. Located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement. The required elevation and adequate anchoring must be certified in writing by a state registered professional engineer.

c. Residential construction located within Zones AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(b) *Nonresidential development.*

(1) New construction located in Zones A1—30, AE, and AH shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

(2) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall:

a. Have the lowest floor, including basement, elevated to one foot above the base flood elevation; or

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) A permit for a building proposed to be floodproofed shall not be issued until a state registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection (b).

(4) Nonresidential construction located within Zone AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(c) *Residential and nonresidential development in SFHA where BFE or floodway data is not available.* When base flood elevation data or floodway data are not available in accordance with section 30-838(c), in special flood hazard areas without base flood elevation data, new construction or substantial improvements of residential structures and new construction of nonresidential structures shall be elevated, and substantially improved nonresidential development shall be elevated or floodproofed, to elevations adopted/established by the community. If floodproofed as provided in the previous sentence, the floodproofing shall be to the standards of subsections (b)(2) and (3) of this section. The administrator officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of article VII of this chapter. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation," dated July 1995.

(d) *Subdivisions.*

(1) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.

(2) Subdivisions (including manufactured home parks) shall be designed to ensure:

a. Such proposals minimize flood damage within the floodprone area;

b. Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards.

(e) *Enclosed areas below the lowest floor.*

(1) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

(2) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(3) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) *Recreational vehicles.* Recreational vehicles placed on sites with special flood hazard areas shall either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use; or

(3) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in subsection (a)(2) of this section.

(g) *Accessory structures.* An accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:

(1) Shall not exceed 250 square feet of floor area;

(2) Shall not be used for human habitation;

(3) Shall be designed to have low flood damage potential;

(4) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Shall be firmly anchored to prevent flotation; and

(6) Shall have service facilities such as electrical and heating equipment elevated or floodproofed to or above the base flood elevation.

(h) *Water supply systems.* New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

(i) *Sanitary sewage systems.* New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(j) *On-site waste disposal systems.* On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(k) *Watercourse carrying capacity.* The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(l) *All development.* Until a regulatory floodway is designated in Zones A1—30 and AE, the requirements of section 30-838(c) shall be met.
(Ord. No. O-2019-2, § 5.6, 9-23-2019)

Secs. 30-861—30-883. Reserved.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Secs. 30-884—30-914. Reserved.

DIVISION 2. ZONING PERMIT*

Sec. 30-915. Required permits to precede development.

(a) In accordance with 24 V.S.A. § 4449, the application for and receipt of a zoning permit issued by the administrative officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from these regulations under section 30-916.

(b) Additionally, according to town ordinance and policy, any development may require a town permit for a driveway, or connection to town water or sewer. State permits are required for all new on-site septic systems beginning July 1, 2007. Renovations or alterations of any commercial, retail, or rental unit may also require a construction permit by the state to be obtained from the division of fire safety. Compliance with any property specific restrictions or covenants is the responsibility of the applicant or property owner. For other business licenses, contact the town clerk.
(Ord. No. O-2019-2, § 6.0(A), 9-23-2019)

Sec. 30-916. Exemptions.

Except as provided in article IX of this chapter, no zoning permit shall be required for the following activities:

(1) Accepted agricultural practices (AAPs) including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets, in accordance with 24

***State law reference—**Zoning permit, 24 V.S.A. § 4449.

V.S.A. § 4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters, shall be submitted to the administrative officer prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the secretary.

(2) Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the commission of forests, parks and recreation in accordance with 24 V.S.A. § 4413(d).

(3) Power generation and transmission facilities which are regulated under 30 V.S.A. § 248 of the state public utility commission in accordance with 24 V.S.A. § 4413(b). Such facilities, however, shall conform to policies and objective specified for such development in the town plan.

(4) Hunting, fishing and trapping as specified under 24 V.S.A. § 2295 on private or public land. This does not include facilities supporting such activities as firing ranges or rod and gun clubs, which for the purpose of these regulations, are defined as outdoor recreation facilities or private club houses.

(5) Normal maintenance and repair of an existing structure which does not result in exterior alterations or expansion or a change of use, except as required in the Downtown Design Control Overlay District (DDCOD).

(6) Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.

(7) Exterior alterations to structures which are not located within the Downtown Design Control Overlay District (DDCOD) and which do not result in any change to the footprint or height of the structure or a change in use. Exterior alterations to structures within the DDCOD are subject to review by the downtown design review advisory commission.

(8) Residential entry stairs (excluding decks and porches), handicap access ramps, walkways and fences or walls less than six feet in height which meet setbacks, and do not extend into or obstruct public rights-of-way or interfere with corner visibilities or sight distances for vehicular traffic.

(9) Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities for which a permit is specifically required in these regulations.

(10) Outdoor recreational trails (e.g., walking, hiking, cross country skiing and snow mobile trails) which do not require grading, construction, or the installation of structures or parking areas.

(11) Small accessory buildings associated with residential uses which are less than 120 square feet of floor area and less than eight feet in height, and are not located within required setback areas.

(12) Garage sales, yard sales, or similar activities that do not exceed three consecutive days, nor more than 12 total days in any calendar year.

(Ord. No. O-2019-2, § 6.0(B), 9-23-2019)

Sec. 30-917. Application requirements.

An application for a zoning permit shall be filed with the administrative officer on forms provided by the town. Required application fees, as set by the legislative body, also shall be submitted with each application. In addition, the following information will be required:

(1) *Permitted uses.* Applications for a permitted use shall include, but not be limited to, a sketch plan, on paper no smaller than 8.5 inches by 11 inches, drawn to scale, that depicts the following:

a. The dimensions of the lot, including existing property boundaries;

b. The location, footprint and height of existing and proposed structures or additions;

c. The location of existing and proposed access (curb cuts), driveways and parking areas;

d. The location of existing and proposed easements and rights-of-way;

e. Existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands;

f. The location of existing and proposed water and wastewater systems; and

g. Other such information as required by the administrative officer to determine conformance with these regulations.

(2) *Other uses.* In addition to the above permit application requirements, the application for development requiring approval under conditional use, site plan, downtown design review, flood hazard area, and/or planned unit or planned residential development review shall include a site development plan prepared in accordance with Table 30-721.

(Ord. No. O-2019-2, § 6.0(C), 9-23-2019)

Sec. 30-918. Issuance of zoning permits.

No zoning permit shall be issued by the administrative officer until a complete application, including all forms, materials, and fees, has been received, and all applicable approvals have been obtained in accordance with the following provisions:

(1) No zoning permit shall be issued by the administrative officer for any use or structure which requires approval of the development review board, Selectboard, public works, state and/or health officer until such approvals and/or permits have been obtained and presented to the administrative officer.

(2) For uses within the Flood Hazard Area Overlay District requiring state agency referral, no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the state department of environmental conservation in accordance with 24 V.S.A. § 4424(2)(D).

(3) If public notice is issued with respect to a public hearing by the legislative body for the purpose of adopting or amending these regulations, applications shall be reviewed under the proposed amendment for a period of 150 days following that notice. If the amendment has not been adopted by the conclusion of the 150-day period or if the proposed amendment is rejected, the application shall be reviewed under the existing bylaws at no additional charge in accordance with 24 V.S.A. § 4449(d).

(4) Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the administrative officer shall act to either issue or deny a permit in writing, or to refer the complete application to the development review board, pursuant to 24 V.S.A. §§ 4448 and 4449. If the administrative officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. Decisions shall be sent by registered mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under division 4 of this article.

(5) Each permit issued shall require the applicant to post a notice of permit, on a form prescribed by the town, within view from the public right-of-way nearest to the subject property until the time for appeal has passed.

(6) Within three days of issuance, the administrative officer shall deliver a copy of the permit to the listers, and post, for a period of 15 days from issuance, a copy at the town office.

(Ord. No. O-2019-2, § 6.0(D), 9-23-2019)

Sec. 30-919. Administrative review.

In accordance with 24 V.S.A. § 4464(c), the administrative officer may review and approve new development and amendments to previously approved development.

(1) The administrative officer may approve amendments to previously approved development providing it shall not have the effect of substantively altering any impact under any of the standards set forth in the bylaws or have the effect of substantively altering any of the findings of fact or conditions of the most recent approval. In the Downtown Design Control Overlay District such approval may only be granted after review by the downtown design review advisory commission.

(2) The administrative officer may approve a one-year extension of the permit expiration date after written request and explanation of the reason for the extension by the applicant and signed by the property owner.

(3) Exterior lighting installations involving the installation or replacement of six or fewer lighting fixtures may be approved by the administrative officer except in the DDROC. All others must be approved by the development review board.

(Ord. No. O-2019-2, § 6.0(E), 9-23-2019)

Sec. 30-920. Effective dates.

No zoning permit shall take effect until the time for appeal under division 4 of this article has passed or, in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one year from the date of issuance, but, provided the regulations have not been amended in a way that would affect the use or structure of the subject of the permit, the permittee may request an extension of the permit up to a year, which the administrative officer may allow. The extension must be in writing signed by the administrative officer. If the work

described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals (conditional use, site plan, etc.) shall expire with the zoning permit.
(Ord. No. O-2019-2, § 6.0(F), 9-23-2019)

Secs. 30-921—30-943. Reserved.

DIVISION 3. CERTIFICATE OF OCCUPANCY*

Sec. 30-944. Required before land use or occupancy; certified compliance; application process.

In accordance with 24 V.S.A. § 4449(2), a certificate of occupancy issued by the administrative officer shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued.

(1) All new structures (except accessory structures), substantial improvements, commercial change of use or permits, upon determination by the development review board, shall require a certificate of occupancy before such use or permit may vest. Said certificate of occupancy shall show that the premises comply with all applicable provisions of these bylaws and the permit as granted.

(2) The administrative officer will include an application for a certificate of occupancy with the zoning permit.

(3) A certificate of occupancy shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the administrative officer determines that the project has been substantially completed in conformance with all local approvals and permits.

(4) Within 14 days of receipt of the application for a certificate of occupancy, the administrative officer may inspect the premises to ensure that all work has been substantially completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions.

(5) If the administrative officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the environmental division of the state superior court to recognize that the administrative officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

(6) If denying an application, the administrative officer shall:

a. State the reasons for the denial;

b. Inform the applicant that such applicant may appeal the denial to the development review board within 15 days of the date of the decision; and

c. Include a copy of division 4 of this article, which explains the appeal process.

***State law reference**—Certificate of occupancy, 24 V.S.A. § 4449.

(7) If the administrative officer denies the application for a certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.

(8) Neither the town nor the administrative officer is responsible for any certificate of occupancy issued in good faith after a reasonable inspection.

(9) Owners-builders may apply for a temporary certificate of occupancy, to be reviewed annually, which will allow occupancy in the structure until completion of construction. In certain circumstances to be determined by the administrative officer, a conditional certificate of occupancy may be issued. The owner of property must still obtain a final certificate of occupancy once the project is deemed complete.

(10) Where a zoning permit requires a new septic system or a change in the existing septic system, a state installation certificate and copy of final septic plan shall be filed with the town clerk's office before a certificate of occupancy can be issued.

(11) Where applicable, a residential building energy standards certificate per 30 V.S.A. § 51 shall be filed with the town clerk's office before a certificate of occupancy can be issued.

(12) Where applicable, a commercial building energy standards certificate per 30 V.S.A. § 53 shall be filed with the town clerk's office before a certificate of occupancy can be issued.

(Ord. No. O-2019-2, § 6.0(G), 9-23-2019)

Secs. 30-945—30-961. Reserved.

DIVISION 4. APPEALS

Sec. 30-962. Decisions of the administrative officer.

(a) In accordance with 24 V.S.A. §§ 4465 and 4466, any interested person may appeal a decision or act of the administrative officer by filing a notice of appeal with the secretary of the development review board, or the town clerk if no secretary has been elected, within 15 days of the date of such decision or act. A copy of the notice of appeal shall also be filed with the administrative officer.

(b) Interested person. In accordance with 24 V.S.A. § 4465, the definition of an interested person includes the following:

(1) A person owning title to a property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by this bylaw, who alleges that this bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The town or an adjoining municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under this bylaw, who can demonstrate a physical or

environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the town.

(4) Any ten persons who may be any combination of voters or real property owners within the town or an adjoining municipality who, by signed petition to the development review board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the town. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department or administrative subdivision of the state owning property or any interest therein within the town or adjoining municipality, and the state agency of commerce and community development.

a. The notice of appeal shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds why the relief is believed proper under the circumstances.

b. Pursuant to 24 V.S.A. § 4468, the development review board shall hold a public hearing on a notice of appeal within 60 days of its filing. The development review board shall give public notice of the hearing under section 30-1092 and mail a copy of the hearing notice to the appellant at least 15 days prior to the hearing date. Any hearing held under this section may be adjourned from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

c. Any interested person empowered to take an appeal with respect to the property at issue may appear and be heard in person or represented by an agent or attorney at the hearing.

d. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

e. In accordance with 24 V.S.A. § 4470, the development review board may reject an appeal without hearing, and render a decision within ten days of the filing of a notice of appeal, if the development review board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.

f. A decision on appeal, to include written findings of fact, shall be rendered within 45 days of the date of final hearing adjournment in accordance with division 7 of this article and 24 V.S.A. § 4464. Failure to issue a decision within the 45-day period shall be deemed approval, effective on the 46th day. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the administrative officer and town clerk in accordance with the Act.

(Ord. No. O-2019-2, § 6.1(A), 9-23-2019)

Sec. 30-963. Decisions of the development review board.

Any interested person who has participated in a hearing of the development review board may appeal a decision rendered in that proceeding within 30 days of such decision to the state environmental court, in accordance with 24 V.S.A. §§ 4471 and 4472.

(1) "Participation" shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(2) A notice of appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the town clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person listed.

(Ord. No. O-2019-2, § 6.1(B), 9-23-2019)

Secs. 30-964—30-984. Reserved.

DIVISION 5. VARIANCES

Sec. 30-985. Authorization for variance; conditions.

The development review board is empowered to authorize a variance from the provisions of these regulations on appeal under division 4 of this article, for specific cases where, owing to special conditions of a property, literal enforcement of these regulations will result in an unnecessary hardship. In accordance with 24 V.S.A. § 4469, however, the development review board may approve a variance only if all of the following facts are found, and the findings are specified in its written decision:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located;

(2) That, because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That the unnecessary hardship has not been created by the appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulations and from the plan.

(Ord. No. O-2019-2, § 6.2(A), 9-23-2019)

Sec. 30-986. Variance for renewable energy resource structure.

On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the development review board may grant such variance only if it finds that all of the facts listed in 24 V.S.A. § 4469(b) are found in the affirmative and specified in its decision.
(Ord. No. O-2019-2, § 6.2(B), 9-23-2019)

Sec. 30-987. Variances within the Flood Hazard Area Overlay District.

Variances within the Flood Hazard Area Overlay District shall be granted by the development review board only in accordance with 24 V.S.A. § 4469(d) and the criteria for granting variances found in 44 CFR 60.6 of the National Flood Insurance Program regulations, and article IX, division 2, subdivision III, of this chapter.
(Ord. No. O-2019-2, § 6.2(C), 9-23-2019)

Sec. 30-988. Other conditions.

In granting a variance, the development review board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan currently in effect. In no case shall the development review board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.
(Ord. No. O-2019-2, § 6.2(D), 9-23-2019)

Secs. 30-989—30-1019. Reserved.

DIVISION 6. VIOLATIONS AND ENFORCEMENT

Sec. 30-1020. Penalties for noncompliance.

(a) The commencement or continuation of any development or use that is not in conformance with the provisions of this bylaw shall constitute a violation. A violation of this chapter shall be a civil matter enforced in accordance with the provisions 24 V.S.A. §§ 1974a et seq., and 1977 et seq., as amended, and as described in subsections (b) of this section.

(b) A penalty of $100.00 shall be imposed for the initial violation of any provision of this chapter. The penalty for the second offense within a one-year period shall be $250.00, and the penalty for each subsequent violation within a one-year period shall be $500.00. As per statute, in cases where a violation is not contested, a waiver fee shall be paid in the amounts of $50.00 for the first offense, $125.00 for the second offense within a one-year period, and $250.00 for each subsequent offense within a one-year period. Each day that a violation continues will constitute a separate violation of this chapter.

(c) If the enforcement strategy in subsection (b) of this section is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. § 4451 et seq., as they exist or are hereafter amended or revised. These additional penalties may be up to $200.00 per day (with each day constituting a separate violation), and issuance of injunctions. Regarding enforcement actions under 24

V.S.A. § 4451 et seq., no action may be brought unless the alleged offender has had at least seven days' notice by certified mail that a violation exists. The warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with division 4 of this article. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding 12 months.

(d) All fines imposed and collected for violations shall be paid over to the town.

(e) Issuing officials authorized to enforce these zoning regulations include the town manager, administrative officer, code enforcement officer and/or constable.
(Ord. No. O-2019-2, § 6.3(A), 9-23-2019)

Sec. 30-1021. Limitations on enforcement.

The town shall observe the 15-year limitations on enforcement proceedings relating to municipal land use permits as set forth in 24 V.S.A. § 4454.
(Ord. No. O-2019-2, § 6.3(B), 9-23-2019)

Secs. 30-1022—30-1040. Reserved.

DIVISION 7. MUNICIPAL ADMINISTRATIVE REQUIREMENTS

Subdivision I. In General

Secs. 30-1041—30-1063. Reserved.

Subdivision II. Appointments

Sec. 30-1064. Appointments to be in association with the Act.

The appointments in this subdivision shall be made in association with the administration and enforcement of these regulations as provided for in the Act.
(Ord. No. O-2019-2, § 6.4(A), 9-23-2019)

Sec. 30-1065. Administrative officer.

(a) The Selectboard shall appoint an administrative officer from nominations submitted by the planning commission for a term of three years in accordance with 24 V.S.A. § 4448. The Selectboard may remove an administrative officer for cause at any time after consultation with the planning commission.

(b) An acting administrative officer may be appointed by the legislative body, from nominations submitted by the planning commission, who shall have the same duties and responsibilities of the administrative officer in the administrative officer's absence. In the event an acting administrative officer is appointed, the legislative body shall establish clear policies regarding the authority of the administrative officer relative to the authority of the acting administrative officer. (24 V.S.A. § 4448(b).)

(c) The administrative officer shall literally administer and strictly enforce the provisions of these bylaws, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.
(Ord. No. O-2019-2, § 6.4(A)(1), 9-23-2019)

Sec. 30-1066. Development review board.

The development review board shall consist of not less than five nor more than nine members. Members of the development review board, which may consist of one or more members of the planning commission, shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The development review board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct in accordance with the requirements of 24 V.S.A. §§ 4461 and 4464 and Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314); and shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including, but not limited to, the power to hear and decide:

(1) Appeals from any decision or act of the administrative officer under division 4 of this article;

(2) Rights-of-way or easements for development lacking frontage;

(3) Variance requests under division 5 of this article;

(4) Site plan approval under section 30-722;

(5) Conditional use approval under section 30-723;

(6) Design review approval under section 30-724;

(7) Planned unit development under article VIII of this chapter;

(8) Flood hazard review under article IX of this chapter; and

(9) Subdivision review under the town subdivision regulations.
(Ord. No. O-2019-2, § 6.4(A)(2), 9-23-2019)

Sec. 30-1067. Downtown design review advisory commission.

For purposes of these regulations, the downtown design review advisory commission, established and appointed by the Selectboard in accordance with 24 V.S.A. §§ 4433 and 4464(d), shall have the authority under these regulations to hold meetings, subject to Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314) and to:

(1) Review applications and prepare recommendations on each of the review standards under section 30-724 that are within the downtown design review advisory commission's purview for consideration by the development review board at a public hearing on the application;

(2) Meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of the downtown design review advisory commission's recommendations; and

(3) Inform applicants of any areas of concern prior to the development review board public hearing, and suggest remedies to correct identified deficiencies in the application.

(Ord. No. O-2019-2, § 6.4(A)(3), 9-23-2019)

Sec. 30-1068. Planning commission.

(a) The planning commission shall consist of not less than three nor more than nine members appointed by the legislative body in accordance with 24 V.S.A. §§ 4321 through 4323. At least a majority of members shall be residents of the town. Any member of the commission may be removed at any time by a unanimous vote of the legislative body.

(b) The commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. § 4461(a) and Vermont's Open Meeting Law and shall have powers and duties as set forth in 24 V.S.A. §§ 4325 and 4441, including the powers to:

(1) Prepare and review proposed amendments to these regulations;

(2) Prepare reports documenting the conformance of proposed bylaw amendments to the town plan in effect;

(3) Prepare and submit to the Selectboard a capital budget and program;

(4) Hold warned public hearings on proposed amendments to these regulations; and

(5) Participate as a statutory party under Act 250 Review Procedures.

(Ord. No. O-2019-2, § 6.4(A)(4), 9-23-2019)

Sec. 30-1069. Fee schedule.

In accordance with 24 V.S.A. § 4440, the Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs. The Selectboard may also establish procedures and standards for requiring an applicant to pay for the reasonable costs of an independent technical review of an application.

(Ord. No. O-2019-2, § 6.4(B), 9-23-2019)

Secs. 30-1070—30-1091. Reserved.

Subdivision III. Hearing Requirements

Sec. 30-1092. Public notice for warned public hearings and other review proceedings.

(a) Pursuant to 24 V.S.A. § 4464, a warned public hearing shall be required for conditional use review (section 30-723), planned unit development applications (article VIII of this chapter), flood hazard review (article IX of this chapter) and appeals and variances (divisions 4 and 5 of this article). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

(1) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town;

(2) Posting of the same information in three or more public places within the town and at http://www.springfieldvt.govoffice2.com, which is the municipal website, in conformance with the requirements of 1 V.S.A. § 312(c)(2), including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;

(3) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

(4) For hearings on planned unit development subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality. (See the town subdivision regulations.)

(b) Public notice of all other types of quasi-judicial development review proceedings, including Downtown Design Control District review, site plan review hearings (section 30-722), shall be given not less than seven days prior to the date of the public hearing, and shall, at minimum, include the following:

(1) Posting of the date, place and purpose of the hearing in three or more public places within the town in conformance with the requirements of 1 V.S.A. § 312(c)(2); and

(2) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(c) No defect in the form or substance of any required public notice under this section shall invalidate the action of the development review board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the development review board or the environmental court, the action shall be remanded to the development review board to provide new posting and notice, hold a new hearing, and take a new action.

(d) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with 24 V.S.A. §§ 4441 and 4444.
(Ord. No. O-2019-2, § 6.4(C), 9-23-2019)

Sec. 30-1093. Meeting and hearing requirements.

(a) *Development review board.* In accordance with 24 V.S.A. §§ 4461 and 4464, all meetings and hearings of the development review board, except for deliberative and executive sessions, shall be open to the public. In addition:

(1) For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the members of the development review board, and any action shall be taken by a concurrence of the majority of the development review board.

(2) The development review board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the town office as public records.

(3) Public hearings shall be noticed and warned in accordance with section 30-1092. In any regulatory hearing of the development review board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under division 4 of this article to demonstrate that the criteria for achieving such status are met. The development review board shall keep a written record of the name, address, and participation of each of these persons.

(4) The officers of the development review board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.

(5) The development review board may recess a public hearing on any application or appeal pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.

(b) *Downtown design review advisory commission.* In accordance with 24 V.S.A. § 4464(d), meetings of the downtown design review advisory commission to review an application under these regulations shall comply with Vermont's Open Meeting Law and requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body. Commission recommendations may be presented in writing at or before the development review board public hearing on the application, or may be presented orally at the public hearing.
(Ord. No. O-2019-2, § 6.4(D), 9-23-2019)

Sec. 30-1094. Decisions.

In accordance with 24. V.S.A. § 4464(b), the development review board may recess proceedings on any application pending the submission of additional information. The development review board will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

(1) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under division 4 of this article.

(2) In rendering a decision in favor of the applicant, the development review board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the town plan currently in effect. This may include, as a condition of approval, the submission of a three-year performance bond, escrow account,

or other form or surety acceptable to the Selectboard, which may be extended for an additional three-year period with the consent of the owner, to ensure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project.

(3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant and the applicant's designated agents or to the appellant on matters of appeal. Copies of the decision shall be mailed by regular mail to the applicant's agent and to any person who attended the hearing and specifically requests a copy be sent to them. Copies of the notice of decision will also be kept on file with the zoning administrator and town clerk as part of the public record of the town.

(4) In accordance with 24 V.S.A. § 4464(c), any decision issued by the development review board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the administrative officer, rather than development review board review, in accordance with the following, which shall be specified in the development review board's decision:

a. The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.

b. The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.

c. No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any development review board approval in effect.

d. Any decision of the administrative officer authorized in this manner may be appealed to the development review board in accordance with section 30-962

(Ord. No. O-2019-2, § 6.4(E), 9-23-2019)

Sec. 30-1095. Recording requirements.

The administrative officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under these regulations, and any administrative actions taken pursuant thereto.

(1) In accordance with 24 V.S.A. § 4449(c), within 30 days after a municipal land use permit, including, but not limited to, a zoning permit and associated approvals, has been issued, or within 30 days of the issuance of a notice of violation, the administrative officer shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice of the municipal land use permit generally in the form set forth in 24 V.S.A. § 1154(c), to the town clerk for recording as provided in 24 V.S.A. § 1154(a). The applicant may be charged the cost of recording fees.

(2) In addition to permit recording requirements under subsection (1) of this section, for all development approved within the Flood Hazard Area Overlay District, the administrative officer shall maintain a record of:

a. All zoning permits issued within the district;

b. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

c. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

d. All floodproofing certifications required under this regulation; and

e. All variance actions, including justification for their issuance.

(Ord. No. O-2019-2, § 6.4(F), 9-23-2019)

Sec. 30-1096. Availability and distribution of documents.

In accordance with 24 V.S.A. § 4445, copies of these regulations, other related municipal regulations and ordinances, and the town plan shall be made available to the public during normal business hours in the town clerk's office.

(Ord. No. O-2019-2, § 6.4(G), 9-23-2019)

Sec. 30-1097. Termination of permit.

Construction authorized by an approved zoning permit shall commence within six months of the date of issuance and shall be completed within two years of its date. Upon request, the development review board may extend the term of a permit for one-year intervals, if the development review board finds that there is a reasonable basis for the extension.

(Ord. No. O-2019-2, § 6.4(H), 9-23-2019)

Sec. 30-1098. Notification.

After foundation forms have been set and at least 24 hours prior to pouring foundations, the applicant shall notify the administrative officer of the time when the foundations are to be poured. Prior to the pouring, the administrative officer may inspect the project to ascertain that all setbacks are met and that the structure is located as shown on approved plans.

(Ord. No. O-2019-2, § 6.4(I), 9-23-2019)

CODE COMPARATIVE TABLE

1990 CODE

This table gives the location within this Code of those sections of the 1990 Code, as supplemented through October 16, 1995, which are included herein. Sections of the 1990 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances included herein, see the table immediately following this table.

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7-87	12-95	10-38	20-48
7-88	12-96	10-39	20-49
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LEGISLATION

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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*Note—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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