

TOWN OF SPRINGFIELD
ORDINANCE 2018-2

SHORT TITLE: An ordinance to amend the Administrative Code;
Chapter 7. Health, Sanitation, Nuisances
Article II. Nuisances
Amended Title: Division 7. Certain Nuisances Within School and
Licensed Day Care Zones
Amended: §§ 7-150 - §§ 7-153

CATEGORY: Major Amendment

PROCEDURE: 1) Introduction-First Review: Read at regular Selectboard meeting on
May 14, 2018 and entered in the minutes of that meeting which
were approved on 5-29-2018 .
2) Second Review and Public Hearing: May 29, 2018.
3) Additional Second Review and Public Hearing: 6-11-2018 .
4) Notice of Hearing posted in public places on May 15, 2018.
and published on May 22, 2018.
5) Date of adoption 7-28-2018 .
6) Other actions.

AUTHORITY: This ordinance is adopted by the Selectboard of the Town of Springfield
under authority of Vt. Statutes, Title 24 Sec. 1971, Springfield Charter
Art. One, §V.

PURPOSE: It is the purpose of this ordinance to amend and to clarify the meaning and
intent of Chapter 7, Article II Nuisances, Division 7 to apply to certain
nuisances within school and state licensed or registered child care program
zones concerning the protection of the health and safety of children and
the public and the protection of property within school and state licensed
or registered child care program center zones and to provide for
enforcement.

Approved as to form on: May 14, 2018

And as revised on: _____

And as adopted on: 7-28-2018



Stephen S. Ankuda, Esquire
Town Attorney

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SHORT TITLE: An ordinance to amend the Administrative Code;
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 Article II. Nuisances
 Amended: Division 7. Certain Nuisances Within School and
 State Licensed or Registered Child Care Program Zones
 Amended: §§ 7-150 - §§ 7-153

That the Code of Ordinances of the Town of Springfield, Vermont is hereby amended by amending the title of DIVISION 7 and Sections 7-150 to 7-153 which reads as follows:

DIVISION 7. CERTAIN NUISANCES WITHIN SCHOOL AND STATE LICENSED
OR REGISTERED CHILD CARE PROGRAM ZONES

Sec. 7-150 Be it found, declared and ordained as follows:

- (a) That 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 Springfield 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) That 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) That 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) That 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) That 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.

Sec. 7-151 Prohibition.

No owner or occupant of land within a School or State Licensed or Registered Child Care Program Zone within Springfield shall cause, allow or suffer any structure within said zone to become Blighted or Dilapidated and/or Ill-maintained or Ill-repaired.

Sec. 7-152 Definitions.

- (a) For purposes of this section, Blighted, Dilapidated, Ill-maintained or Ill-repaired shall include the following:
- (1) Broken windows not repaired within fourteen 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 fourteen days.
- (b) For purposes of this section a School or State Licensed or Registered Child Care Program Zone is defined to mean: within five hundred (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.

Sec. 7-153 Penalty and Enforcement.

A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windsor County Superior Court, at the election of the Town Manager.

- (a) Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 23 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$500.00 per violation.
1. A municipal ticket will be issued 15 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 ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

2. For purposes of issuing the municipal ticket or enforcement in the Judicial Bureau, the Town Manager or Town Manager's Designee(s) shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.
- (b) Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Springfield 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 ordinance.
1. 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). Each day that the violation continues shall constitute a separate violation of this ordinance.
- (c) The Selectboard, Town Manager, or the Town Manager's Designee(s) 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.

SELECTBOARD

Dated: May 29, 2018

Walter E. Madson

[Signature]

Kurt C. [Signature]
